DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0642-24**	**Applicant:**	**Mrs V Capper**
Proposal:	Demolition of Garage		
Location:	10 Abbey Walk Crowland Spalding		
Terminal Date:	27th August 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application is made under Schedule 2, Part 11, Class B of the Town and Country Planning Act (General Permitted Development Order) 2015 (as amended) as to whether prior approval is required for the demolition of a garage at 10 Abbey Walk Crowland.

Site Description

The site is within the settlement boundaries of Crowland, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within the Crowland Conservation Area, located approximately 100 metres south of Crowland Abbey.

The garage itself is a small, rudimentary building located to the north of the dwellinghouse. The building is brick construction, with corrugated metal roofing. It is of little architectural merit.

Relevant History

No relevant history

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

North Level Internal Drainage Board

No comments

Crowland Parish Council

"CPC have concerns regarding the view when finished as it is in a conservation area and close to the Abbey, at the moment the wall is of old stonework. Also, for the support/foundations of the other adjoining garage"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Schedule 2, Class B, Part 11

Class B of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 indicates that any building operation consisting of the demolition of a building would be considered permitted development, subject to conformity with the relevant limitations. Assessing the proposal against the Order, the following is considered:

"(a)the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;"

The existing building is not unsafe and still appears to be structurally sound.

(b)the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)"

The proposal would not be considered relevant demolition. The definition of relevant demolition comes from Section 196D of the Town and Country Planning Act 1990, in conjunction with Sections 74 and 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Further clarity has been provided via subsequent memoranda and legislation. Under The Conservation Areas (Application of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990) Direction 2015, states that "Section 74 of the Act shall not apply to the following descriptions of buildings: (a) any building with a total cubic content not exceeding 115 cubic metres (as ascertained by external measurement)". As the building would fall below this 115 cubic metres threshold, it is not considered to represent relevant demolition.

"(c)the building is used, or was last used, for a purpose falling within
(i)article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or
(ii)article 3(6)(q) (drinking establishments with expanded food provision) of that Order;

The building has been used as a domestic garage.

"*(d)the building is used, or was last used, for the purpose of*

(i)a concert hall;
(ii)a venue for live music performance; or
(iii)a theatre"

The building has been used as a domestic garage

"(e)the demolition relates to a statue, memorial or monument ("a commemorative structure") in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure
(i)that is a listed building;
(ii)that is a scheduled monument;
(iii)within a cemetery, on consecrated land, or within the curtilage of a place of public worship;
(iv)within the grounds of a museum or art gallery; or
(v)within the curtilage of a dwellinghouse"

The demolition would not relate to a statue, memorial or monument.

Conditions

Section B.2 of Part 11 outlines the relevant conditions demolition must conform to in order to be permitted.

Paragraph b(i) requires a description of the demolition method. This information has been provided within the application form, stating that the demolition would occur "manually" with all debris being removed via a skip. While the information provided is limited, given the small scale of the proposal, such a method is considered appropriate.

Paragraph b(iv) requires the applicant to display a site notice on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority.

It has been demonstrated that an appropriate notice has been put in place.

As such, it is considered that the proposal has conformed to the relevant conditions of this Class.

Consultation Responses

Crowland Parish Council have raised concerns regarding the potential impacts upon the conservation area. Due to the limitations of this prior approval application, this is not a consideration for this case. In any event, the works are minor in nature, and would remove an unappealing, relatively modern feature.

Likewise, concerns were raised regarding he potential impacts upon the foundations of the other garages. The proposed manual demolition method will be lower impact, ensuring such impacts upon adjoining structures would not occur.

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.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with the provisions of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015, and as such is permitted development.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority