DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0284-24**	**Applicant:**	**Ms Angela Keen**
Proposal:	Change of use of agricultural land to domestic garden and conversion of agricultural barn, including extension into 2 bed dwelling		
Location:	Adj. 37 Northorpe Road Donington Spalding		
Terminal Date:	20th August 2024		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
23	The Reuse of Buildings in the Countryside for Residential Use
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for the change of use of agricultural land to domestic garden and the conversion of an agricultural barn into a two bed dwelling, including a single storey extension to the barn to the side and rear.

Site Description

The application site is located on the eastern side of Northorpe Road in Donnington. Within the site lies a two storey detached dwelling, to the rear of the dwelling is a large grassed area being utilised as a garden, with the land previously being agricultural in use, formally housing glasshouses. To the north of the dwelling lies a small agricultural building.

Beyond the site residential dwellings lie to the north, east and south, with overgrown grass land to the west and an agricultural building to the northwest.

History

No planning history.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Black Sluice Internal Drainage Board

Rainfall Runoff

It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the local planning authority for their approval.

Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site.

Discharge to any watercourse within the Black Sluice IDB district will require prior written consent from the Board (a relaxation of IDB Byelaw No.3).

Site Ground Levels

The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or property.

LCC Highway and Lead Local Flood Authority

Recommendation: No Objections
The proposal is for the change of use of agricultural land to domestic garden and conversion of the agricultural barn, including extension into a 2 bed dwelling. The existing access to the host dwelling will be extended and constructed to Lincolnshire County Council Specification. The drive will be divided into two by a 1m high boundary fence - the height will match the existing gate posts. The barn will be a 2 bed dwelling and adequate parking and turning has been demonstrated. The proposal will not have an adverse effect on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

SHDC Environmental Protection Officer

No comments

Lincolnshire Bat Group

Thank you for consulting Lincs Bat Group. Apologies for the delay in responding. A protected species survey would be advisable here.

Historic Environment Officer

Thank you for consulting us on this application.

The proposed development will comprise for change of use of agricultural land to domestic garden and conversion of agricultural barn, including extension into 2 bed dwelling on 37 Northorpe Road, Donington PE11 4XU.

The design and access statement which accompanies the application rightly identifies that "The construction date of the barns is unknown, but it is likely that the Barn may have been constructed during the 1800's to early 1900's. The layout of the building appears to be generally in their original format".

Although the barn is not a listed building, it is of local significance and is visible in the Ordnance Survey Second Edition (1888-1913) map.

19th-century barns in Lincolnshire hold local significant heritage value by preserving the agricultural, architectural, cultural, and ecological history of the area, making them an important heritage asset for both current and future generations.

The design and access statement which accompanies the application states that: "it is estimated a high percentage of the walls can be retained", "The existing ground floor system to the barn needs to be removed and replaced with a ground bearing, concrete ground floor slab as would be with part of any conversion", "The roof is to be assessed and existing roof tiles to be reused where possible", "The existing materials are to be re-used where possible and to repair/rebuild where needed." Therefore, conversion, although sympathetic might have an impact on any surviving original fabric of the barn.

Recommendation: No objection to the sympathetic conversion

I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site.

This will comprise a phased programme of archaeological mitigation work including, but not limited to, a level 3 historic building recording of the barn, in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice'.

This will enable any remaining original fabric of the barn which currently survives on this site to be recorded prior to the development.

This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 200 and 211 and the South East Lincolnshire Local Plan (Policy 29).

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Fourteen days' notice is required before commencement of any archaeological works.

Senior Ecologist

I'm writing a few quick BNG related comments in regard to the barn conversion and change of use above.

The proposed development will meet the mandatory 10% BNG requirement despite the possibility of errors in the metric that the applicants submitted. However, I think there is an error in the metric, which should be raised with the applicants/ecological consultant for clarification:

The baseline information records 10 m^2 of mixed scrub habitat, but this is not recorded as retained or enhanced, and instead the "habitats-created" section records 10m^2 of 'new' mixed scrub habitat. My question is whether this is accurate? i.e. is 10 m^2 of mixed scrub being lost and an additional 10 m^2 of scrub being created in a different location? Or if it's the same patch, then this should be recorded as retained or enhanced in the metric, and not recorded as "created".

Overall, it is much more preferable to retain habitat where possible (as the biodiversity is already established and developing), rather than destroying habitat and creating new somewhere else. So, if scrub is being destroyed the applicants should provided justification for why this is necessary and the habitat cannot be retained.

Lastly, the applicant is proposing planting 38 new trees, and these and the bird and bat boxes recommended in the ecology report should ideally be required in the conditions.

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, two letters of representation have been received.

These can be summarised as follows:

-Good idea to convert an historic building into a comfortable dwelling place

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is located outside of any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is, therefore, classed as being in the countryside in planning policy terms. Policy 1 of the Local Plan (Spatial Strategy) states that development in the countryside will only 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.

Principle Of Conversion

Notwithstanding the above, Policy 23 of South East Lincolnshire Local Plan (SELLP) 2019 relates to The Reuse of Buildings in the Countryside for Residential Use, all of which must be met. This policy states that "proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;

2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;

3. the proposal is in keeping with its surroundings;

4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and

5. development leads to an enhancement of the immediate setting of the building".

Criteria 1 details that "the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding". The proposal in this instance comprises notable extensions and alterations, with the existing timber barn being proposed for demolition. The remaining built form would comprise an area of approximately 25sqm. In addition to the demolition and conversion, the proposal also seeks to extend this building through two extensions in the form a

side extension that would be approximately 1.5m by 7.5m (11.25sqm), and a rear extension that would be 6.4m by 4.7m (30.08sqm). This would therefore provide an enlargement equating to in excess of 41sqm; resulting in an enlargement that is of a greater scale than the host building in which is to be converted. The development would therefore conflict with criteria 1 of Policy 23 and would not be acceptable.

Criteria 2 details that "the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention." The Historic Environment Officer identifies the barn as being "of local significance" and "holds local significant heritage value by preserving the agricultural, cultural, and ecological history of the area, making them an important heritage asset for both current and future generations." The Conservation Officer of South Holland District Council also verbally agreed that the building has 'merit'. However, the Conservation Officer has stated that this would be somewhat undermined, and the proposed extensions would impact upon this, resulting in the proposal conflicting with criteria 2 of Policy 23 and would not be acceptable.

Furthermore, criteria 4 details "the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction." The proposed extensions are not sympathetic and would not retain and enhance the buildings agricultural character, resulting in the proposal also conflicting with criteria 4 of Policy 23.

However overall, notwithstanding that the proposal would only conflict with 1, 2 and 4 of the policy 23 criteria, all of its criteria must be met in order to comply with the development plan.

Principle Of Change Of Use Of Agricultural Land To Domestic Garden

Further to the above the application also includes the change of use of agricultural land to domestic garden (retrospective). It appears that the land, predominantly that to the rear of the host dwelling, has been utilised as residential garden for a notable period of time. However, the exact period that has elapsed since this unlawful use as domestic land, is not currently evidenced or known; although, it is known that this period must be between 2009 and 2020. During this period, the land to the rear, which this application seeks to regularise in respect of its use, was utilised as domestic garden and a sizeable outbuilding was constructed, following the demolition of glasshouses.

The change of use of the land has notably changed the character of the area from agricultural to domestic. Its use as a garden has introduced development of a domestic appearance and extended urban development into the countryside.

The site is behind the houses fronting Northorpe Road and Holyrood Close and is not immediately obvious in views from the road. That being said, due to its substantial size and depth, it is not considered acceptable as a residential garden. It should also be noted that no justification has been submitted for the change of use.

Therefore, the use of the site as a garden and the removal of the glasshouses has nevertheless altered the nature of the site and is not acceptable in principle.

Overall, this proposal is considered to drastically go against Policy 23 most notably in regard to criteria 1, 2 and 4, discussing the conversion needs to be capable of completion without the need for significant rebuilding, the LPA therefore take the view that the proposal is not possible under conversion and would face too much of an extension work to be carried out successfully, furthermore, the proposal would not be sympathetic to the area due to its substantial increase in size making it appear incongruous and out of character.

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area

(including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Conversion

The proposed barn conversion would consist of notable extensions and alterations, with the existing timber barn being proposed for demolition. As stated above the remaining built form would comprise an area of approximately 25sqm. In addition to the demolition and conversion, the proposal also seeks to extend this building through two extensions in the form a side extension that would be approximately 1.5m by 7.5m (11.25sqm), and a rear extension that would be 6.4m by 4.7m (30.08sqm). This would therefore provide an enlargement equating to in excess of 41sqm; resulting in an enlargement that is of a greater scale than the host building in which is to be converted.

The extension would be constructed of brick and timber cladding walls to match the existing with a pantile roof to match the existing. The proposed side and rear extension would comprise of a flat roof. The float roof is considered to be of poor design and not sympathetic to the existing building. As listed previously, the increase enlargement of the barn is considered to be a substantial increase and is therefore not considered to be proportionate to the existing barn and area, therefore this conflicts with Policy 2 and 3 of the SELLP due to the significant increase in floor space.

Taking account of the materials used in the development, as detailed above, the proposal in this sense is considered to be acceptable, it is however unacceptable due to the significant and substantial increase in floor space following the change in scale and bulk of the barn conversion.

Change of Use

As stated above, the change of use of the land has notably changed the character of the area from agricultural to domestic. Its use as a garden has introduced development of a domestic appearance and extended urban development into the countryside.

The site is behind the houses fronting Northorpe Road and Holyrood Close and is not immediately obvious in views from the road. That being said, due to its substantial size and depth, it is not considered acceptable as a residential garden. It should also be noted that no justification has been submitted for the change of use.

Therefore, the use of the site as a garden and the removal of the glasshouses has nevertheless altered the nature of the site and is therefore not considered acceptable and is country to Policies 2 and 3.

Taking account all of the above the proposal causes an adverse impact on the character of the site

and area, this is in direct conflict to Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed development is considered to form an appropriate design as to minimise the potential for overlooking to the existing neighbouring dwellings. Although the building is within close proximity to the neighbouring dwelling to the north No.39, there are existing boundary treatments that provide suitable screening, to ensure that there shall be no overlooking as a result of this conversion being carried out.

As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking, loss of privacy or loss of lights to neighbouring dwellings.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposal is for the change of use of agricultural land to domestic garden and conversion of the agricultural barn, including extension into a 2 bed dwelling. The existing access to the host dwelling will be extended and constructed to Lincolnshire County Council Specification. The drive will be divided into two by a 1m high boundary fence, the height will match the existing gate posts. The barn will be a 2 bed dwelling and adequate parking and turning has been demonstrated. LCC Highways have been consulted and have raised no objections. The proposal will not have an adverse effect on the public highway.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development

plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 1 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site lies within Flood Zone 1 within the Environment Agency Flood Maps and an area of no hazard within the South Holland Strategic Flood Risk Assessment, as such, this application has not been accompanied with a flood risk assessment and is not required to pass the sequential and exception test. The site is therefore considered to be most suitable in this case, as such, there are no relevant mitigation measures that will need to be applied should the application be approved.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Any Other Material Conditions

Biodiversity Net Gain

The following comments where received from the Senior Ecologist. *"The proposed development will meet the mandatory 10% BNG requirement despite the possibility of errors in the metric that the applicants submitted. However, I think there is an error in the metric, which should be raised with the applicants/ecological consultant for clarification:*

The baseline information records 10 m^2 of mixed scrub habitat, but this is not recorded as retained or enhanced, and instead the "habitats-created" section records 10m^2 of 'new' mixed scrub habitat. My question is whether this is accurate? i.e. is 10 m^2 of mixed scrub being lost and an additional 10 m^2 of scrub being created in a different location? Or if it's the same patch, then this should be recorded as retained or enhanced in the metric, and not recorded as "created".

Overall, it is much more preferable to retain habitat where possible (as the biodiversity is already established and developing), rather than destroying habitat and creating new somewhere else. So, if scrub is being destroyed the applicants should provided justification for why this is necessary and the habitat cannot be retained.

Lastly, the applicant is proposing planting 38 new trees, and these and the bird and bat boxes recommended in the ecology report should ideally be required in the conditions."

clarification on the above matters during this application process was not sort due to the unacceptability of the proposal. If an application was to be submitted in the future, then the BNG issues would need to be address by the applicant.

Planning Balance

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

The proposal represents inappropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the amenity of nearby residents, and provides adequate parking. However, it directly conflicts with Policy 1, 2, 3 and 23 of the South East Lincolnshire Local Plan due to it being outside of the defined settlement boundary and the size/ increase in the barn and extensions amongst other things and is therefore not considered to be able to converted without this work taking place.

In this instance, these are significant material considerations that weigh against the proposal and as such, the planning balance is against the development.

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.

Conclusion

Taking into consideration these factors, the proposal is considered to conflict with Policies 1, 2, 3 and 23 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). These are 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.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.