DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-1247-19**	**Applicant:**	**F G Tansley & Son**
Proposal:	Proposed detached dwelling comprising annexe to existing agricultural dwelling		
Location:	Yellow Stocking Hall Farm The Chase Crowland		
Terminal Date:	9th March 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

National Guidance

National Planning Policy Framework 2019

Sections 12 & 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an application for a proposed detached building to be used as an annexe to the existing agricultural dwelling at Yellow Stocking Hall Farm, The Chase. The proposal seeks to provide a chalet bungalow to the north west of the existing property. The annexe would be sited on the same parcel of land as the existing and will not have any means of enclosure separating it from the main dwelling. There are a number of trees between the dwelling and annexe but they are not densely packed and do not create a barrier to vehicular or pedestrian entry.

The proposed annexe will contain a garage, lobby, utility, study, wet room, store, master bedroom, study, water closet, kitchen, dining room and living area at ground floor level. Two additional bedrooms and a bathroom are to be located in the roofspace above. Proposed brick is red multi brick with terracotta pantile roofing. Windows and doors would be UPVC with exact materials of construction to be confirmed. The site will solely be accessed by the existing hall access that will be extended by a spur off the centrally located turning circle toward to the annexe and attached garage.

The purpose of the annexe is to provide accommodation for the current occupants of Yellow Stocking Hall Farm, with their son, who works in the family agricultural business, to move into the main dwelling once vacated by his parents. The purpose of the annexe is to allow the family to continue to live and work on the site as health issues have impacted family life in recent years.

Site Description

The proposal is outside of defined settlement limits and Yellow Stocking Hall Farm is situated to east of the built up settlement of Crowland on the opposite side of James Road behind an earth bund that runs along the frontage of the site.

History

H02-1380-80

Outline - Erection of dwelling and farm on OS No 7139 The Chase, CROWLAND - Approved - 23 June 1981.

H02-0428-92

Full - Erection of dwelling in connection with agriculture - Approved - 10 September 1992.

H02-0386-95

Condition Compliance - Details of materials for dwelling (Condition 2 of H02/0428/92) - Old Cheshire Red bricks/Redland Brown Tiles - Approved - 04 May 1995.

Consultation Responses

SHDC - Environmental Protection Officer

No objection.

LCC - Historic Environment Officer

No archaeological impact.

LCC - County Highways & SUDS Officer

No objection

Crowland Parish Council

No comment

North Level Internal Drainage Board

No comment.

Environment Agency

Finished floor levels shall be set at 750mm above existing ground levels with a further 300mm of flood resistant and resilient construction. Safe refuge shall be provided on the first floor.

Planning Considerations

- Principle of development

- Compliance with policy

- Design of annexe

Principle of development

The annexe would be sited on the same parcel of land as the existing and will not have any means of enclosure separating it from the main dwelling. There are a number of trees between the dwelling and annexe but they are not densely packed and do not create a barrier to vehicular or pedestrian entry

Planning case law under In Uttlesford District Council v Secretary of State for the Environment and White was used to establish whether the use of a curtilage building has created a separate planning unit. Where such a building is occupied by someone unconnected with the original dwelling or has been severed from it and has its own curtilage, a separate dwelling will have been created. But the line taken in the Uttlesford case and later appeal decisions suggests that use by family members does not constitute a sufficient degree of "separateness", even where such a person lives independently from those occupying the main dwelling.

Therefore the proposed chalet bungalow can be used as an annexe as long as it does not become a separate self- contained unit and thus a separate planning unit (primary residential accommodation). The annexe site does not have a separate boundary demarcation and there is a personal familial connection between the residents of the annexe and the principal dwellinghouse.

Compliance with policy

Section 12 of the National Planning Policy Framework (NPPF), 2019, is title "Achieving well-designed places". Within this Section, Paragraph 130 states "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

It is considered that the proposed development does not detract from the setting of the main

dwelling and it will be ensure through a condition compliance application that the materials of construction are of a good standard and are in keeping with not only the main dwelling but that of a typical countryside annexe.

Section 14 of the NPPF, is titled "Meeting the challenge of climate change, flooding and coastal change" and is of relevance as the finished floor levels of dwelling are to be raised by 750mm to address flood risk concerns. Safe refuge is also provided in the roofspace and rooms above. Paragraph 155 states "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

As the proposed building is an annexe it cannot be placed elsewhere in the district, however, the measures proposed in the submitted flood risk assessment ensure the development is safe for its lifetime and the Environment Agency has no objection to the submitted details. Policy 4 of the South East Lincolnshire Local Plan (SELLP), 2019 concerns "Approach to Flood Risk" and contains similar requirements to that of the NPPF. The proposal is also considered to accord with Policy 4 of the SELLP.

Policy 2 of the SELLP is titled "Development Management" and states, "Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and
9. impact on the potential loss of sand and gravel mineral resources."

It is considered that the proposal is in accordance with the above policy. The size, scale and layout relates well to the surrounding area. The proposed design meets the needs of the proposed occupants without compromising on design or siting. The proposed access road layout connects to the existing driveway and does not materially detract from the existing landscaping in the large grounds of the dwelling. The proposal addresses flood risk concerns and does not impact natural habitats or necessitate the loss of existing trees or landscaping on site.

Design of annexe

Whilst affording three bedrooms and being fairly substantive in size, the bulk and footprint of the building is subservient in scale to the main dwelling and is not materially considered to impact on the setting of Yellow Stocking Hall Farm and how it functions. Yellow Stocking Hall Farm is an visually pleasing dwelling of traditional design that affords 5 large bedrooms and is considered to remain the predominant building on site by virtue of it's siting and massing.

The need to raise finished floor levels by 750mm should not impact on the setting of the annexe or host dwelling. The large earth bund to the west of the proposed annexe is considered to mitigate any potential visual impact from the raised floor levels.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.