DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0854-23**	**Applicant:**	**Dejex Supplies Ltd.**
Proposal:	Proposed Agricultural Storage Building - re-submission of H04-0554-23		
Location:	Land Adjacent Wykes Manor Wykes Lane Donington		
Terminal Date:	22nd November 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
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

9 - Promoting sustainable transport
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change
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
SHDC INTERNAL	0	0	0	2
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for a proposed agricultural storage building at Land adjacent Wykes Manor, Wykes Lane, Donington. This is a resubmission of a previously approved application H04-0554-23 and seeks an amendment to the proposed building location and dimensions.

The proposal seeks to provide a building that is sited to the south-east of the farm building and measures 12.4 metres in depth, 24 metres in length, has a 4 metres eaves height and a 8 metre ridge height. The building will be constructed from timber cladding walls, a galvanised corrugated metal roof and timber clad sliding door, with a concrete skirt around the building. The skirt will measure 24 metres in width and 5.8 metres in depth. Two composting bunkers will be sited adjacent to the east facing side elevation wall. The bunkers will measure 2.4 metres in width, 2.4 metres in depth and 3 metres in height. The northern elevation will have a personnel door and a roller shutter door. A louvred ventilation panel will be located in the east facing side elevation. High level windows are to be located across the width of the southern elevation. The proposed materials of construction are in keeping with other agricultural buildings in the vicinity of the site.

The previously approved application under H04-0554-23 sought to provide a building that was sited to the south-east of the farm building and measured 12 metres in depth, 24 metres in length, had a 4 metres eaves height and a 8 metre ridge height. The building was to be constructed from timber cladding walls, a galvanised corrugated metal roof and timber clad sliding door, with a concrete skirt around the building. The skirt would measure 30 metres in width and 18 metres in depth. Three composting bunkers would be sited adjacent to the east facing side elevation wall. The bunkers would measure 2.4 metres in width, 2.4 metres in depth and 3 metres in height.

Overall, the building and concrete skirt dimensions have been reduced in scale from the previous application.

The agricultural building will be used to store tractors, hay making equipment, tractor mounted mowers and flails, livestock trailers, races and crushes for livestock handling, with an area to naturally dry timber produced on site and an area to store hay and straw for livestock bedding.

A site visit was conducted at the site on Monday the 6th of October 2023.

SITE DESCRIPTION

The site is in the open countryside and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. The Grade II Listed Wykes Farmhouse is located 25 metres to the north of the site, with fields to the east and south and Manor Farm Cottage located approximately 60 metres to the west with arable fields beyond. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H04-0493-23

Agricultural Determination - Proposed Agricultural Storage Building - Withdrawn - 26 June 2023.

H04-0554-23

Full - Proposed Agricultural Storage Building - Approved - 10 August 2023.

CONSULTATION RESPONSES

Lincolnshire County Council - County Highways & SUDS

No objections.

"I understand that this is a re-submission of planning application H04-0554-23 and therefore, our

comments remain the same. The proposal is for an agricultural storage building which will utilise the existing access arrangements and it does not have an impact on the Public Highway or Surface Water Flood Risk."

"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."

"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 or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application."

South Holland District Council - Conservation Officer

No objections.

"The site is within the immediate context of a set of two listed properties within the same plot. However, I do not consider this proposal to risk the character or value of the historic asset. This is because the proposal is situated far enough away from the listed structures and is insubstantial enough, therefore, to not impose upon the wider appreciation of the heritage assets. Furthermore, such structures are common to this open countryside setting, and it is appreciated that the applicant seeks to utilise higher quality, natural materials for the external elevations, which add to its visual quality and sympathy with the rural surroundings. Moreover, under the recent planning application H04-0027-23, consent was granted to the same applicant for a set of stables on the site of the immediately adjacent Wykes Manor outbuildings, which bear a close visual match to that which is proposed under this application. As such, it is considered that such a design is acceptable within the setting of the listed buildings."

South Holland District Council - Environmental Protection

"I request a precautionary contaminated land condition be applied at this location as follows:"

"In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA."

"No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA."

"Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works."

"This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019."

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 was received. The comments can be summarised as follows:

- Please amend the application address to state Wykes Manor.

KEY PLANNING CONSIDERATIONS

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

Principle of Development
Flood Risk
Impact on the Character of the Area
Imapct on Amenity
Conservation and Heritage Impact

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.

Principle of Development - Countryside

The South East Lincolnshire Local Plan (SELLP) 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; 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 SELLP 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 sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

Policy 1 (Spatial Strategy) of the SELLP indicates that '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. Within 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.

When assessed against the relevant criteria the following can be observed:

The development seeks to provide an agricultural storage building, namely with the purpose to store tractors, hay making equipment, tractor mounted mowers and flails, livestock trailers, races and crushes for livestock handling, with an area to naturally dry timber produced on site and an area to store hay and straw for livestock bedding. As such, given the agricultural nature of the propsoed development, its purpose and the context of the site, it can be demonstrated that the proposal is 'necessary to such a location.

Furthermore, economically the building will help to support the existing farm business. Community wise there will be negligible impact either way. Environmentally the building will help to reduce vehicular journeys by providing storage on site and not elsewhere in the agricultural unit. Overall, when considering the above, the principle of development in this location is considered to be acceptable.

Flood Risk / Site Levels

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.

The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not for residential development and is not subject to increased flood depth, there is not a requirement to raise finished floor levels. There is not considered to be a material flood risk impact on the site or surrounding area as a result of the proposal.

Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed 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 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. 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.

The proposed building is of an appropriate size for the proposed storage use. The building is not immediately adjacent the highway, so is not considered to be visually dominant. The building will be constructed timber cladding walls, a galvanised corrugated metal roof and a timber clad sliding door. The proposed materials of construction are in keeping with other agricultural buildings in the vicinity of the site.

The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (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 building is not visually discordant and is approximately 60 metres to the nearest dwelling. The separation distance means there is not considered to be an overshadowing, overbearing or overlooking impact on neighbouring buildings. The building is for storage purposes therefore there is not considered to be a noise or disturbance impact from any activities therein.

There is not considered to material impact on the amenity of occupier's or users of neighbouring built forms from this proposal. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Conservation and Heritage Impact

Policy 29 of the SELLP and Section 16 of the NPPF concern the conservation of heritage assets. Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets and their settings through high-quality sensitive design.

The National Planning Policy Framework (NPPF) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (2023) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

As the site lies near to listed buildings, in assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

Due to the building being designed sympathetically with other agricultural buildings to the north of the site, there is not considered to be an impact on the character or setting of the Grade II Listed farmhouse and as such, it is considered that no harm would be caused to the asset in turn. The Conservation Officer has raised no objections to the proposal.

Overall, the proposal is not considered to cause harm to any designated asset and as such adequately conforms to Policy 29 of the South East Lincolnshire Local Plan and Section 16 of the National Planning Policy Framework and is therefore acceptable."

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. By virtue of the siting, scale and materials of construction there is not considered to be a material impact on the character or amenity of the surrounding area.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4 and 29 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12, 14 and 16 of the National Planning Policy Framework, 2023.

RECOMMENDATION

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

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.