

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H05-0855-19	Applicant:	Mr Peter Mills
Proposal:	Conversion of existing building to Class C3 residential use, including extension.		
Location:	Land Adjacent: Woolie Farm Langary Gate Road Gedney Hill		
Terminal Date:	7th November 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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12, 14, 15 and 16

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	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an existing agricultural building to a single dwelling, including a small extension and a new porch. The building would be reduced in height and the walls would be constructed in weatherboarding, with a natural slate roof.

Site Description

The site is located in open countryside and is occupied by a block and asbestos building. A large drain is situated to the south and a bungalow (St Margaret's) to the South-East on the opposite side of Langary Gate Road.

Consultation Responses

LCC Highway/SUDs - Request additional information concerning access.

South Holland Internal Drainage Board - We note that the applicant intends to discharge surface water to a watercourse. As such, please be aware that the proposed development will require land drainage consent in line with the Board's byelaws.

Environmental Protection - Request completion of screening assessment form or contaminated land condition.

Environment Agency - Falls within Cell G7.

Anglian Water - No comments.

Planning Considerations

The main issues in this case are:

- Policy;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage, ecology and contamination.

Policy

Policy 23 of the South East Lincolnshire Local Plan, 2019 indicates that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural

detailing and materials of construction; and

5. development leads to an enhancement of the immediate setting of the building.

Where permission is granted, permitted development rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Addressing the above, the building is of block construction with an asbestos/fibre cement roof. It is utilitarian in appearance and is not of architectural/historic merit. It is not worthy of retention on grounds that it makes a positive contribution to the character of the landscape. Consequently, the proposal is not in accordance with Policy 23 of the South East Lincolnshire Local Plan.

Paragraph 79 of the National Planning Policy Framework, 2019 indicates that planning decisions should avoid new isolated homes in the countryside, unless there are exceptional circumstances. They include the re-use of redundant or dis-used buildings where the development would enhance the immediate setting. This is not considered to be the case because the proposal would result in a form of domestication that would harm the rural character of the countryside.

Residential Amenity

The nearest residential property is situated to the south-east. The relationship of the site to this property is such that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

Highway Safety

An existing access would be closed off and another re-instated. No objections are raised on highway grounds subject to a condition requiring improvement of the existing access to a bound material within the extents of the public highway. Sufficient parking would be available on site.

Flood Risk

In terms of flood risk, the site is within Flood Zone 3 of the Environment Agency's Flood Maps. However, the flood maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zones 2 and 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 SFRA indicates that the site is within an area designated as "No Hazard". The proposal therefore satisfies the sequential test.

Drainage

Foul water would be disposed of to a septic tank and surface water to an existing watercourse.

Ecology

The characteristics of the building are such that it is unlikely to be inhabited by protected species such as bats or Barn Owls.

Contamination

Environmental protection has requested the submission of a screening assessment form or the imposition of a contamination condition.

Conclusion

The building is of block construction with an asbestos/fibre cement roof. It is utilitarian in appearance and is not of architectural/historic merit. It is not worthy of retention on grounds that it makes a positive contribution to the character of the landscape. Consequently, the proposal is not in accordance with Policy 23 of the South East Lincolnshire Local Plan, 2019.

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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.