

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H03-1050-22	Applicant:	Mr J Wyers
Proposal:	Proposed holiday let cabin		
Location:	East Reach Farm Main Road Hop Pole		
Terminal Date:	11th February 2023		

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
09	Promoting a Stronger Visitor Economy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

2, 4 and 12

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks Full Planning Permission for the erection of a holiday let cabin at East Reach farm, Main Road, Hop Hole. The cabin would measure 12.35 meters by 6.2 meters with a maximum height of 4 meters and would be constructed of timber framed walling throughout, cladding in Larch or Green Oak boarding with a render panel to the bottom with a Decra steel sheeting in the shape of pantiles with a granulated finish roof.

Site Description

The proposal site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. Agricultural buildings are located to the south-east of the site, a dwelling named East Reach House to the south, a proposed dwelling (approved under application H03-0353-22) to the east and arable fields to the north and west.

History

H03-1182-21 - Barns to the east

Prior Approval - Conversion of barns to form 2 dwellings - Approved

H03-0353-22 - Betterment dwelling at easternmost barn

Full - Proposed 4 bed detached dwelling - Approved

H03-0452-22 - Barns to the east

Condition Compliance - Details of landscaping, boundary treatments, proposed means of foul & surface water disposal and ecological biodiversity measures (Conditions 3, 4, 7 & 9 of H03-1182-21) - Approved

H03-0290-22 - Barns to the south-east

Full - Proposed car ports & workshop - Approved

Consultation Responses

Lead Environmental Protection Officer South Holland District Council

No objection

LCC Highways/SUDS

No objection. The proposal is for a holiday let cabin and it does not have an impact on the Public Highway or Surface Water Flood Risk. The dimensions of the existing access are adequate to enable 2 cars to pass in opposing directions and sufficient parking and turning can be accommodated within the development site to allow vehicles to enter and leave in a forward gear. The proposal would therefore not result in an unacceptable impact on highway safety.

Internal Drainage Board

If a discharge of any type of water is proposed in the future to any watercourse then the prior written consent of the Board would be required.

Planning Considerations

Policy/Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location, or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 9 relates to the visitor economy and indicates that small scale development to support the visitor economy, including farm diversification, will be supported providing that they not conflict with neighbouring land uses, are in keeping with the character of the locality and demonstrate a functional link with an existing rural attraction or farm enterprise.

Addressing the above policies, the proposal is small scale and would help promote the visitor economy. Although the application site is not longer part of the farm, the land was previously owned by the farm and even though there technically isn't a functional link between the farm and the proposed cabin, the farm would have profited from the sale of the land and therefore the sale would have contributed to the existing farm enterprise. The design is considered to be sympathetic to the character and appearance of the buildings.

The proposal is therefore considered to be generally in accordance with Policies 1 and 9 of the South East Lincolnshire Local Plan, 2019.

The proposal is also considered to be consistent with advice within the National Planning Policy Framework, 2019. It supports sustainable growth and stresses that significant weight should be placed on the need to support economic growth and the provision of local services to reflect the community's needs. Paragraphs 17 and 28 encourage the expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings. The latter also stresses that planning policies should support rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.

Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

East Reach House is located to the south of the site. There is currently a high boundary fence that is to be retained, as well as large trees and planting that provide a screen along the boundary of the proposed site. The land to the north east of the site has planning approval under reference H03-0353-22 for the conversion of existing barns to a new dwelling as well as the barns to the south east. However, there is enough separation distance from the application site and the new dwellings. Taking the aforementioned into account, it is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc..

The proposal satisfactorily complies with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

The proposal is for a holiday let cabin and it does not have an impact on the Public Highway or Surface Water Flood Risk. The dimensions of the existing access are adequate to enable 2 cars to pass in opposing directions and sufficient parking and turning can be accommodated within the development site to allow vehicles to enter and leave in a forward gear. The proposal would therefore not result in an unacceptable impact on highway safety.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps and is therefore in a higher risk area. However the site is located within an area of no hazard and no depth in the South East Lincolnshire Strategic Flood Risk Assessment (2017) (SFRA) for 2115 and is therefore not expected to be at increased risk of flooding in the future. Whilst there are lower risk flood zones, it is the opinion of officers that its location within an area of no hazard or depth in the SFRA means that it is sequentially preferable in flood risk terms.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal generally accords with the development plan and advice within the National Planning Policy Framework, 2019 in terms of principle. Furthermore, the proposed holiday let cabin will not materially harm the character or appearance of the locality or amenity of nearby residents and is acceptable on highways and flood risk grounds. It is therefore considered to be in accordance with Policies 1, 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019.

Conclusion

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 9 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.