DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H03-0728-20** | **Applicant:** | **Mr G Baxter** |
| **Proposal:** | Proposed Agricultural Building | | |
| **Location:** | Bankhouse Farm The Delph Pode Hole | | |
| **Terminal Date:** | 17th November 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 |
| 30 | Pollution |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2019**

Sections 2, 4, 6, 12 and 14

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 1 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 1 | 0 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| OTHER STATUTORY BODIES | 0 | 0 | 1 | 0 |

## CASE OFFICER ASSESSMENT

### Proposal

The erection of an agricultural building, set back 31.5 metres from the road. The proposed building would have a length of 27.63 metres and width of 15.2 metres (at the widest), with a ridge height of some 5.5 metres. It would be timber clad in green, with the roof in anthracite fibre cement sheeting.

### Site Description

The site is currently a tennis court for Bankhouse Farmhouse. In addition to the farmhouse and its garden there is an existing complex of agricultural buildings set within open countryside. There are a pair of cottages adjacent to the access to the site.

### History

H03-0305-11 Installation of two wind turbines - Approved 01/05/12.

H03-0285-11 Photovoltaic panels to grain store roof - Approved 08/06/11.

H03-0264-09 Building for grain drying - Agricultural Determination 07/05/09.

### Consultation Responses

Deeping St Nicholas Parish Council - No objection.

SHDC Environmental Protection - No objection.

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

### Planning Considerations

#### Principle

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, March 2019 promotes sustainable economic growth. Paragraph 83 specifically indicates that planning polices and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

In accordance with the above policy and advice, therefore, no objections are raised in principle to agricultural development in the countryside.

#### Character/Appearance

The proposal would be viewed alongside/against existing agricultural buildings, including more substantial buildings to the rear. It is typical of modern agricultural buildings found in the fenland landscape. It would not materially harm the character/appearance of the countryside.

The development therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

#### Amenity

The nearest residential properties not associated with the farm are a pair of cottages located adjacent to the farm access, approximately 60 metres from the proposed building with the existing farmhouse and garden inbetween.

The application indicates that proposal would be a general purpose agricultural building. The nature and scale of the development and its general relationship to neighbouring residential property is considered to be such that the amenity of nearby residents would not be harmed to a significantly greater degree than at present in terms lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, etc.

The development therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

Access to the site is via an existing entrance. Satisfactory parking and turning facilities are available within the existing yard area. The County Highways Authority has been consulted and does not wish to restrict the grant of permission on highway safety grounds.

The development therefore satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking.

Flood Risk/Drainage

The site is within Flood Zone 3 on the Environment Agency Maps. However, the proposal constitutes commercial less vulnerable development. The building is not for habitation with only short term and intermittent occupancy by workers. Consequently, there are no significant flood risk issues.

Surface water drainage would be directed to soakaways. There is no foul water drainage associated with this application.

The development therefore satisfactorily accords with local and national policy in terms of flood risk.

## Conclusion

No objections are raised in principle to agricultural development in this location. The nature, scale, appearance of the development and its relationship to neighbouring property is such that it would not materially harm the character/appearance of the countryside or amenity of nearby residents harmed in terms lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, etc.

The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The building would not be inhabited so doesn't constitute a more vulnerable use. Consequently, there are no significant flood risk issues.

The proposal is therefore in accordance with the development plan. Consequently, it is recommended that the application be approved under delegated powers.

## 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.