DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0694-21**	**Applicant:**	**H & B J Management Ltd.**
Proposal:	Change of use of land for an extension to existing caravan site.		
Location:	Land Adj. Heron Cottage Camping And Caravanning Frostley Gate Holbeach		
Terminal Date:	25th November 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
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 8. Promoting healthy and safe communities.
Section 9. Promoting sustainable transport.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

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	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to extend Heron Cottage Camping and Caravanning site on land to the north/north east to accommodate 10 additional static caravans, plus access roadway. Vehicular access would be obtained through the existing caravan site to the south.

Site Description

The site (some 0.55ha) is located on the eastern side of Frostley Gate and is currently agricultural land. The existing caravan site (Heron Cottage Camping and Caravanning) is located immediately to the south.

The nearest property is Clomarah to the north, which is associated with an agricultural holding. Willow Tree Cottage is situated to the south-west adjacent the access road into the existing caravan park. Heron Orchard Holiday Park is situated to the west on the opposite side of Frostley Gate. Residential properties are situated further to the south (White Bungalow and Ravens Corner) on the opposite side of the Little South Holland Drain and Raven's Bank. Riverside (formerly Bloodfold) House is situated further to the south-west, which is grade II listed.

Planning History

H05-0546-92 - Full - Use of land for campsite for maximum number of nine caravans/tents for recreational purposes only - Granted 4 August 1993.

H05-1107-96 - Full - Alterations/extension to existing touring caravan/ camping site (total 28 pitches) & erect amenity block - Granted 27 February 1997.

H05-0397-08 - Full - Change of use of land to allow for an extension to existing caravan site, to allow siting of 18 additional pitches - Granted 2 July 2008.

H05-0612-10 - Full - Replacement of 11 touring caravans with 9 static caravans - Granted 22 September 2010.

H05-0862-13 - Full - Proposed replacement of 19 touring/camping pitches to 16 static caravan pitches - Granted 22 January 2014.

H05-0612-15 - S73 - Proposed replacement of 19 touring/camping pitches to 16 static caravan pitches - approved under H05-0862-13. Modification of condition 2 (approved layout) and wording to Condition 5 (occupancy) - Granted 12 October 2015.

H05-0852-18 - Full - Proposed addition of 5 static caravans with the removal of 4 tourers - Granted 18 October 2018.

H05-1200-19 - S73A - Variation of condition 4 of H05-0612-10, condition 5 of H05-0862-13 and condition 5 of H05-0612-15 to allow all year-round occupation of caravans - Granted 21 February 2020.

H05-0097-20 - S73A - Proposed replacement of 18 touring/camping pitches approved under H05-0397-08 with 10 static caravan pitches - Granted 8 June 2020.

Consultation Responses

Fleet Parish Council

No response.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

SHIDB

If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Environment Agency

Recommend conditions.

Public

Objections received (summarised):
Open to public view; Separate agricultural land - loss of farmland; Increased traffic on unsuitable roads; No demand for additional statics; Increased flooding; Shouldn't overload existing infrastructure/facilities; Set further precedent; Request boundary screening/fencing.

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;
- Flood risk/drainage
- Other material planning considerations such as loss of agricultural land and ecology.

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 (SELLP), 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 National Planning Policy Framework, 2021. Para 84 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 holiday caravan park consisting of 10 no. statics. The proposal would meet rural tourism and economic objectives within the Local Plan and Framework, subject to a condition restricting occupancy.

Character/appearance

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.

Static caravans can be visually intrusive and have a harmful effect on the open nature of the fenland landscape. In this case, however, the site is set back behind the existing caravan park and would only really be readily open to view from further to the east. Moreover, the applicant has agreed to the carrying out of boundary planting prior to siting of the caravans on site. On balance, it is considered that the proposed development would not materially harm the character/appearance of the countryside or setting of Riverside House (grade II listed) further to the south-west, subject to boundary planting.

The proposal is therefore in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2021 and advice within the Framework.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest property is Clomarah to the north, which is associated with an agricultural holding. Willow Tree Cottage is situated to the south-west adjacent the access road into the caravan park. Heron Orchard Holiday Park is situated to the west on the opposite side of Frostley Gate. Residential properties are situated further to the south (White Bungalow and Ravens Corner) on the opposite side of the Little South Holland Drain and Raven's Bank. Riverside (formerly Bloodfold) House is situated further to the south-west.

Vehicular access to the site would be via the existing caravan park. Previous visits have revealed that both Heron Cottage and Heron Orchard Caravan Parks are normally 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 if permission was forthcoming. Screening is also recommended along the northern boundary adjoining Clomarah.

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 if they arose. Matters such as blockage of view and property de-valuation are not material planning considerations and therefore carry no weight.

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

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

Vehicular access to the site would be via the existing caravan park. There would be satisfactory space within the site for parking.

It is accepted that the proposal would generate some additional traffic movements. 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 development 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.

Flood Risk/drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

The site lies within Flood Zone 3 as defined by the Environment Agency 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. 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 site is therefore sequentially preferable in flood risk terms. Nevertheless, for safety reasons the Environment Agency has requested that finished floor levels be set no lower than 300mm and the caravans be secured to the ground by anchors. There should also be no occupancy during winter months.

The proposal is therefore in accordance with Policies 2 and 4 of the SELLP and advice within the National Planning Policy Framework, 2021, in terms of flood risk.

Issues have been raised concerning the capacity of the existing package treatment plant serving the existing caravan park. It is recognised that existing facilities may need to be upgraded. This can be addressed by means of a condition(s).

Other Matters

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

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

There is no evidence that the site is a habitat for protected species. The proposal would also include new native hedgerows so would constitute an enhancement from a bio-diversity point of view.

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, 2021 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.

It is considered that the development would not materially harm the character or appearance of the countryside or historic setting of Riverside House, which is grade II listed. Moreover, the amenity of nearby residents would not be significantly harmed. LCC Highways have raised no objections on highway safety grounds. Flood risk and drainage can be addressed by means of conditions. The resident objections have been taken into consideration; however, there are no adverse concerns in this case which outweigh factors in favour of the proposal.

Conclusion

The proposal is in accordance with policies 1, 2, 3, 4, 9, 28, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework. The planning balance lies in favour of the proposal for the reasons outlined above.

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.

Recommendation

That the application be approved under delegated powers.