

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H03-0715-23	Applicant:	Mrs P Andrews
Proposal:	Change of use from residential to part commercial - selling of plants (Retrospective)		
Location:	Glanford House Main Road Hop Pole		
Terminal Date:	10th October 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023**

Section 6 - Building a strong, competitive economy
Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the change of use from residential to part commercial for the selling of plants (retrospective).

Site Description

The site is situated outside any defined settlement boundary and is therefore classed as being in the open countryside as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The dwelling is made of red brick with a tiled roof and white uPVC doors and windows, it features a hipped roof with three chimneys on the roof. At the front of the property there is a small picket fence surrounding the site with a variety of trees and hedges. On the south west side at the front of the curtilage this is where the plants are stored and sold. There are very few houses within the area of this dwelling and all feature somewhat different designs.

History

H03-0335-88 - Demolish existing workshop and store & erect new workshop - Approved

H03-1110-90 - Erection of workshop - Approved

Consultation Responses

Deeping St Nicholas Parish Council

No objections.

Councillor A Harrison

I see no reason to object to this application.

South Holland District Council Environmental Protection

No comments.

Lincolnshire County Council Highways

No objection:

The scale of this enterprise and the very limited times of operation advised in the supporting statement are such that it is not expected that its operation would have an unacceptable impact upon highway safety. The site entrance is on a straight section of the A1175 where there is suitable visibility in both directions for safe egress and suitable forward visibility of any vehicle ahead that may be slowing and waiting for a gap in on-coming traffic before turning right into the site. Some suitable signage would be beneficial in making the facility obvious upon approach to reduce the likelihood of late or sudden braking to make the turn in. It is essential that sufficient space is retained within the site at all times for the parking of customers' vehicles and for all vehicles to be able to turn around within the site so that drivers do not have to reverse out into traffic, which is often in fast and free-flowing condition.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the

Council's Statement of Community Involvement. In this instance, one letter of representation has been received. It is summarised as following -

- There is not adequate parking facilities at Glanford House
- On numerous occasion the drive sited next to Glanford House and adjacent to the main road has been used by Glanford House customers whilst visiting the site
- The drive has its own right of access for Farming, Emergency, Rail Track, Environment Agency and private dwelling
- Glanford House places objects adjacent to the main road which could be considered an unnecessary hazard to road users
- Access to the property for multi vehicles in its present form is not fit for purpose

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to) -

- Principle of Development
- Impact on Neighbouring Residents/Land Users
- Highway Safety and Parking

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Policy/Principle

The site is situated outside a settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states that 'in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits'.

The proposal is for the change of use from residential to part commercial to sell plants from the site. The nature of this development is something that is quite common within the district by way of residents commonly opt to sell plants etc from within the curtilage of their own home. Despite there not being others in the immediate area, it is definitely a common theme in houses in South Holland to do so. By creating this area to allow for the selling of plants it could be considered to benefit the economy and community by bringing people into the area to purchase the plants and therefore further boosting the economy and it would ensure that people are buying from locally sourced goods (plants are grown within the curtilage of Glanford House) which also helps the local economy and the community within the area of Deeping St Nicholas despite it being outside of the settlement boundary. It is not considered to impact the community or environment as there will not be a significant increase in traffic along this road due to it already being a main road and therefore there will not be an increase in noise or pollution. The proposal is therefore considered to be acceptable in principle.

The proposal is sustainable and conforms with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Policy 7 dictates the location of commercial development of all scales. The development of new employment opportunities is supported where they can meet the seven criteria laid out within the policy. The proposal here has been assessed against all criteria below-

a) The development does not conflict with neighbouring land uses.

- This change of use does not conflict the land uses within the area as there is a business down the small lane to the north east of the site and this would mean that this site isn't the only commercial plot within the immediate area. However, the majority of plots nearby are residential and therefore this the most common land use. Whilst this specific land use Glanford House will become commercial only part of it will and therefore some of the site remains residential. Therefore, this development does not conflict with the neighbouring land uses due to the varying uses nearby.

b) There are no significant adverse impact upon the character and appearance of the area.

- There are no external changes proposed as part of the development and the only things that will be featured on site are the plants that will be for sale. It is not considered to be out of the norm to display plants and flowers within the front of your own curtilage and is something that almost every house has on show. If there was to be an issue these displays can be moved due to them being in pots. As a result of this, there will be no significant adverse impact upon the character and appearance of the area.

c) The design is response to the local context.

- As previously mentioned, there will be no external changes apart from the plants that will be on display. This 'design' of plants is a common theme amongst any house as it is a common feature for houses to have such foliage within their curtilage. It therefore is responsive to the local context.

d) There will be no significant adverse impact on the local highway network.

- There has been no objection from LCC Highways and therefore it is safe to consider that there will be impact on the highway networks and highway safety. There will not be a significant increase in traffic due to it already being a busy main road with direct access to Market Deeping and Peterborough etc. There is adequate parking within the curtilage and there will be no parking on the highway. This therefore means that the development will not impact the highway network and the safety on the highway.

e) There will be no significant adverse impact upon the viability of delivering any allocated employment site.

- There has been no significant adverse impact upon the viability of delivering any allocated employment site as a result of this change of use.

f) Proposals maximising opportunities for modal shift away from the private car are demonstrated.

- The proposal is outside any defined settlement boundaries but is still accessible from a variety of means of sustainable transport. As the business is used for storage only there won't be many people going to site.

g) There is an identified need for the business location outside of identified employment areas on the Policies Map.

- There is no identified need for the business to be situated and run outside of any identified employment areas as outlined within the Policies Map. However, as previously mentioned in relation to Policy 1 it will bring people into the area to purchase the plants from somewhere that is locally sourced and it is common for residents to sell plants/fruit/vegetables within their own curtilage and at home and many of these sites also will be outside of any identified employment areas.

The proposal is therefore in accordance with almost all of the requirements outlined in the Policy. It could be considered that it slightly conflicts with the last requirement due to it failing to identify a need for the business to be located outside of employment area however as it conforms with all the other points the principle of the development is considered acceptable.

Layout, Design and Consideration of the Character and Appearance of the Area

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

There are no external changes or alterations proposed as part of the application and therefore the property will remain the same and be in keeping with the local area as it already is. The plants that

will be on sale as part of the commercial use will be featured and displayed at the front of the property, it is considered that featuring plants such as this within your own curtilage is a normal form of DEVELOPMENT and is certainly something that can be displayed without the need for planning permission, in this case it is only needed due to the commercial use for wanting to sell the plants. As such, featuring plants within the front of your curtilage is considered to be acceptable and is a common theme for many residents. The plants are also not permanent as they are potted for easy distribution and therefore if an issue was to arise, they could be moved and hidden from view.

This proposal is in accordance with Policy 2 & 3 of the SELLP and Section 12 of the NPPF and does not impact the locality or the street scene.

Impact on Residential Amenity/Land Users

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Policy 2 of SELLP (2019) states that proposals requiring planning permission for development will be permitted provided that considerations are met, specifically in relation to impact upon neighbouring land uses by reason of noise, disturbance or visual intrusion, among others. Likewise, residential amenity is one of the factors to take into account when designing new development in accordance with Policy 3 SELLP (2019).

Policy 30 of the SELLP states that development proposals will not be permitted where they would lead to unacceptable adverse impacts upon the amenities of the area by way of air noise and light levels.

As there are no external works proposed there is no concern regarding overlooking or overshadowing and the feature is not considered to be overbearing on the area. It therefore conforms with Policy 2 & 3 of the SELLP and Section 12 of the NPPF.

Based on the information provided within the 'Covering Letter' it was determined that the business will be open from April/May - August/September and will open again for 2 weeks in December to sell Christmas Trees. The opening hours themselves mostly comes down to the weather however 'trade is conducted from a Friday to Sunday inclusive'. The business itself will therefore only be open for around 3-5 months per year on average (excluding the December period) and for a minimum of 4 months and a maximum of 6 months (including the December period). Due to the short time the business will actually be running for limits any potential impact that could arise especially due to it only operating three days a week during these months. This would be conditioned to ensure and enforce this. Only opening during the summer months makes sense due to this being the best time to grow plants and sell them on and of course opening again in December is relevant to selling Christmas Trees at that time.

In terms of noise effecting neighbours in regard to Policies 2 & 30 as previously mentioned, the nearest neighbour is over 60m away across the main road, it could be considered that any potential noise issues could be drowned out by the traffic that will be travelling on this road daily, especially on weekends when the business will be operating. By the time this traffic could have died down the business will most likely have stopped operating ensuring no unacceptable noise levels will arise at potential unacceptable times. The other nearby neighbours are over 70m south west and over 390m south east. As the application is retrospective it has been in use since May 2023, as far as the LPA are concerned and have been made aware of, in this time there has been no reports of an increase in noise and there has been neighbour objections stating similar things in regards to noise and therefore it can be considered that the noise is minimal and the proposal as a whole is acceptable. There have also been no concerns raised by environmental health.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"

It is difficult to know how many people will be on site at any one time and the business will not be operated on a booking basis so it would also be difficult to enforce a condition limiting the amount of people on site during the hours of operation. However, they are considered to provide enough parking spaces and are in accordance with Policy 36 (Appendix 6) and provide the minimum required parking spaces for their gross floor space.

It is also considered that there won't be a significant increase in vehicular traffic as they are on an already busy main road and LCC Highways raised no objection stating 'The scale of this enterprise and they very limited times of operation advised in the supporting statement are such that it is not expected that its operation would have an unacceptable impact on highway safety' it is therefore acceptable in this principle and won't go against Section 9 of the NPPF. On a separate note, LCC Highways also stated that 'Some suitable signage would be beneficial in making the facility obvious upon approach to reduce the likelihood of late or sudden braking to make the turn in' whilst this could not be enforced it is something that would be advised and recommended due to the fact it would reduce the risk of any incidents occurring.

In regard to the neighbouring objections stating that people who have visited this site have been known to park on the drive next to Glanford House and not within the curtilage and spaces provided on site it would also be something that is difficult to enforce in an attempt to stop the customers visiting from doing this.

It is therefore considered that this development is in accordance with Policy 36 (Appendix 6) and will provide enough spaces and it also accords to Section 9 of the NPPF as it is not considered to unacceptably impact highway safety.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development outside of the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 30 and 36 (Appendix 6) of the SELLP, along with the identified sections contained within the NPPF. The potential increase in noise and disturbance are not considered to be significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

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 recommendation is for a delegated approval.