DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0872-24**	**Applicant:**	**Mr J Steward**
Proposal:	Proposed Double Garage		
Location:	Torrington Lodge Torrington Lane Fleet		
Terminal Date:	11th December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting Sustainable Transport
Section 12 - Achieving well designed and beautiful places
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a householder application for the erection of detached domestic garage at Torrington Lodge. The garage would be to the immediate west of the dwelling house. It is proposed that the garage would measure, approximately, 10 metres (width) by 7 metres (depth). A gable roof is proposed, with a height to the eaves of approximately 2.2 metres, rising to the 4.5 metres at its apex. A cupola is proposed within the centre of the roof, with a maximum height of 5.3 metres. The garage would be rendered cream, with artificial slate roof tiles.

Site Description

The site is outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and as such is considered to be within the countryside from a planning perspective. The property is situated approximately 500 metres south of Fleet, in an area characterised by sparse dwellings and agricultural fields. 250 metres to the east are the Grade II listed Maisdyke Farmhouse and Barn.

Torrington Lodge is a large bungalow located towards the east of a large plot. From the roadside it is well screened, visible primarily from the access point.

Relevant History

H05-0519-86 - Full. Erection of dwelling. Approved 06/08/86.

H05-1130-91 - Full. Change of use from previously agricultural land to parking for goods vehicles and trailers. Approved 21/09/92.

H05-0443-96 - Full. Garage/bedroom extension to bungalow. Approved 09/07/96.

H05-1038-01 - Full. Proposed stable block. Approved 18/10/01.

H05-0636-24 - Full. Proposed extensions to existing bungalow to form a two storey dwelling. Approved 20/09/24.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Lincolnshire County Council Historic Places Team

"Thank you for consulting us on this application. The proposed development is located in an area with archaeological potential, near the site of a possible motte and bailey castle on the opposite side of Bens Gate. This location is believed to have been a manorial center from the Saxon period onwards, documented as Monument MLI22265/6 - "Saxon Pottery and Earthwork Mound, Fleet," which was excavated in 1913. Additional heritage assets have also been identified in this area, including: MLI23005 - "Iron Age pottery found on a medieval site." And MLI20439 - "Post-medieval remains." Cropmarks associated with the motte site can be seen in satellite images centred at grid reference TF385231. Moreover, the site is situated northwest of Monument record MLI20437 - "Land owned by the templars." Lastly, a Portable Antiquities Scheme (PAS) find, reference LIN-A52493, was discovered southwest of the proposed development. This find was a gold finger ring from the 15th century, characterized by a circular hoop with a D-shaped cross-section and decorated with diagonal bands. The bezel is flat and oval, featuring an incised religious scene depicting the Trinity.

The proposed development comprises "Proposed Double Garage", in addition, plan reference

SD24-012/8 also shows two proposed house extension. The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 211). It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 200).
I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of archaeological mitigation work including, but not limited to a continuous archaeological monitoring (watching brief) to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its alteration or destruction.

This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 200 and 211 and the South East Lincolnshire Local Plan (Policy 29). With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1YL, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works. It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works."

Highway and Lead Local Flood Authority

"The proposal is for a Double Garage. The garage will not affect the parking or access for the site. There will ne no adverse impacts on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received, both from the same address.

These can be summarised as:

-Query on why the doors to the rear are required.
-Concern that it may be used for a garden room.
-Query as to why other alterations are not shown on plans.

Key Planning Considerations

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable

development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is located outside of any defined settlement, and as such, is considered to be within the countryside from a planning perspective. In any event, the proposal solely relates to an outbuilding within an existing and established residential curtilage and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn in the following sections.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The site is well screened from the road and relatively isolated, therefore, significantly reducing the potential character impacts of the development. While rather large, the proposed garage is well proportioned to the size of the dwelling. The pitch is set below that of the host dwelling, ensuring visual subservience. When considered in light of the extensions approved under H05-0636-24, the garage's subservience increases further. Therefore, despite the significant height and scale, the proposed garage would be subservient to the host.

The use of cream render and faux slate tiles would match the materials approved under H05-0636-

24, thereby integrating the development. In any event, these materials are not uncommon, and contrast well with those currently in situ.

The proposed use of cupola, while not abundant in the area, is a fairly typical feature on rural barns. This helps to create a clear sense of rurality within the sense of place of the site.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Ample distance has been maintained to all boundaries to ensure no amenity impacts occur. At a distance of over 50 metres to the residential boundary, and given the boundary treatments in place, it is not considered that the proposal would result in any additional overlooking or overshadowing.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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 will provide additional formal parking spaces, thereby meeting the objectives of Policy 36 and Appendix 6.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Historic Environment

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising 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. These

provisions extend to archaeological remains.

Paragraph 200 of the NPPF states: "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

The Lincolnshire County Council Historic Places Team, who act as advisors on archaeological matters within the District, have highlighted the potential for the site to be of archaeological interest. Accordingly, the body has recommended the imposition of the standard suite of archaeological conditions, amounting to a written scheme of investigation and exploratory trenches prior to the commencement of development.

This request has been rebuffed by the applicant, who has argued that the areas of archaeological import identified within the Historic Environment Record (HER) and by extension the sites referenced within the submission by the Historic Environment Officer are a relatively significant distance from the site in question here. Furthermore, remains found in the wider area increased in abundance towards the settlement of Fleet, becoming extremely sparse throughout the area immediately surrounding Torrington Lodge. The applicant goes on to argue that since the dwelling is a relatively recent addition (constructed in 1987) and prior to this was used for intensive agriculture, any potential remains on the site have likely already been disturbed. It is unlikely that a relatively small development such as this would significantly exacerbate the degradation of any archaeological remains on the site.

Irrespective of the above, it is of note that a development of a comparable footprint could occur via Permitted Development if located behind the principal elevation. This development could have an equally significant impact upon the historic environment, and the Planning Authority would have no control over this matter. Equally, development has been approved on the site previously without a request to impose this condition.

As such, it is considered overzealous to impose the full suite of archaeological conditions requested by the Historic Places Team in this instance. Instead, it is recommended that an appropriately worded condition is imposed which would prevent further construction should any item of archaeological interest be discovered during the construction period.

Other Matters

While the loss of a tree is regrettable, the same loss could occur via the general maintenance of the garden and as such would be beyond the control of the planning department. The duty for Biodiversity Net Gain is not applicable to householder applications, and in line with Paragraph 20 of the relevant section of the Planning Practice Guidance, the imposition of SELLP Policy 28 requiring net gain would be inappropriate in this instance. As such, the proposal is acceptable in this regard.

The comments received from a resident have highlighted additional alterations not shown on the plans. These alterations referred to within the block plan are those approved under H05-0636-24; and therefore, they do not need to be submitted here. The comment regarding rear doors is noted; however, under the provisions of Schedule 2, Part 1, Class E of the General Permitted Development Order, outbuildings and their uses can be altered in an appropriate manner such as this. Therefore, it would be inappropriate to resist the application on this basis.

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 proposal represents appropriate development within the defined residential boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. The proposal is not considered to pose a significant risk to archaeology on the site, when considered within the context of the site's history and the potential development which could occur via permitted development.

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

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 28, 29, 33, and 36 of the SELLP, as well as Sections 9, 12, 15, and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.