

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0353-24 **Applicant:** Mr & Mrs Jones

Proposal: Change of use of part of paddock to residential curtilage, extensions and alterations to dwelling including new gated entrance

Location: Ravensdale Bens Gate Fleet

Terminal Date: 16th August 2024

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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023**

Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks full planning permission for the change of use, in part, of existing paddock land, to form an extension to the residential curtilage of 'Ravensdale'. The proposal also seeks permission for extensions and alterations to the host dwelling, including the erection of a new gated entrance.

It is important to note that whilst this application shows annotated areas outside of the red boundary line, the LPA is only assessing the development that is detailed within the red boundary. Therefore, both 'existing grass paddocks' have not been assessed in the following sections of the report and will remain 'grass paddock', not operating for residential use unless agreed in writing with the Local Planning Authority.

Site Description

The site is located outside the defined settlement boundaries of Fleet, as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The residential property of Ravensdale is located on Bens Gate, and when viewed alongside its existing residential garden land and adjoining paddock land, lies adjacent nine separate residential properties, spanning the full length of these neighbouring plots.

The site currently comprises paddock land, in addition to the domestic curtilage; with stables also located to the west.

History

H05-0019-01 - Erection of a self-contained 2 bed granny 'annexe' - Refusal

H05-0230-24 - Proposed extension, driveway, fence and entrance gates with pillars - Withdrawn

Consultation Responses

Councillor P Coupland

This site has history of possible dog breeding and vehicle dismantling with online sales, so perhaps these matters should be checked out for clarity with retrospective planning being sought if necessary.

The south eastern boundary to the site has 20m plus high leylandi hedging within 1.5m of the highway and causes issues with traffic coming around a bend at this point. The road is narrow at this point with little or no verge. The passing of a car and van/lorry is dangerous with vehicles having to come to a near standstill to pass. I query the pull in dimension from the edge of the road to the new access gates close to the bend....most delivery vans are near 6/7m long....a vehicle turning in and stopping should not overhang the road with its rear end.

South Holland Internal Drainage Board

No objections. Consent may be required under Byelaw 3, not currently required under section 23

and not applicable under Byelaw 10.

Lincolnshire County Council Highways Authority

Additional Information Required -

The proposed block plan shows two pillars which are not indicated as proposed, but they do not currently exist on site. One of the pillars is just in the red outline and one is out of the red outline. The one outside of the red outline is in the public highway which is not permitted. I would question the impact the proposed pillars will have on the visibility when entering the highway. The visibility currently is restricted by the existing hedging to the east and if anything, this needs to be improved but should not be made worse.

The sliding gate should have at least 5m clearance from the highway boundary so that vehicles will not overhang the highway whilst waiting for the gates to open.

The access should be constructed to Lincolnshire County Council specification and a note should be added to the proposed block plan. Block paving is not permitted.

New Comments -

Approve with conditions

Comments:

The proposal is for the change of use of part of paddock to residential curtilage, extensions and alterations to dwelling including new gated entrance. 4 parking spaces exist and 6 are proposed. There is sufficient space to allow all calling vehicles to turn on site and leave in a forward gear. The access exists, visibility will be improved with the proposal and the visibility drawing should be conditioned so that it is maintained and the new yew hedging should not exceed the specified height. The access will be upgraded to Lincolnshire County Council Specification and there is sufficient space fronting the gates for vehicles to wait clear of the highway. The proposal will provide a betterment to the users of the site and the users of the public highway. 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.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Highway Condition 13

Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number B/3708-3009 dated July 24 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

Informatives

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway

Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

Lincolnshire County Council Historic Places Team

Thank you for consulting us on this. Having reviewed the application documents and the available Historic Environment information, the proposal is unlikely to have an impact on significant archaeological remains. This is due to the scale and type of the proposed development. Consequently, no further archaeological input is necessary for this application.

Environment Agency

No comment.

Key Planning Considerations

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

- Principle of development
- Impact caused by the proposed extension of residential curtilage
- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use
- Flood Risk and Drainage
- Biodiversity Net Gain

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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.

Planning Considerations

Principle of Development and Sustainability

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 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 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.

Policy 1 states 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". The existing residential site is outside any defined settlement boundary and is situated approximately 250m west, beyond the settlement boundary of Fleet. As such, the applicant seeks to extend the existing residential boundary, both of which are

outside the defined settlement limits. It is therefore regarded as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

Development within the countryside is limited to that where it "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". Independent dwellings within the open countryside, or extensions to residential curtilages that intrusively extend or impact upon the countryside character would therefore typically be resisted in principle.

The matter of the existing residential curtilage and its extent was questioned in a previous application under H05-0019-01, with the officers report at the time stating "The existing dwelling to which the proposal relates is currently divided from adjacent agricultural land via an established deciduous hedge. The proposal will be located on the field side of the hedge, not within the existing residential curtilage. The application site is completely open and lies outside the main body of the settlement of Fleet' and was refused for a similar reason; as such, it is clear given the previous assessment and given the characteristics on site, coupled with site history, that this extension projects into this land. Therefore, the proposal constitutes a change of use, to extend the residential curtilage.

Whilst extending into this countryside location, the proposed development is not considered to encroach unacceptably upon the open countryside. The proposed curtilage extension is not considered to be significantly out of character or detract from the landscape and setting. The change of use of the land requires some material works to the land through the introduction of new hardstanding to the rear of the property where the rear extension will be sited on, this is not considered to be of significant adverse impact. The site will still feature existing grass paddock to both the front (north-east of the dwelling) and rear (north-west of the dwelling) of the plot, with the extended land, located to the north and outlined in blue, also comprising paddock land; albeit this is located outside of the application site for this application.

Therefore, although not strictly according with Policy 1, when taking the whole site into consideration, the loss of this land is not considered to be harmful or unacceptable in respect of its harm to the countryside character.

As such, whilst the proposal is not considered to be in strict accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan, the proposal, for the reasons outlined above, are considered to be acceptable in this instance when viewed in principle; notwithstanding its policy conflict. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, parking provision, flood risk and, biodiversity net gain.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful 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 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be

used in assessing the sustainable development attributes of all development proposals. 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.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The existing host dwelling shall be re-rendered to all existing facades and shall comprise colour silicone render in polar white. In contrast to this, it is worth noting that all extensions mentioned beyond this point feature the same red facing brickwork.

The use of this brickwork is considered to be acceptable, closely matching to the brickwork currently used on the existing property, as well as others in the surrounding area. When viewing the host property head on, there shall be an identical side extension on both the east and west elevations. These extensions will protrude from the side elevations by around 3400mm and have a total width of 4200mm. The ridge height will be slightly subordinate to the existing eaves of the dwelling, with the proposed eaves height of these extensions being notably lesser in height. The windows within the side extensions will be timber sliding sash, painted RAL 7016 grey with Ashlar stone sills and lintels to the window openings. Finally, the proposed rainwater goods will be grey uPVC and they shall both feature brick chimneys to match the existing property. These windows will be located on both the front and rear elevations of the extension. The side extensions, when viewed alone, are considered to be acceptable and proportionate in relation to the host dwelling.

The proposal also seeks alterations to the host dwelling in addition to the external material change as discussed above. It is noted that the use of the aforementioned render would not match the majority of properties within the immediate area as the majority of properties are made from red brickwork. However, it is also noted that one property features rendering on its side elevation, with a further property comprising render to the ground floor side elevation. As such, whilst this is not a significant or prominent feature of dwellings within the immediate vicinity, it provides a notable display along Bens Gate. In addition to this, further justification can be made in support of the use of render, with red brickwork being utilised for the extensions proposed, ensuring that the property would not be altered in its entirety; somewhat limiting the extent of harm that could arise.

In regard to additional alterations, both bay windows will be removed and new windows will be installed. Alongside this, the existing glazed porch entrance will also be removed with a new glazed entrance comprising a centred arch to replace it.

Within the centre of the front elevation, a proposed two storey gable extension will be located to allow for further internal changes and to allow for the dwelling to appear modernised, when viewed externally. The existing chimneys are to be retained as well as the existing projecting brick plinth course. In a similar light to the side extensions windows, the windows across the front elevation will be replaced with Timber sliding sash, painted RAL 7016 grey. A notable change will be the new roof, which will feature an increased pitch and slate roof coverings throughout. This aspect of the development should allow for increased internal space in respect of height within the dwelling, as well as allowing the extensions to appear more subservient; albeit, the development when viewed as a whole can be considered relatively substantial. The changes made to the front elevation of the existing property, including the extension detailed, is therefore considered to be acceptable and should not materially harm the street scene or locality; albeit, comprising a notable change.

The east side elevation would feature four new windows and a door, in addition to three roof lights within the rear extension. These windows provide natural light into the extension and new rooms. The roof in this area will also be increased in the same way previously detailed in relation to the front elevation. On the west elevation there will be three new windows on the first floor, one roof light, two thin windows (one to the ground floor and one to the first floor), as well as a proposed bay window with canopy and porch, comprising a new side entrance. These changes are all considered to be acceptable as the windows will create openings for natural light with additional access doors. The bay window and canopy are also an acceptable feature and in any case cannot be viewed from

the highway to cause any harm.

Finally, the most significant new feature is the rear extension. From the existing rear-most elevation, the extension will project by around 7800mm whilst also protruding from other elements of the existing elevations to differing degrees of set back. This would create additional floor space within the habitable areas downstairs, as well as on the first floor.

Whilst it could be considered that the extension from the rear elevation is significant in size, in comparison to the overall size and structure of the existing Ravensdale, it is considered to be proportionate in this instance. This will be constructed from red facing brickwork, with its most prominent features being the proposed gable end to the master bedroom; comprising large lazing throughout. These windows are not featured in other dwellings; however, will allow it to appear somewhat modern in its characteristics. Furthermore, it ensures there are minimal windows on the side elevations to limit any potential overlooking. Alongside this, there will be a proposed balcony operating for the master bedroom and a Juliet balcony for another bedroom. Both balconies will be made from wrought iron painted black. Although balconies are not common features within the area they should cause minimal harm. There will also be proposed sliding glazed bi-fold doors across the ground floor section of the rear elevation for access outside as well as providing natural light into the open plan rooms. Overall, the alterations to the rear elevations including the design of the extensions are considered acceptable.

The main roof will be hipped, this will match that of the existing property to minimise any visual discrepancies that could arise, furthermore hipped roofs will be used to the rear. There will also be the addition of gable roofs on some sections of the property in particular the two storey front section as well as both side extensions and the proposed gable end to the master bedroom. The use of both roofs allow for them to match the existing dwelling as well as the others along Bens Gate.

Internally, the proposed development would result in extensive alterations to the layout of the property, with existing accommodation being altered in respect of its current usable space.

The proposal also seeks to alter the driveway; comprising a proposed gravel parking area and driveway set to the front and side of the property within the southern side of the domestic curtilage - this will create ample room for parking as well as room for manoeuvring. There will also be a proposed circular driveway. At various points within the site there will also be the addition of a 1.2m post and rail fence and a 1.8m close boarded fence (mostly dog proofing as well as differentiating the domestic land and existing paddock land). These alterations are considered to be acceptable and should not materially harm the street scene or locality.

New walls and piers will be sited to the front entrance of the site, the piers closest to the highway will both be set over 2m away with the closest being 2107mm and the furthest being 2226mm. To the rear of this, there will be a 1800mm wall which runs until the rear most piers, around 4300mm and 4700mm respectively. These rear posts are the same height as the front - furthermore they are also the same height as an existing pier that is on site currently which holds weight in the assessment of these proposed plans. The brickwork used on the piers will also match the existing, there shall be up/down lights on the front side with proposed walls and pillars featuring tiles crease and header top course also to match. This ensures that minimal visual discrepancies should arise. Finally, the gates will be made from timber effect composite and will be 1850mm at the lowest level and 2250mm at the highest level. It is worth noting that the highest point of the pier is still only 400mm over the maximum height allowed under permitted development which further benefits the scheme as a whole and improving its acceptability.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. 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 (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 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.

Ravensdale is set centrally within its plot and as such is around 35-40m away from the nearest properties to the east. Due to this separation distance, there is not considered to be material or significant overlooking or overshadowing. The most significant feature within this development is the extension protruding from the rear elevation, despite this it will not cast a shadow due to the distances between surrounding neighbouring properties.

In addition to this, there are five windows on the side elevation with three rooflights plus a balcony. The rooflights are not considered to provide any view for the residents due to the height they are set at. Furthermore, two ground floor windows are set in the kitchen which is not considered to be a habitable room in any case and should provide no issues through this. Finally, both first floor windows in question operate for bathrooms and naturally should be obscure glazed, a condition will be placed on the decision to ensure this should the application be approved. The balcony to the rear could provide a view as it will allow the residents to turn and face the eastern side, it is considered that despite this the overall distance to the neighbours limits the potential for this. When viewed as a whole, the windows to the rear and on the western elevation will not result in a loss of privacy as there are no properties within 400m+ of these elevations that could be harmed. Overall, no material loss of privacy will arise following this development being constructed.

Despite the significant amount of works being carried out the extensions across each elevation is not considered to appear overbearing on the area or any residents due to the dwelling itself being considered to be of a substantial size plus the fact it is set back a good distance from the highway.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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".

In respect of highway matters, Policy 2 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.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Within the site currently there are three bedrooms on the first floor with one room on the ground floor plans showing a bedroom, despite the significant extensions throughout there will be the same number of bedroom staying at four. This means there must be at least three spaces for the dwelling.

The new proposed driveway provides more than adequate room for parking and is therefore considered to be acceptable in this regard. LCC Highways initially requested additional information as well as visibility display drawings. Upon meeting their requests, their new comments read as follows 'Four parking spaces exist and six are proposed. There is sufficient space to allow all calling vehicles to turn on site and leave in a forward gear. The access exists, visibility will be improved with the proposal and the visibility drawing should be conditioned so that it is maintained and the new yew hedging should not exceed the specified height. The access will be upgraded to Lincolnshire County Council Specification and there is sufficient space fronting the gates for

vehicles to wait clear of the highway. The proposal will provide a betterment to the users of the site and the users of the public highway'. They have also requested that a condition be imposed to this decision should it be approved in relation to the access and visibility.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flood Risk and Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The latter have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. However, the maps are broad brush and do not take into account any flood defences. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area identified as low hazard with depths of less than 0.75m, the flood risk assessment provided as part of this application states that 'The development falls within Flood Zone 3 and is for a domestic extension and alterations to an existing dwelling with floor levels no lower than the existing and therefore poses no increased risk to life'. If there was no extension to the residential curtilage this development would not need to be accompanied with a flood risk assessment due to it being a domestic extension, in any case, there are no concerns following this development with it being considered to have no increased risk to life as outlined within the FRA. The development is therefore in accordance with Policy 4 of the SELLP and Section 14 of the NPPF.

Biodiversity Net Gain

A biodiversity net gain statement has been provided within this application stating that they are exempt from the need to provide 10% net gain, the report states the following 'The development is

on a site which is less than 0.5 hectares in size and therefore we believe this is subject to the de minimis exemption, additionally the development does not impact any on site priority habitat'.

Nine new trees are proposed within the site with three larger ones being located within the residential curtilage and six within the southern section of the paddock area. Furthermore, there are thirteen separate proposed planting in the immediate boundary of the house itself as well as a proposed yew hedge bordering a small section of the eastern curtilage. Finally, existing conifer hedges are to be retained along the southern boundary, a condition will be placed within the decision notice to ensure this should the application be approved.

Other Matters

The south eastern boundary to the site has 20m plus high leylandi hedging within 1.5m of the highway and causes issues with traffic coming around a bend at this point. The road is narrow at this point with little or no verge. The passing of a car and van/lorry is dangerous with vehicles having to come to a near standstill to pass.

The following comments were received from Councillor Coupland who stated the site has a history of possible dog breeding and vehicle dismantling with online sales, he believed the matters should be checked out for clarity. This was checked with the Planning Enforcement Team who said the site was previously investigated and there was no evidence of a breach of planning control, they do not have the right to check for clarity and would need new evidence that the situation has changed to investigate further. It is therefore considered there is no breach on site.

Furthermore, Councillor Coupland also queried the 'pull in dimensions from the edge of the road to the new access gates close to the bend. Most delivery vans are near 6/7m long and a vehicle turning in and stopping should not overhang the road with its rear end', as well as 'The south eastern boundary to the site has 20m plus high leylandi hedging within 1.5m of the highway and causes issues with traffic coming around a bend at this point. The road is narrow at this point with little or no verge. The passing of a car and van/lorry is dangerous with vehicles having to come to a near standstill to pass'.

These matters should be addressed by Highways in regard to the safety of the road and therefore should be assessed when the relevant comments have been received.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3, 4, 28 and 36 (Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). Whilst not being in direct accordance with Policy 1 it is considered to be acceptable due to the relevant justification made in the earlier section of the report. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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