

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0218-22 **Applicant:** Mr & Mrs A Verrells

Proposal: Conversion, partial demolition and extension of barn into a new dwelling - approved under H05-1038-21. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Poplar Farm Moor Gate Holbeach

Terminal Date: 25th April 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 12. Achieving well-designed places.
Section 15. Conserving and enhancing the natural environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for a conversion, partial demolition and extension of existing barns into a new 5 bed dwelling, plus detached garage block with storage above (ref. H05-1038-21).

This application is to amend the detached garage, specifically:

- Larch board to the front and rear elevation to match stable section.
- Addition of a second first floor window to both side elevations.
- Increase in width of the ground floor windows.

Site Description

The site (some 0.39ha) is located on the western side of Moor Gate close to the junction with Mill Bank. It was formerly part of a farmyard and presently has a range of metal clad buildings upon it. A house (The Poplars) is situated to the north.

Recent History

H05-0018-20 - Prior approval - Conversion of agricultural building into dwelling - Approved 27 July 2020.

H05-1038-21 - Full - Conversion, partial demolition and extension of barn into a new dwelling - Granted 17 January 2022.

H05-0214-22 - Cond Comp - Details of external materials, windows & doors, scheme to deal with contamination and ecological biodiversity measures (Conditions 4, 5, 8, 13 & 16 of H05-1038-21) - Approved 28 March 2022.

Consultation Responses

Fleet Parish Council

No response.

Public

Comments received (summarised):

Seek re-assurance that the asbestos will be removed and disposed of in accordance with the current regulations with regard to such substances.

Planning Considerations

The principle of the development has already been established by virtue of planning permission ref. H05-1038-21. The issue in this case is whether the revisions are acceptable.

The application is to amend the detached garage, specifically:

- Larch board to the front and rear elevation to match stable section.
- Addition of a second first floor window to both side elevations.
- Increase in width of the ground floor windows.

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.

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They also set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions.

The above policies are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The proposed larch board reflects that of traditional timber agricultural buildings in the countryside. The revisions to the fenestration are considered to be relatively minor and would not materially harm the character or appearance of the building or rural locality.

In terms of amenity, the nearest residential property is a house (The Poplars) to the north-west of the garage. The revision would include an additional window on the first floor of the garage facing north to north-east. It serves a storage area. The nature of the use and also the distance from and orientation with the poplars is such that the amenity of its occupiers would not be materially harmed in terms of overlooking, lack of privacy, etc.

There are no highway or flood risk issues in respect of the amendment.

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 amendments are considered satisfactory in terms of character/appearance and would not materially harm the amenity of nearby residents. The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP, 2019. There are no adverse matters in this case which outweigh factors in favour of the scheme.

Conclusion

For the reasons outlined above the planning balance lies in favour of the scheme. It is therefore recommended that the application be approved 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.