

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0796-22 **Applicant:** Mr W Mills

Proposal: Erection of storage building - (part-retrospective)

Location: The Depot Langary Gate Road Gedney Hill

Terminal Date: 28th October 2022

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

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking part-retrospective permission for a storage building measuring 9.9 metres (width) x 5.5 metres (depth) and standing at 4.1 metres in height (3 metres in height). The building would have a timber external finish.

The building would be used to store the applicant's personal belongings such as lawnmower, garden equipment, work cables, tools and refrigeration equipment.

Site Description

The application site is located on Langary Gate Road in Gedney Hill. It is located outside any defined settlement boundary and within the open countryside. The site is enclosed by a high boundary fence and a part built block building. A large drain is situated to the south-west and a bungalow (St Margaret's) to the south-east on the opposite side of Langary Gate Road.

History

H05-0855-19 - Conversion of existing building to Class C3 residential use, including extension - Refused/Appeal dismissed

H05-0467-98 - Demolish Council depot building and erect new dwelling house - Refused

Consultation Responses

South Holland Internal Drainage Board

The applicant proposes to discharge surface water to a watercourse therefore consent under Byelaw 3 is required. The proposed building would be within 9 metres of the Board maintained watercourse. The applicant has already approached the Board to make an application for consent under Byelaw 10, which has been granted.

Historic Environment Officer

No archaeological input required.

Planning Considerations

Principle of development

The site is located outside any defined settlement boundary and is regarded as open countryside.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy states that "in the countryside development will 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".

The proposed building would be used solely for the applicants personal storage which is what the previous building was used for for at least the past 20 years. As such the use of the site is not considered to change.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed building would be similar in appearance and size to the previously demolished building therefore the overall appearance of the area is not considered to significantly or unacceptably change. It is not clear how long the original building was in situ, however, google

images show a building of similar appearance and size to the one proposed back in 2011 and planning history shows the building in this location in 1998.

The development overall appears commensurate with its setting in terms of scale, mass and bulk. The visual impact of the structures is deemed acceptable upon the rural character of the area. The materials are considered appropriate for the nature of the building and the rural character of the area.

Given the proposal is situated in a rural area, it is not considered that it would have a material impact on the character and appearance of the area.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

The replacement building would be similar in size to the previously demolished building and would be sited in a similar position. Given this and the significant distance from the nearest residential neighbours no unacceptable impact is considered to result on neighbouring amenity. With regards to noise given the building would be used for personal storage it is not anticipated that there would be significant levels of noise.

On this basis the proposal is considered to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of neighbouring amenity.

Drainage

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has advised that given the applicant proposes to discharge surface water to a watercourse consent under Byelaw 3 is required. An informative has been appended to this effect advising the applicant of the drainage boards bylaws. The proposed building would be within 9 metres of the Board maintained watercourse. The applicant has already approached the Board to make an application for consent under Byelaw 10, which has been granted.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021).

Planning balance

The principle of rebuilding a storage building for personal use in this location is considered acceptable. The scale, height and position of the building would be similar to the previous building and is considered proportionate with the rural character of the area. The external appearance is standard of this type of development. In light of the separation distances between the building and the nearest dwellings no significant adverse impact is anticipated on neighbouring amenity.

In summary, any adverse impact of granting permission to the proposals would significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are

considered to comply with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPPF), 2021.

It is accordingly recommended to approve this planning application via delegated powers.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

That the application be approved under delegated powers.