DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0686-23**	**Applicant:**	**Mr S Craven**
Proposal:	Proposed barn conversion into holiday let		
Location:	Red House Farm Wykes Lane Donington		
Terminal Date:	15th December 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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed 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

BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application to convert an existing barn into a holiday let at Red Farm House, Wykes Lane, Donington. The proposal would also include extension to the eastern elevation.

The proposal would result in a two-bedroom holiday let, with off-street parking provision for two vehicles and a patio area.

Site Description

The existing barn forms part of the farmyard associated with Red Farm House, located to the north of the dwelling and sharing the same access from Wykes Lane.

The barn is part of a 19th Century farmstead and was recorded as part of the Historic England Greater Lincolnshire Farmsteads project and reference to historic mapping suggests that this building formed part of the yard of the 19th century farm.

The barn is brick built with a pantile roof and a timber frontage on its eastern elevation which is suggestive that it was once used for housing livestock (protection from prevailing winds). The bricks are spalling in many areas and the roof is dilapidated in places.

The application site is located outside of any defined settlement limit and located within the open countryside. The site is also located within flood zone 3 in accordance with the Environmental Agencies Flood Maps for planning. In respect of the South East Lincolnshire SFRA the application site is in an area of low risk (covered in white) in both the Flood Hazard and depth mapping.

History

H04-0321-22 - Extensions and alterations to outbuilding to create swimming pool, garage and additional accommodation - retrospective. Approved 13-06-22

Consultation Responses

IDB
It is understood that foul water from the development is to be discharged via a package or bio-treatment unit. If the final discharge is to any watercourse, then the Boards prior written consent is required. The consent of the Environment Agency may also be required for any discharges above 5 cubic metres per day. If the discharge is to soakaways, 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 should be submitted to the local planning authority for their approval.

Highways & SuDs

No objection: The subject building is part of Red House Farm. The farm is remote from any settlement boundary and is accessed by a Green Lane. However, vehicle movements associated with the use of the barn as a holiday let would not be expected to have an unacceptable impact upon highway safety or overwhelm the local highway network and so the highway authority does not wish to object to the grant of Consent for this Application.

Environmental Protection
The department have recommended a condition in respect of land contamination.

Historic Places Team
Our records show that the building is part of a 19th century farmstead recorded as part of the Historic England Greater Lincolnshire Farmsteads project and reference to historic mapping suggests that this building formed part of the yard of the 19th century farm. As such the building can be considered a non-designated heritage asset and part of a category of traditional rural agricultural buildings which are a diminishing resource which add character and context to the landscape. I support the retention of the building although this will undoubtedly result in the loss of elements of the historic fabric of the building. NPPF 2023, para 205 states 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.' It is recommended that should permission be granted that it is subject to the standard archaeological conditions to ensure that a record of the building in its current state is made prior to any alterations

Planning Considerations

Determining Development Proposals (Legislative and Policy Framework)

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 Southeast 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 for the proposal subject to this advice, are detailed above.
The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Assessment
The application site is located within the open countryside and within flood zone 3 in accordance with EA Flood Mapping for planning. The building is considered to be a non-designated heritage asset by the historic places team and is also dilapidated in places allowing for entry by a number of species. The following issues are then relevant to this assessment:

- Principle of Development
- *Promoting the visitor economy*
- *Reuse of buildings in the countryside for residential use*
- Ecology
- Flood Risk and Drainage
- Heritage & Design
- Amenity
- Highways Safety
- Land Contamination

Principle of Development

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 until 2036. Policy 1 (Spatial Strategy)

expresses the 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 application site is located within the open countryside in accordance with Proposals Map of the South East Lincolnshire Local Plan 2011 - 20236. Policy 1 'D' (Spatial Strategy) of the Southeast Lincolnshire Local Plan is concerned with development within the open countryside, it states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. 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 benefit
The policy Justification goes on to state that "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan"

Promoting the visitor economy

Policy 9 of the South East Lincolnshire Local Plan is concerned with 'Promoting a stronger visitor economy'. The policy state that:

Proposals for tourism and visitor development which utilise and enrich the natural and built environment and existing attractions of South East Lincolnshire to the benefit of the local economy, visitors and local communities will be supported within the boundaries of settlements identified in Policy 1. Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:

1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise.

The proposal is to provide a two-bedroom holiday let located in the open countryside. The proposal is a conversion of a non-designated heritage asset that historically has been associated with the wider farm operations. The building given its scale and proximity to the existing dwelling in unlikely to be fit for modern day agricultural purposes.
Holiday accommodation in this location would allow for access to local natural attractions present in the area and would also give an adaptive reuse to an undesignated heritage asset (NDHA). The proposal then is considered to require a countryside location and is considered to accord with both policies 1 and 9 of the SELLP in that it would promote local tourism and give an adaptive reuse to a NDHA.
The proposal would not conflict with neighbouring land uses and being a conversion, it would retain much of the well-established barn that has informed the character of the area for some time. The local plan allows for the reuse of buildings in the countryside for residential uses (Policy 23). An allowance in the plan therefore for such proposals is acknowledged, the proposal then in principle terms is acceptable subject to meeting the wider sustainability needs of the area.

Reuse of buildings in the countryside for residential use

Policy 23 of the SELLP is concerned with The Reuse of Buildings in the Countryside for Residential Use 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.

Where permission is granted, Permitted Development Rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

The applicant has provided a structural survey showing how the barn is capable of conversion, there is no reason to suggest why this report is not accurate. The proposal would also include an extension to make it fit for the purposes of a two bedroom holiday let.

The building is considered to be a non-designated heritage asset and the Historic Places Team 'welcome its retention'. The building has been in situ for a number of years and therefore informed the character of natural environment, the scale of the extension would not undermine this.

The building is somewhat dilapidated and so the adaptive reuse would enhance the building itself as well as the wider site.

The proposal is therefore considered to be in accordance with policy 23 of the South East Lincolnshire Local Plan 2019.

Ecology

Policy 28 of the South East Lincolnshire Local Plan is concerned with 'The Natural Environment'. Points 2 and 3 are relevant to this assessment, they state:

(Point 2)Nationally or locally-designated sites and protected or priority habitats and species:
a. development proposals that would directly or indirectly adversely affect these assets will not be permitted unless:
i. there are no alternative sites that would cause less or no harm; and
ii. the benefits of the development at the proposed site, clearly outweigh the adverse impacts on the features of the site and the wider network of natural habitats; and
iii. suitable prevention, mitigation and compensation measures are provided.

(Point 3) Addressing gaps in the ecological network:

a. by ensuring that all development proposals shall provide an overall net gain in biodiversity, by:
i. protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats;
ii. maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance;
iii. incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological corridors, including water space; and
iv. conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change, and if the development is within a Nature Improvement Area (NIA), contributing to the aims and objectives of the NIA.

The applicant has provided a Preliminary Ecological Appraisal as well as a Presence/Absence Bat survey.

Bats

A Presence/ Absence Bat Survey was carried out at dusk on the 17th August 2023 to Bat Conservation Trust - Good Practice Professional Guidelines 2016. Sunset on the 17th August 2023 was at 20:24 and the survey started 15 minutes before sunset and the survey was completed one and half hours after sunset. The survey would allow any bats to be recorded (including flight path) if a roost was present within the building or if the bats were using the building.

The survey did reveal that at least one, possibly two Common Pipistrelle (Pipistrellus pipistrellus) bats were feeding around the area and probably around the trees to the South of the site. A Soprano Pipistrelle (Pipistrellus pygmaeus) and one of the Myotis bats were also recorded within the area. The main activity was between 20:52 and 21:20, then all bat activity ceased. Bat dropping were also evidenced within the barn.

The survey revealed that no bats were utilising the barn as a roost. The ecology report goes on to state that "As all bats are European Protected Species (Section 5.1.1) and are transient species, then an ecologist should be present to supervise the stripping of the roof. This is because all bats are protected under the Wildlife and Countryside Act 1981 (as amended). As bats are present within the area, then a bat brick can be added to the Southern gable end or a bat box on one of the trees to the South of the site."

Natural England provide standing advice for making planning decisions that involve bats. It Is recommended in such instances that mitigation and compensation measures that are proportionate to the likely effect on the bat species present. The proposal could:

·keep some existing roof voids and roosting places
·create new roosting places within the existing building
·create new roosting places in different buildings
·redesign lighting to avoid roost entrances and foraging habitats
If the destruction of a bat roost is unavoidable, you must make sure:
·there is no net loss of roost sites
·roost types are replaced on a like-for-like basis
·the affected bat population can continue to function as before

The presence/absence report then established that notwithstanding the presence of Bat droppings in the building, the barn is not used for roosting purposes. Compensation measures are then not required, though the mitigation of proposed bat bricks are welcomed and reflect the standing advice.

Any permission will inform the applicant that all bat species are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017.
It is an offence to:

-deliberately kill, injure, disturb or capture them
-damage or destroy their breeding sites and resting places (even when bats are not present)
-possess, control or transport them (alive or dead)
It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:
-disturb bats while they occupy a structure or place used for shelter or protection
-obstruct access to a place of shelter or protection

Other Protected Species

Given the findings of the report it is considered that a condition ensuring that the development is carried out in accordance with it is necessary. The recommendations of the report are as follows:

1. As there is potential for nesting birds on site, which are protected under the Wildlife and Countryside Act 1981 (as amended), then if the works are to start in the bird nesting season (March to August) then a nesting bird survey will be required before works commence. If a nesting bird is found, then works will cease until the chicks have fledged and the ecologist has given all clear;
2. As Swallows are nesting within the barn then alternative accommodation for them needs to be found or created;
3. Other bird boxes need placing around the site as the barn has potential to support other nesting birds such as Wrens;
4. As there are bats in the area, then a Bat brick needs putting high up on the South gable end or bat boxes in the trees to the South;
5. As there are suitable ditches for amphibians within the proximity of the site, then a precautionary method statement needs to be applied to prevent amphibians being killed or injured as all amphibians are protected under the Wildlife and Countryside Act 1981 (as amended). This includes:
a. All materials to be stored off the ground (for example on pallets) to minimise the likelihood of amphibians accessing them for refugia;
b. All spoil/waste materials to be removed from site at the end of each working day or stored in a skip;
c. The site should be maintained as sub-optimal prior to the commencement of works;
d. All involved in the construction should be aware of the possible presence of amphibians and know what they look like;
6. As there is potential for Hedgehogs within the area, then any trenches need to be covered at night during construction to prevent them from falling in;
7. Any planting around the buildings should include native and RHS Perfect for Pollinators Garden

Plants.
It is considered that given that bats are in the area but not roosting in the building then this approach is acceptable. Furthermore, the mitigation for nesting birds is also in accordance with the Wildlife and Countryside Act 1981.

Biodiversity Net Gain

The ecology documents submitted do not draw reference to bio-diversity. Under policy 28 there is a requirement to achieve a net gain. Therefore a condition will be attached that would ensure details of measures taken to capture a net gain in biodiversity shall be submitted to and agreed in writing with the LPA prior to the first occupation of the holiday accommodation hereby approved.

Summary

The proposal subject to a condition that all works are to be carried out in accordance with the preliminary ecological appraisal is considered acceptable. A further condition will be attached requiring the applicant to demonstrate how a net gain for bio-diversity on site is captured.

Flood Risk and Drainage

Policy 4 of the South East Lincolnshire Local Plan sets out the districts approach to flood risk. The proposal is for a conversion of an existing building. It states of such proposals:

Change of use of existing buildings will be supported providing they do not pose an increase in risk to people. Change of use that would result in self contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported. In these areas unrestricted access to a habitable room above the flood level and an emergency evacuation plan will be required.

The application site lies within Environment Agency Flood Zone 3a and the site is identified within the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) as a being low risk. The standing advice matrix states that the EA has 'no comments' in these areas. The conversion then of the barn to residential holiday accommodation despite sleeping arrangements set at ground floor is considered acceptable.

In terms of the drainage strategy the applicant has not included any proposed solution. Given that the majority of the built form is already present the increase in net surface water capture is minimal. Therefore, it is considered that the existing approach for the disposal of surface water is acceptable; this topic in any event must accord with building regulations standards and so a condition is not required in this instance.

In terms of foul water the IDB have made the following comments "It is understood that foul water from the development is to be discharged via a package or bio-treatment unit. If the final discharge is to any watercourse, then the Boards prior written consent is required. The consent of the Environment Agency may also be required for any discharges above 5 cubic metres per day. If the discharge is to soakaways, 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 should be submitted to the local planning authority for their approval."

Given the scale of this proposal and the mitigation that sits outside of planning that it is not considered necessary to attach mitigation as regards foul water disposal.

In terms of flood risk and drainage it is therefore considered that the proposal would accord with policy 4 of the South East Lincolnshire Local Plan as well as section 14 of the National Planning Policy Framework.

Heritage & Design

Policy 29 is concerned with 'The Historic Environment' it states (in part) "To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages,

structures and their settings through high-quality sensitive design."

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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it 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"
Paragraph 203 of the NPPF is also relevant it states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The historic places team have been consulted and have stated that "Our records show that the building is part of a 19th century farmstead recorded as part of the Historic England Greater Lincolnshire Farmsteads project and reference to historic mapping suggests that this building formed part of the yard of the 19th century farm. As such the building can be considered a non-designated heritage asset and part of a category of traditional rural agricultural buildings which are a diminishing resource which add character and context to the landscape. I support the retention of the building although this will undoubtedly result in the loss of elements of the historic fabric of the building.

NPPF 2023, para 205 states 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'

It is recommended that should permission be granted that it is subject to the standard archaeological conditions to ensure that a record of the building in its current state is made prior to any conversion works commenceing.
Notwithstanding these comments the building is currently in a dilapidated condition and this application offers an adaptive reuse of the building. The extension is proposed to the eastern elevation and this is sympathetic in scale and amount, leaving much of the existing building legible. A series of openings are proposed that are required to allow for sufficient natural light into the indoor rooms.

The applicant has stated that walls and roof materials are to match existing, and that windows and doors are to be timber. It is considered that this palate of material is appropriate and there is no requirement to add additional mitigation and request further details.

Therefore, subject to a condition that the existing building is recorded prior to the commencement of works the proposal is considered to accord with policies 29, 2 & 3 of the SELLP as well as section 16 of the National Planning Policy Framework.

Amenity

Policy 2 and 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.
Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

Paragraph 130 of the National Planning Policy Framework (2021) 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.

The proposal whilst being located close to farm buildings, is also at the edge of the of the access road and close to the main dwelling. Its location would allow for its use to be compatible with wider agricultural uses as well as the neighbouring residential use without causing conflict. The proposal

given its design and location would provide a sufficient level of amenity for future resident's whist protecting the effect upon the amenity of the neighbouring dwelling, especially given that its use is for holiday accommodation and not a permanent dwelling. This means that the relationship with the existing agricultural use on site and that the small outdoor space provided is acceptable.
The building is already in situ and therefore impacts in relation to the physicality of the proposal is considered acceptable. All opening are positioned in a location that would not give rise to unacceptable impacts in relation to overlooking.

Conditions will be applied to ensure that the building is used for holiday purposes only as a permanent dwelling in this location would need further information as regards the relationship between future amenity and existing agricultural uses (for short term let the impact from noise and disturbance are acceptable), as well as the requirement to provide a larger area of outdoor amenity.

Therefore, given the above it is considered that the proposal would accord with policies 2, 3 & 30 of the SELLP as well as paragraph 130 of the NPPF.

Highways Safety

In respect of highway matters, Policy 2 of the SELLP 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.

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".

The highway authority has been consulted and have stated that they have no objections to the proposed development. There are no changes to the existing access arrangement, that has historically be sufficient to be used by agricultural plant and therefore the additional use as a two-bedroom holiday let would easily be absorbed in highway safety terms.
Furthermore, the applicant also shows an acceptable amount of off-street parking provision. The proposal then is considered to accord with policies 2 & 3 of the South East Lincolnshire Local Plan (2019) as well as Section 9 of the National Planning Policy Framework (2023).

Land Contamination

Policy 30 of the SELLP is considered with pollution and point 7 is concerned with land contamination. It states "Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon - land quality and condition".

Environmental Protection have made comment and request that a condition that a An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. This condition is considered necessary to limited the potential of pollution to future residents.

Given the aforementioned planning construction the proposal would accord with policy 30 of the SELLP.

Conclusion

The proposal then is considered to accord with the strategic aims of the local plan, supporting local tourism and conversion of a redundant countryside building and giving it a residential use. The proposal also finds an adaptive reuse for a non designated heritage asset. The recommendation of the submitted ecology report will be conditioned, as will the requirement for land contamination information. Also a condition will be placed that the holiday accommodation is to be used for those purposes only in the interest of both amenity and to define the terms of the planning permission.

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.