

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0688-24 **Applicant:** Mr & Mrs D Almey

Proposal: Change of use of residential pool building to mixed residential and commercial - Retrospective

Location: Riverside House, Bloodfold Farm Ravens Bank Holbeach St Johns

Terminal Date: 8th November 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (December 2023)

- Section 6
- Section 12
- Section 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
RESIDENTS	0	8	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for the change of use of the residential pool building to the rear of Riverside House, Bloodfold Farm, Ravens Bank, Holbeach St John to a mixed residential and commercial use.

The applicant has indicated that hours of operation would be limited to Mon-Fri evenings and Saturday mornings, and that the proposed use would service only 1 customer booking at any time, and that each booking services only a single individual client for one-on-one sessions.

No physical alterations are proposed to any structure on site.

Site Description

Riverside House (A.K.A Bloodfold Farm or Bloodfold House) is a Grade II listed Georgian era large farmhouse. Set parallel to Ravens bank, across the Little South Holland Drain.

Historic England describes the property like so:

"House. Early C19. Red brick with ashlar dressings and some render. Slate roof with stone coped gables, moulded wooden eaves and gable stacks. 2 storeys, 3 bays, plus single bay set back to right. Rendered plinth. Central bay projects slightly with hipped roof above. Central doorway with broad Doric pilastered doorcase with entablature, moulded cornice, reveal and partially glazed and panelled door. Doorway flanked by single glazing bar sashes with 3 smaller glazing bar sashes above, all with rusticated ashlar lintels and raised keystones. Right bay with glazing bar sash with smaller glazing bar sash above, both with cambered heads."

The specific proposal site consists of the rear extension, approved in 2016, which forms a modern domestic swimming pool.

The wider site contains a variety of extant agricultural outbuildings.

The overall setting can be considered open countryside, with very limited nearby development. The property is relatively isolated, however, a number of caravan parks occupy some nearby fields, although none are directly adjacent.

History

H05-0983-16

Two storey rear extension and garage complex. Approved 07-12-16

H05-0916-18

Details of external materials, sample of brickwork panel, mortar mix and finish, doors and windows (Conditions 3, 5, 7 and 8 of H05-0983-16). Approved 11-10-18

Consultation Responses

Local Residents

11 Comments were received from 9 separate South Holland residents. However, not all were from residents immediately local to the proposal site such that they could be considered 'neighbours'. Nevertheless, all comments received were in full support of the application and can be summarised in content like so:

- Proposal would be a valuable service for locals.
- Proposal would not harm the local surroundings.
- The proposed use fills a local SEND requirement not yet fulfilled.

South Holland Internal Drainage Board

Proposal does not meet the board's threshold for commenting.

Fleet Parish Council

It is an application for change of use only so no real impact to area or individuals within the locality. Merely a change of use of residential pool building to mixed residential and commercial.

SHDC Environmental Protection Team

No comment.

LCC Highways

After an initial response requesting additional information to be included within plans, the applicant provided this. Upon reconsultation, LCC Highways withdrew any objection and submitted a comment of no objection.

Planning Considerations

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

- Principle of Development and Sustainability
- Heritage and Design Impact
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking

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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development

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

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 site is outside any defined Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as the open countryside. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by the spatial policy.

Policy 1 of the SELLP sets out the spatial strategy for development within the District for the plan period, and clarifies that in the countryside development 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".

This proposal is for a partial/mixed change of use of a site, with no changes proposed to any of the grounds or extant structures, nor are any additional structures proposed. As the building affected by the proposed change of use exists currently as a domestic swimming pool, and this application does not seek to alter the functionality of the building as such, solely introducing a small commercial element, should the proposed use cease, then the commercial aspect of the use could end without having caused harm to the site or its surroundings during the period of that use.

Whilst the proposed site is not within a sustainable location, the only physical structure on site apart from fencing is a field shelter, and this would not be fixed to the ground. Should the proposed use cease then the land could return to a paddock without any significant harm having occurred during the time of the proposed use.

Commercial Development

This proposal seeks to create a commercial use via the reuse of an existing outbuilding, in the form of a swimming pool building, at its host residential property located in the open countryside. Because of the proposed use, this application must be considered under the requirements of Policy 7 of the SELLP.

As the proposal site is not within any employment area established by the Policies Map of the SELLP, it can be categorised by policy 7 under the 'other employment sites' section of that policy.

Policy 7 (other employment sites) of the SELLP confirms the following:

"New employment development/businesses or the extension of an existing business outside the above 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"*

This proposal utilises a site that is already developed, in the form of a residential dwelling and incidental buildings, and also proposes the change of use of an existing building. The definition of previously developed land within the NPPF excludes "land in built-up areas such as residential gardens"; however, in this instance, the application site and more specifically the building and land

subject to this change of use to a mixed use, is fairly separated from the main built form of the settlement and therefore would not be considered as 'land in built-up areas'. Therefore, the proposal complies with the requirements of Policy 7 of the SELLP. Nevertheless, it remains useful to exercise the further requirements as detailed within Policy 7, laid out in points a-g above.

Although no demonstration has been provided by the applicant to this effect, it is plainly observable that this proposal would pass sections a, b, c, and e of the above policy requirements, principally given the built form exists at present. Compliance with sections d and g can be justified and will be discussed in greater detail later in this section of this report.

The proposed change of use seeks absolutely no physical alterations to any aspect of the site, and as such, the proposal is not considered to fail sections a, b or c of the above. Furthermore, whilst the proposed use may lead to the generation of some additional noise and traffic, this impact would be exclusively limited to reasonable business hours with some limited early evening use, and would not be considered to be undue or unreasonable. Matters that can be additionally controlled through the use of appropriate conditions. Otherwise, the proposed use would be relatively insular and self-sufficient, and therefore not bear any materially harmful impacts upon any neighbouring land uses, be they residential or agricultural. For these reasons, the proposal is deemed to be in accordance with sections a, b and c of Policy 7 of the SELLP.

Furthermore, the proposal is not considered to impinge upon the ability to deliver any allocated employment sites, as the site doesn't seek to utilise land which is currently identified as commercial in nature, nor does the use fall within those typically permitted through the allocated employment sites. This means that the proposal complies with section of Policy 7.

The proposal seeks permission for the establishment of a business use which services a limited number of clients on a 1-2-1 basis with a single external business operator. As such, the Local Planning Authority anticipates that the proposed development would lead to client and staff traffic arriving on site - however, due to the 1-2-1 nature of proposed appointments, and the sole-trading nature of the business, this would be extremely limited. It should however, be noted that the site is in an isolated location, with regular long distance access only achievable via the use of private motor vehicles. Nevertheless, whilst a marginal increase in traffic is anticipated, due to the extremely minor scale of the proposed commercial use, and individualised bookings operation, the Local Planning Authority considers that there is no material risk to the local road network. This is supported by the LCC Highways Authority who, when consulted, returned a comment of no objection to the proposal. Therefore, the proposal clearly passes sections d and f.

Finally, as previously discussed, the site is not within any established employment site, and is situated in a location considered to be a part of the countryside as per Policy 1. However, whilst a technical conflict with part g of the above does exist due to there being no demonstration of a specific need for an open countryside site for such a development, it should be noted that similar applications seeking to provide services for SEN persons have successfully justified that countryside locations are an asset for such uses. Additionally, this application seeks only to utilise an existing resource in an available swimming pool, which is not necessarily readily available elsewhere in the district. Regardless, as previously mentioned, the application benefits from circumstances which allow it to be not subject to any of the exception tests laid out in sections a-g of Policy 7.

In summary, the Local Planning Authority considers that, upon consideration of the proposal, the development satisfactorily addresses all of Policy 7's requirements and therefore complies with this policy.

When viewed as a whole, the development is considered to be acceptable, when assessed under Policy 1 and Policy 7 of the South East Lincolnshire Local Plan (2019).

Heritage and Design Impacts

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of

preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (December 2023) (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2023) 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

As such, the NPPF sets out that where proposals could lead to 'less than substantial harm' to a designated heritage asset, the consideration of such an application must be weighted against the public benefit.

Finally, Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms that in order to respect South Holland's historical legacy all proposals shall conserve and enhance the character and appearance of designated heritage assets. Additionally, Section A of that policy confirms that proposals that affect the setting of a Listed Building will only be supported where they preserve or better reveal the significance of the Listed Building, and that proposals that seek to alter a listed building shall be granted where the LPA is satisfied that the proposal is in the interest of the building's preservation and does not involve alterations that are prejudicial to the special architectural or historic interest of the Listed Building or its setting.

The desirability of preserving the asset in this instance, should of course be given extremely great weight; it is in this spirit that the works proposed are not considered to bear any risk of harmful impact upon the heritage asset. The proposal includes no alterations to any structures on the site, and as such there is no aesthetic or physical impact risked by this proposal.

Therefore, this proposal is deemed to be in accordance with the requirements of Policy 29 of the SELLP in addition to Sections 12 and 16 of the NPPF.

Impact on Neighbouring Residents/Land Users/Land Uses

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.

There are no immediately adjacent residential properties in the context of this site. This, in addition to the fact that there are no proposed structural changes affirm the notion that there is no material risk of overlooking or overshadowing of any dwelling caused by this proposal. However, whilst no residences are immediately adjacent, there are some caravan park uses within a relatively short range of the site. Whilst these are not residential in the strictest sense, they do serve a temporary residential purpose, and so the impact of noise generation should be assessed.

Because the proposal seeks only an indoor use, for private one-to-one bookings, and largely for therapeutic rather than leisure customers, it is considered that the capacity for noise generation is extremely low, such that it is held that there is no material risk of undue noise generation causing an effect upon properties outside the boundary of the application site, particularly not to the nearby caravan site, as the degree of separation is greater still.

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. 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.

The proposal site includes an extensive parking area, in substantial excess to the domestic needs of the site. Given that the applicant proposes to service only single client bookings at any one time, and accounting for the potential of two cars per booking (client and accompanying), it is deemed reasonable to expect that the site could have a potential vehicle turnover of roughly 4 vehicles (client and waiting customers) in addition to the one vehicle of the single instructor on site, the site's capacity for parking greatly exceeds maximum expected use of the proposed business.

Furthermore, a similarly low amount of traffic generation is expected on the site and the associated Raven's Bank. Nevertheless, an increase in generation is anticipated and the site is in an isolated location. However, Raven's Bank is two-lane, relatively large capacity road which is easily capable of receiving such a minor increase in traffic on site. The access to the site has wide 180 degree visibility and the site contains more than enough driveway space for turning of vehicles. Moreover, LCC Highways were consulted and raised no objections to the proposal.

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).

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 development hereby proposed is considered to occupy a site suited to commercial operation, 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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 7, 29, and 36 (including 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). 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.

The recommendation, therefore, is to approve.

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.