DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-1041-23**	**Applicant:**	**S Lee**
Proposal:	Proposed siting of two glamping pods and construction of access road, including change of use of domestic garden to form an extension of the touring park (retrospective).		
Location:	Delph Bank Touring Park Old Main Road Fleet Hargate		
Terminal Date:	18th January 2024		

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
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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 and beautiful places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural 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	2	0

CASE OFFICER ASSESSMENT

Proposal

Retrospective planning permission is sought for the siting of two glamping pods and construction of access road, including change of use of domestic garden to form an extension of the existing touring caravan park.

Site Description

The application site is located off Old Main Road in Fleet Hargate and is set well back. It was formerly garden belonging to a bungalow associated with Delph Bank Touring Park. It is currently occupied by two glamping pods the subject of this application. Access to the site is via a long private drive off Old Main Road. A residential care home (Field House) is situated to the north, which has permission for conversion to 9 self-contained apartments (ref. H05-0193-23).

The site is located outside any defined settlement boundary and within the open countryside.

Planning History

H05-1067-86 - Full - Change of use of paddock (1 acre) to use for Touring Caravan Park (20 plots), all year storage/park of touring caravans (15 plots) as extension to existing facilities - Approved 21 January 1987.

H05-0604-99 - S73A - Continuation of planning permission without complying with condition 5 of H05/1067/86 (time limit) - Approved 7 October 1999.

H05-0926-04 - Outline - Proposed two holiday lodges - Approved 4 October 2004.

H05-0184-05 - Full - Replacement toilet/reception building - Approved 29 March 2005.

H05-0963-22 - Extension to existing services building to allow for an on site shop - Approved 17 November 2022.

Consultation Responses

Fleet Parish Council

No comments received.

Gedney Parish Council

No comments received.

Lincolnshire County Council Highway Authority and Lead Local Flood Authority

No objections.

SHIDB

No comments.

Environmental Protection

No concerns or objections.

Environment Agency

Proposal falls within Cell F5 of the local flood risk standing advice.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Applicant's agent (summarised)

The applicant has had many enquiries into on site accommodation rather than bringing their own tent/caravan, therefore there is a demand for the glamping pods which my client felt will be easily met by this proposal.

The diversification of his business will also be a welcome benefit as it will make the site not solely reliant on customers bringing their own accommodation. I can confirm that the glamping pods are to be used as holiday accommodation only.

Key Planning Considerations

The main issues in this case include the following:

- Policy/whether the proposal would be a sustainable form of development;
- Character/appearance;
- Residential amenity;
- Highway safety;
- Other material planning considerations such as flood risk and ecology.

Evaluation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Policy

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 where 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 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, December 2023. Para 88 stresses that planning policies and decisions should enable 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 when assessed against the policies in the Framework when taken as a whole.

Addressing the above, the proposal would meet rural tourism and economic objectives within the Local Plan and Framework. There is an identified need and the proposal is small scale and relates to an existing touring caravan site close to the A17. No objections are raised in principle, subject to other planning considerations and appropriate conditions to ensure that the glamping pods are used as holiday accommodation only (not permanent residential).

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of section 12 of the National Planning Policy Framework (Dec 2023), in that it 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 Framework 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.

Section 12 of the Framework specifically relates to 'achieving well-designed and beautiful places' and details 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 of the Framework 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, layout and appropriate and effective landscaping. It should also be sympathetic to local character and history, including the surrounding built environment and establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.

Proposals for new development 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 proposed glamping pods are tucked well within the site, which is set well back and screened by existing high hedging, tree planting and buildings. As a consequence, they are not readily open to public view. Their character/appearance reflects that of development associated with a holiday park. It is considered that the proposal would not materially harm the character/appearance of the countryside.

The proposal satisfactorily complies with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Paragraph 135 of the National Planning Policy Framework (December 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The nearest residential property not associated with the site is a residential care home (Field House) to the north, which has permission for conversion to 9 self-contained apartments (ref. H05-0193-23). Otherwise, the nearest residential properties are some 200 metres to the north and north-east fronting Old Main Road and Topsgate. Residential development is also situated a similar distance to the west.

The proposal relates to an existing touring caravan site which is well screened from neighbouring property, including Field House to the north which is separated by a copse associated with the latter. The scale of the development is relatively low key and no resident objections have been received. It is considered that nearby residents would not be materially affected in terms of overlooking, lack of privacy, noise and disturbance, etc.

It should be noted that issues such as spacing standards, fire safety, adequate water supply, etc fall within the remit of separate legislation.

The proposal satisfactorily complies with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highways

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.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework 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".

The proposed Glamping Pods and access road are within the curtilage of the established Delph Bank touring caravan park and are to be accessed from the existing internal private access road. This access road has a high-quality junction with Old Main Road, where drivers entering the public highway have suitable visibility of any approaching vehicles and are thus able to complete this manoeuvre safely.

In consideration of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking.

Flood Risk/Drainage

Section 14 of the National Planning Policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by a) applying the sequential test and then, if necessary, the exception test".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the exceptions test can be applied if appropriate.

SELLP Policy 4 is consistent with the above and states that development within Flood Zone 3 will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding and that more vulnerable development would provide wider sustainability benefits to the community that outweigh flood risk. Moreover, an application is supported by a site-specific flood risk assessment (FRA) which, amongst other matters a) demonstrates that the vulnerability of the proposed use is compatible with the flood zone and b) identifies flood mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source.

In this case, the site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The sequential test therefore needs to be applied. However, these 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. It is worth noting that large parts of the district of South Holland 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.

In terms of the aforementioned, the Residual Flood Hazard Map classifies the site as "low hazard". Moreover, the proposed use would be connected to the existing touring caravan site, so it could be argued that there is there is a specific need for the development in this location. If it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test should therefore be applied.

The NPPF and the PPG set out two elements to the Exceptions Test. First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In consideration of the requirements of the exceptions test, both the South East Lincolnshire Local Plan and Central Government advice promote rural tourism/leisure related development. It is considered in this case that the sustainability benefits outweigh flood risk.

Concerning the second element, the Environment Agency has indicated that Cell F5 of the S E Lincs Standing Advice Matrix is applicable. It recommends that a flood evacuation plan should be prepared.

In terms of foul drainage, existing communal facilities are available on site. The pods are small and well-spaced. Consequently, surface water would be disposed of by sustainable means.

The proposal satisfactorily complies with Policy 4 of the Local Plan and advice within Section 14 of the Framework.in terms of flood risk.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for

areas of natural habitats. Policy 3 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 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net 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.

In this case, the development is small scale and would be integrated within an existing site that is already well landscaped. Conditions are not therefore considered necessary in this instance.

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.

The proposal meets rural tourism and economic objectives within the National Planning Policy Framework. It would not materially harm the character or appearance of the countryside, nor the amenity of nearby residents. There are no objections on highway grounds and flood risk grounds.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

The proposal is in accordance with Policies 1, 2, 3, 4, 9, 30 and 32 of the South East Lincolnshire Local Plan, 2019 and Sections 2, 4, 6, 8, 12 and 14 of the National Planning Policy Framework (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the considerations in favour of the proposal and the policies referred to within the development plan as a whole.

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

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