DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0025-21**	**Applicant:**	**Mr A Liquorish**
Proposal:	Proposed conversion of barn to dwelling - approved under H05-0373-19. Modification of Conditions 4, 5 & 13 to allow upvc wood grain anthracite finish to windows and doors in lieu of timber. Garage doors to remain in timber		
Location:	Red Robin Lodge Maisdyke Lane Fleet		
Terminal Date:	24th March 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
23	The Reuse of Buildings in the Countryside for Residential Use
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal is to modify the previous planning permission (ref. H05-0373-19) to allow uPVC wood grain anthracite finish to windows and doors in lieu of timber. The garage doors would remain in timber.

Site Description

The site is located on the western side of Maisdyke Lane and is occupied by a brick barn. A house (Primrose Farm House) is located immediately to the north and a residential property (Marsett) further to the north-east. Agricultural buildings are situated to the south.

Relevant Planning History

H05-0632-15 - Full - Proposed conversion of barn to dwelling - Granted 25 August 2015.

H05-0131-17 - S73A - Proposed conversion of barn to dwelling - approved under H05-0632-15 - Modification of Condition 2 to allow amendments to previously approved plans - Granted 16 March 2017.

H05-0373-19 - S73A - Proposed conversion of barn to dwelling - approved under H05-0131-17. Modification of Condition 2 to allow amendments to previously approved plans (part retrospective) - Granted 5 June 2019.

H05-1021-19 - C/C - Details of windows, doors, rooflights, etc - Granted 23 December 2019.

Consultation Responses

Fleet Parish Council

No response.

Cllr P Coupland

Why were timber windows specified?

Planning Considerations

The main issue in this case is whether the proposal would be sympathetic to the character and appearance of the building and in keeping.

Policy

Policy 23 of the South East Lincolnshire Local Plan, 2019 indicates 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.

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.

Criterion 1 and 2 have previously been addressed as part of previous applications, most recently ref. H05-0373-19. There is no change of circumstance in this respect and development has commenced on site.

In terms of whether the proposed alterations would be sympathetic to the character and appearance of the building and in keeping, uPVC windows and doors are proposed in lieu of timber. Whilst uPVC is not a traditional material, the proposed windows and doors are of a high specification (conservation grade) and closely resemble timber in terms of proportion and appearance. It is considered, on balance, that the proposed alterations would not materially harm the historic character or appearance of the buildings.

Other Matters

There is no material change of circumstance concerning such matters as the effect upon neighbouring residents, highway safety, flood risk, ecology and contamination.

Planning Balance

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

The proposed alterations would not materially harm the historic character or appearance of the buildings. The proposal therefore satisfactorily complies with Policies 2, 3, and 23 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

The proposal also complies with Paragraph 79 of the National Planning Policy Framework, 2019, which indicates that planning decisions should avoid new isolated homes in the countryside, unless there are exceptional circumstances. They include the re-use of redundant or dis-used buildings where the development would enhance the immediate setting. It is therefore considered that the proposed development would amount to sustainable development when applying the Framework as a whole, and as such the balance lies in favour of the scheme.

Conclusion

The planning balance lies in favour of the proposal

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.

Recommendation

That the application be approved under delegated powers.