

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H02-0618-19      **Applicant:** Mr J Wyer  
**Proposal:** Proposed Barn Conversion  
**Location:** The Hollies Back Bank Whaplode Drove  
**Terminal Date:** 21st August 2019

---

### 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                                     |

#### National Guidance

#### National Planning Policy Framework 2019

Sections 2, 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<br>SUPPORT                         | 0      | 0       | 0       | 1        |
| LOUISE JENNINGS<br>HISTORIC<br>ENVIRONMENT OFFICER | 0      | 0       | 0       | 1        |
| SOUTH HOLLAND<br>INTERNAL DRAINAGE<br>BOARD        | 0      | 0       | 0       | 1        |

|                        |   |   |   |   |
|------------------------|---|---|---|---|
| SHDC INTERNAL          | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The proposal relates to the southernmost of three barns granted prior approval in April 2015 (ref. H02-0136-15). This full application is to modify the approval, including an extension.

### **Site Description**

The site is the southernmost part of a former farm yard located on the western side of Back Bank. Barns are situated immediately to the north and a house beyond. A row of dwellings are also located to the north-east on the opposite side of Back Bank.

### **Representations**

Crowland Parish Council - No objections

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

South Holland Internal Drainage Board - We note that the applicant intends to dispose of surface water via infiltration. However we cannot see that the viability of the proposed drainage strategy has been evidenced. The proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

Environmental Protection - No objections.

LCC Archaeology - No further archaeological input is required into this scheme.

### **Planning Considerations**

#### **Principle**

Policy 23 of the South East Lincolnshire Local Plan, 2019 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 building is of brick construction and capable of conversion without significant structural alterations or re-building. The main elements of the building would be retained. The proposed extension is small scale.

Moreover, the building is of some architectural/historic merit and is considered worthy of retention and conversion. The proposed alterations are sympathetic and would essentially retain the buildings agricultural character. It should also be noted that Class Q allows the conversion of agricultural buildings similar to this as permitted development, albeit with no extensions, and that prior approval has previously been granted (ref H02-0136-15).

The proposal also complies with Paragraph 79 of the National Planning Policy Framework, 2019, which 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.

It is therefore considered that the proposed development would amount to sustainable development when applying the Framework as a whole, and as such the balance lies in favour of the scheme.

#### Residential Amenity

The building is some distance from the nearest residential properties to the north-east, including "The Hollies". The amenity of nearby residents would not be materially harmed in terms of lack of privacy, overlooking, noise, disturbance, etc.

#### Highway Safety

An existing access would be utilised. LCC Highways does not wish to restrict the grant of permission.

#### Drainage

Foul water would be disposed of to a package treatment plant and surface water to a soakaway. The details are considered acceptable in this particular case.

#### Contamination

Environmental Protection has reviewed the Geo-Environmental Desk Study by Goldfinch Environmental Ltd (Report Ref. 0415/1) dated January 2017 and recommend discharge of the previous contamination condition in full, subject to a note relating to unexpected contamination.

#### Archaeology

This matter has previously been addressed. No archaeological input is required in respect of this scheme.

#### **Conclusion**

The proposal is acceptable on policy, amenity and highway grounds. Contamination and archaeology have previously been addressed. Ecology can be dealt with by means of a condition(s).

#### **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.