DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0911-23**	**Applicant:**	**Mr & Mrs A Verrells**
Proposal:	Conversion, partial demolition & extension of barn into new dwelling - approved under H05-1038-21. Modification of Condition 2 to allow amendments to previously approved plans and Condition 6 to allow aluminium in lieu of timber for windows.		
Location:	Poplar Farm Moor Gate Holbeach		
Terminal Date:	8th December 2023		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has the benefit of full planning permission for a conversion, partial demolition and extension of existing barns into a new 5 bed dwelling, plus detached garage block with storage above (ref. H05-1038-21). This application is to modify the scheme, including the installation of grey powder coated aluminium windows in lieu of grey painted timber where stated and alteration of boundary hedging from Privet to Laurel. Development has commenced on site.

Site Description

The site (some 0.39ha) is located on the western side of Moor Gate close to the junction with Mill Bank. It was formerly part of a farmyard. A house (The Poplars) is situated to the north.

Recent History

H05-0018-20 - Prior approval - Conversion of agricultural building into dwelling - Approved 27 July 2020.

H05-1038-21 - Full - Conversion, partial demolition and extension of barn into a new dwelling - Approved 17 January 2021.

H05-0214-22 - Cond Comp - Details of external materials, windows & doors, scheme to deal with contamination and ecological biodiversity measures (Conditions 4, 5, 8, 13 & 16 of H05-1038-21) - Approved 28 March 2022.

Consultation Responses

Fleet Parish Council

No response.

Public

No comments received.

Planning Considerations

The principle of a conversion of the existing barn into a dwelling, including extensions/alterations, has already been established by virtue of planning permission ref. ref. H05-1038-21. This application is solely to amend the scheme as indicated earlier in the report. The main issues therefore are the impact upon the character/appearance of the building/locality and the amenity of nearby residents.

Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material

considerations indicate otherwise'.

The relevant development plan in this case is the South East Lincolnshire Local Plan (SELLP), 2019.

Evaluation

Character/Appearance

Policy 23 (Barn Conversions) of the SELLP 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.

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2023. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

In respect of Policy 23, criterion 1 and 2 have previously been addressed. In terms of general character and appearance, the design is a modern interpretation of a traditional barn, including red/brown facing bricks/Larch timber cladding and a natural slate/terracotta pantile roof. With this in mind, whilst timber windows may be more appropriate grey powder coated aluminium are nevertheless considered an acceptable alternative given the general design concept.

For the reasons outlined above, therefore, it is concluded that the proposal satisfactorily accords with Policies 2, 3 and 23 of the Local Plan.

Amenity

Policies 2 and 3 of SELLP set out that residential amenity and the relationship to existing development and land uses are main considerations when making planning decisions. Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that have a high standard of amenity for existing and future users.

The nearest residential property to the site is a house (The Poplars) situated to the north. The proposal has a number of windows facing north on its ground floor, including two living room windows. Two roof lights are proposed at first floor level. However, they serve a bathroom and WC and would therefore be obscure glazed. The fenestration remains the same as previously other than a change of material where stated. Laurel as opposed to Privet is proposed along the northern boundary, which is faster growing and more profuse. Condition 12 of the present consent (ref. H05-1038-21) requires the erection of 1.8m high fencing along the western section of the northern boundary to provide protection until the hedging becomes established.

No resident objections have been received. It is considered that the proposal would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004

Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The principle of a barn conversion, etc has already been established by virtue of the previous permission. The amended proposal does not materially harm the character or appearance of the building or locality, or amenity of nearby residents. It conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, 2023 when viewed as a whole.

Conclusion

The proposal is considered to comply with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. There are no significant factors in this case that indicate against the proposal and outweigh considerations in favour of the proposal and the policies referred to 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 power, subject to conditions.