DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0583-19**	**Applicant:**	**Mr Jonathan Bingham**
Proposal:	Change of use of barn from agricultural to storage		
Location:	Greenways Frostley Gate Holbeach		
Terminal Date:	7th August 2019		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 9 and 14.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a change of use of an agricultural building barn to storage. The Supporting Statement indicates that the building would be used by persons/businesses based in the local area.

Site Description

The site is located in open countryside on the western side of Frostley Gate. The building is predominantly of modern metal clad construction and is situated within a farmyard. The remaining buildings are largely dilapidated.

An associated bungalow (Greenways) is situated to the north east and a replacement dwelling to the south east on the opposite side of Frostley Gate.

Site History

H05-0318-19 - Full - Replacement dwelling, Site adj. Greenways - Granted 20 May 2019.

Representations

Fleet Parish Council - No response.

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

Environmental Protection - No comments.

Economic Development Officer - No objections.

Lincolnshire Police - No objections.

Public - No objections received.

Planning Considerations

The main issues in this case are:
- Principle;
- Character/appearance;
- Amenity;
- Highway safety
- Other material considerations such as flood risk.

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site therefore lies within the countryside.

SELLP Policy 1 states that development in the Countryside will only 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.

Policy 7 of the SELLP indicates that new employment development outside allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land

or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Section 6 supports sustainable economic growth in rural areas. It stresses that planning policies and decisions should place significant weight on the need to support economic growth taking into account local business needs. Paragraph 83 states that planning policies and decisions should promote the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well designed new buildings. Paragraph 84 goes on to stress that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. The use of previously developed land should be encouraged where suitable opportunities exist.

Addressing the above, the site is not closely related to an existing settlement or public transport network. However, there is an identified need for the development for local businesses. The proposal supports economic growth and involves the re-use of a farm building within a redundant farm yard. Moreover, it is small scale and constitutes a form of rural diversification. It would not conflict with neighbouring land uses and there would be no significant affect upon the character/appearance of the area because the proposal involves the re-use of an existing building. LCC Highways has not objected on highway safety grounds. It would not significantly impact upon the viability of delivering any allocated employment site.

Having regard to Policy 7 of the SELLP and advice within the Framework, it is considered that the economic benefits in this case outweigh the constraints and that the proposal is acceptable in principle.

Character/Appearance

The new proposal involves the change of use of an existing building. It is considered that the proposal would not materially harm the existing character of the building or countryside.

Amenity

An associated bungalow (Greenways) is situated to the north east and a replacement dwelling to the south east on the opposite side of Frostley Gate. The principal doors are at the rear and face west. The proposal does not involve Class B2 (General Industrial). The nature of the proposed use is such that the amenity of nearby residents would not be materially harmed in terms of noise and disturbance, lack of privacy, etc.

Highway Safety

Frostley Gate is essentially a rural road and is rather narrow at this point. However, turning and parking facilities are available on site. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. 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. The Maps do not take into account any flood defences. Also, large parts of the South Holland District 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 hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore satisfies the sequential test.

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

The proposal involves the re-use of an existing building within a redundant farmyard. It is small scale, would constitute a form of rural diversification and would provide economic benefits. It would not significantly harm the existing character or appearance of the countryside. The factors in favour of the scheme in this specific case, including economic benefits, outweigh other socio and environmental factors such as the distance from the nearest settlement and lack of public transport.

No objections are raised on residential amenity, highway safety and flood risk grounds, subject to conditions.