DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H03-0335-22** | **Applicant:** | **Mr J MacGregor** |
| **Proposal:** | Demolish existing brick garage and replace with larger block built garage | | |
| **Location:** | Pepper Hill Cottage North Drove Bank Spalding | | |
| **Terminal Date:** | 25th May 2022 | | |

**Planning Policies**

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| **South East Lincolnshire Local Plan - Adopted: March 2019** |
| **National Guidance**<br>**National Planning Policy Framework 2021** |

**Representations:**

| | Object | Support | No Obj. | Comments |
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CASE OFFICER ASSESSMENT

**Proposal**

S192 LAWFUL USE CERTIFICATE application the demolition of existing brick garage and erection of a larger block built garage to the rear. The garage would measure 9.2 metres x 6.7 metres and standing at 3.7 metres in height (2.1 metres to the eaves). The garage would be built in blockwork and concrete interlocking rooftiles.

**SITE DESCRIPTION**

The site is located off North Drove Bank and comprises a detached dwelling. The site is outside any defined settlement boundary and within the open countryside.

**History**

No relevant planning history.

**Consultation Responses**

No representations received.

**Planning Considerations**

Compliance with Class E, Part 1 of the General Permitted Development Order (2015)

The proposal complies with the relevant criteria. The garage would not cover more than 50% of the

land around the house, it would not be sited forward of the principle elevation of the dwelling, the eaves would not exceed 2.5 metres and the overall height would not exceed 4 metres

## PLANNING BALANCE

The proposal constitutes permitted development. Therefore, any other observations that may be made carry no weight in planning terms.

### Conclusion

The proposed extension constitutes permitted development under Class E, Part 1 of the General Permitted Development Order (2015).

### 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.

## RECOMMENDATION

The certificate of lawfulness can be issued under delegated powers.