DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0592-20**	**Applicant:**	**Mr & Mrs Rayment**
Proposal:	Change of use of site from residential institution to domestic dwelling		
Location:	Wyvern House Hulls Drove Crowland		
Terminal Date:	16th September 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12, 14, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a change of use of site from residential institution to domestic dwelling.

Site Description

The barns are located on the northern side of Hull's Drove and are in open countryside, some 0.7 miles from Shepeau Stow to the east and 3.9 miles from Crowland. The site is presently overgrown. Preserved trees are situated along the site's eastern, southern and western perimeters. A drain runs along the site's frontage.

A dwelling (Postland House) is located to the west. The barns and Postland House are served off a shared private roadway.

Relevant Planning History

H02-1090-99 - Full - Barn conversion (into 3 dwellings) - Granted 11 January 2000

H02-1406-03 - Full - Change of use from residential (C3) to use as an Education Centre for children/young people in need (D1) - Granted 14 january 2004

H02-1010-09 - Full - Change of use from Use Class D1 (non-residential institutions) to Use Class C2 (residential institution) - Granted 17 February 2010

H02-0311-10 - Full - Proposed extensions and alterations - Granted 3 August 2010

H02-0422-11 - Full - Extensions and alterations (re-submission of H02-0311-10) - Granted 1 September 2011

Consultation Responses

Crowland Parish Council - Support this application to bring an empty property back into use

LCC Highways - Does not wish to restrict the grant of permission.

North Level Internal Drainage Board - No comments.

Public - No response received.

Planning Considerations

The main issues in this case are:
- Policy;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage and ecology.

Policy/Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location, or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 23 of the SELLP specifically relates to the re-use of buildings in the countryside for residential. It indicates that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:
1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building.

Where permission is granted, permitted development rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Addressing the above, the buildings are mainly of brick/timber clad construction and appear to be structurally sound. In all likelihood, they are a 19th Century former crew yard and of architectural/historic merit. They are a non-designated heritage asset and an important rural feature which should be preserved. This is a means of seeking their retention. The design is considered to be sympathetic. Consequently, the proposal is in accordance with Policy 23 of the South East Lincolnshire Local Plan, 2019.

The proposal is considered to be consistent with advice within the National Planning Policy Framework, 2019. Paragraph 79 indicates that planning decisions should avoid new isolated homes in the countryside, unless there are exceptional circumstances. They include the re-use of redundant or dis-used buildings where the development would enhance the immediate setting, which is considered to be the case.

Paragraph 83 of the National Planning Policy Framework, 2019, indicates that planning policies and decisions should enable the retention and development of accessible local services and community facilities. It is noted that the proposal would involve the loss of a residential institution. However, the buildings have not been used for this purpose for some time and as a result are starting to fall into disrepair. In this case, bringing a non-designated asset back into a use and ensuring their retention outweighs the loss of what is probably an unviable community facility.

Amenity

The nearest residential property is Postland House to the west, which is accessed off the same private roadway. The proposed use is considered to be less intensive than the previous use as a residential institution. No public comments have been received. It is considered that the amenity of neighbouring residents would be affected to a lesser degree. The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Highways

The site is accessed off a private roadway and ample car parking is available on site. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal satisfactorily complies with Policies 2, 3 and 36 in terms of highway safety and parking requirements.

Flood Risk

The site is located within Flood Zone 1 of the Environment Agency's Flood Maps and within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment (2017). The proposal is not a more vulnerable development than previously. No objections are therefore raise don flood risk grounds.

Ecology

A number of preserved trees presently exist along the eastern, southern and western boundaries. However, they would be unaffected by the development.

The characteristics and use of the buildings are such that they are unlikely to be inhabited by bats or Barn Owls. Nevertheless, Policy 28 indicates that development proposals should provide an overall net gain in biodiversity. In accordance with this policy it is recommended that a barn owl box be erected prior to work commencing if permission was forthcoming.

Conclusion

The proposal generally accords with the development plan and advice within the National Planning Policy Framework, 2019. The proposal would involve the loss of what is probably an unviable community facility. However, this is outweighed by other factors in favour of the proposal, including bringing a non-designated asset back into active use.

It is therefore recommended that the application be approved under delegated powers.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.