

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-0027-21 **Applicant:** Mr J Conners
Proposal: Change of use of land for an extension to existing caravan site for seasonal touring use.
Location: Heron Orchard Caravan Park Frostley Gate Holbeach
Terminal Date: 8th March 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 8, 9, 12, 14, 15, 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a change of use of land from grassland (agriculture) to an extension of the existing caravan park (Heron Orchard Holiday Park). The applicant has indicated that it is proposed to use it on a seasonal basis for touring caravans. Vehicular access would be obtained through the existing site to the north.

The application does not include operational development, such as roads and caravan bases.

Site Description

The site (some 0.9ha) is located on the western side of Frostley Gate and is currently grassland. The existing caravan site (Heron Orchard Holiday Park) is located immediately to the north, with dense planting and a drain on the common boundary.

The nearest properties include Bloodfold and Heron Cottages to the south-east and Riverside House (formerly Bloodfold House) to the south-west, which is grade II listed. Heron Cottage Caravan Park is situated on the opposite side of Frostley Gate.

Recent History

H05-0847-10 - Full - Provide 7 additional holiday homes on existing site - Granted 3 December 2010.

H05-0622-18 - Modification of Conditions 2 and 5 of H05-0847-10 to allow amendments to previously approved plans and increase the number of caravans on site from 23 to 28 - Granted 23 August 2018.

H05-0943-18 - Modification of Conditions 1 & 4 of H05-0622-18 to allow amendments to previously approved plans and increase the number of caravans from 28 to 38 - Granted 20 March 2019.

H05-0412-19 - S73A - Modification of Condition 3 of H05-0943-18 to allow all year-round occupation of static holiday caravans - Granted 12 July 2019.

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

SHIDB - Note that the applicant intends to discharge surface water to a watercourse, with no other means of draining the site readily available or discussed. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection - No comments or objections.

SHDC Licensing - No objections.

Environment Agency - This proposal comes under cell D6 and E6 of the local flood risk standing advice.

Public- Objections received (summarised):

Visual eyesore; Frostley Gate and surrounding rural roads unsuitable in width and construction for additional traffic; Exacerbate surface water flooding on Frostley Gate; Loss of agricultural land/wildlife habitat; Used as permanent residences due to lack of demand for tourism; Noise/disturbance, including during construction; Light pollution; Drainage issues; South Holland Drain dangerous; Overload infrastructure; Work already commenced; Anti-social behaviour - dog mess and barking; Verbal abuse; Litter, burning of waste, etc; Boundary dispute.

Planning Considerations

The main issues in this case are:

- Whether the proposal would be a sustainable form of development taking into consideration economic, social and environmental factors, including the development's effect upon the character and appearance of the countryside and the setting of nearby listed buildings;
- Residential amenity;
- Highway safety;
- Other material planning considerations such as flood risk and drainage.

Policy

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 development is outside a defined settlement limit within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside.

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that in the countryside development will be permitted that is necessary to such a location and/or it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 9 of the SELLP indicates that outside settlement boundaries, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals do not conflict with neighbouring land uses, are in keeping with the character of the locality and demonstrate a functional link with an existing rural attraction or farm enterprise.

The above policy is in accordance with advice within the Framework. Para 83 stresses that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside. Para 11 of the Framework goes on to stress that there should be a presumption in favour of sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Addressing the above, the proposal would be an extension of the existing caravan park and the applicant has indicated that it would be used on a seasonal basis for touring caravans. This is accepted in good faith. On this basis, the proposal would meet rural tourism and economic objectives within the Local Plan and Framework, subject to a condition restricting occupancy.

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance with an area/the countryside and have a satisfactory relationship with existing development. Policy 29 indicates that proposals should preserve the significance of a listed building and not harm the setting of a heritage asset.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that

special regard must be had to the desirability of preserving the setting of listed buildings. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

However, static caravans can be visually intrusive and have a harmful effect on the open nature of the fenland landscape. In this case, the site is readily open to view and the caravans would appear intrusive within the landscape. It also adjoins Riverside House, which is a grade II listed building. Taking into consideration the site's proximity to and general relationship with the latter, it is considered that the proposed development would detract from the setting of the grade II listed building. It would conflict with Policy 29 of the South East Lincolnshire Local Plan (2019) where it seeks to ensure development respects the varied character of heritage assets conserving and enhancing their character and appearance.

In this case, it is considered that proposal would not lead to substantial harm to (or total loss of significance of) a designated asset. Under such circumstances, paragraph 196 of the Framework indicates that the harm should be weighed against the public benefits of the proposal. In this case it is considered that the benefits do not outweigh the harmful effect of the proposed development upon the setting of Riverside House.

The proposal is not therefore in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework.

Amenity

The nearest properties include Bloodfold Cottages to the south-east and Riverside House to the south-west. A static caravan site (Heron Cottage Caravan Park) is situated opposite.

The applicant has indicated that vehicular access to the site would be via the existing caravan park. There are already two sites within the immediate vicinity. Both sites have been visited on several occasions and are normally found to be quiet and low key. It is considered that the amenity of nearby residents would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, etc. Lighting could be controlled by means of a condition of permission was forthcoming.

Issues such as spacing standards, fire safety, adequate water supply fall within the remit of separate legislation. Any issues concerning anti-social behaviour could be controlled under separate legislation. Matters such as blockage of view and property de-valuation are not material planning considerations and therefore carry no weight. Boundary disputes are a civil matter.

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

Highways

The applicant has indicated that vehicular access to the site would be via the existing caravan park. There would be satisfactory space within the site for parking.

Concerns have been raised on grounds that Frostley Gate and the surrounding road network is unsuitable, in terms of width and construction, for additional development of this nature. However, the County Highways Authority is of the opinion that the proposed change of use, adjacent to the existing caravan park, would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the highway network. It therefore does not wish to object to this planning application.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking requirements.

Drainage

Issues have previously been raised concerning the capacity of the package treatment plant serving the existing caravan park. This matter was taken up with the applicant at the time, who indicated that the existing private treatment plant would be upgraded to a Kingspan Klargestar BioDisc BG with Recycle. The proposal, if permitted, would result in additional flows. Consequently, facilities

would most likely need to be upgraded further. Surface and water drainage issues could be addressed by means of conditions if permission was forthcoming.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps and within an area of low risk within the South East Lincolnshire Strategic Flood Risk Assessment, 2017.

The Flood Risk Assessment states that breach mapping provided by the EA indicates that the site is shown to largely remain free from flooding during the 1 in 200 year 2115 breach event. However, part of the eastern area of the site is shown to be impacted by flooding to a depth of between 0 - 0.25 m deep. A linear area of the site along the southern boundary is shown to be impacted by flooding to a depth of 0.25 - 0.50 m. Velocity mapping identifies that the velocity of flooding would be 0 - 0.3 m/s. Overall, the site is categorised as having a very low to low hazard rating, however, a small area in the south eastern corner of the site is shown to have a "Danger for Some" hazard rating. The site is not shown to be impacted by a breach of the tidal defences during the present day 1 in 1,000 year scenario.

It is possible for development of this nature to be delivered on sites within the district that are more sustainable and of no flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 158 to 160 of the National Planning Policy Framework, 2019.

Loss of Agricultural Land

Concern has been raised about the loss of high-quality agricultural land. However, the majority of land within South Holland is either Grade 1 or Grade 2. It is therefore inevitable that some high-grade agricultural land will be lost with new development. Given this context, it is not considered that the loss of this amount of agricultural land would represent a valid reason for refusal in this instance.

Ecology

There is no firm evidence that the site is a habitat for protected species. As a precautionary measure, however, an ecology condition could be imposed if permission was forthcoming.

Whether the Application is Retrospective

Works carried out to date are not considered to constitute a material commencement in this case.

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.

Development Plan policy and the National Planning Policy Framework, 2019 both support the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside.

However, it is considered in this case that the proposed development would constitute an intrusive form of development that would harm the character/appearance of the countryside and historic setting of Riverside House, which is grade II listed and is therefore classified as a designated heritage asset. Paragraph 193 of the Framework 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. Consequently, this is a material planning consideration that outweighs other factors in favour of the proposal in this specific case.

Moreover, it is possible for development of this nature to be delivered on sites within the district that are more sustainable and of no flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to

the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 158 to 160 of the National Planning Policy Framework, 2019.

Conclusion

The planning balance fails to lie in favour of the proposal for the reasons outlined above. It is therefore recommended that permission be refused on grounds that the proposal would harm the character/appearance of the countryside and the historic setting of Riverside House (Grade II listed).

Recommendation

That the application be refused under delegated powers.

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.