DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0272-23**	**Applicant:**	**Mr M Palmer**
Proposal:	Change of use from agricultural building to 2 holiday lets and single storey side extension - approved under H06-0617-20. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Rose Villa Gipsy Lane Gedney		
Terminal Date:	17th May 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
09	Promoting a Stronger Visitor Economy
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
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
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	1	0	0

WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site has the benefit of full planning permission for a change of use of an existing agricultural building to 2 1 bedroom holiday lets, including a single storey side extension (ref. H06-0617-20). The current proposal is for design revisions, including a modification of the westernmost element, omission of the easternmost extension and alterations to the fenestration.

Site Description

The range of buildings are located in open countryside and are part of a farmyard, including an associated farmhouse. The house, which is a replacement dwelling, is situated to the south east and farm buildings beyond. Ropers Gate is located to the north. There are no immediate neighbours.

Recent Planning History

H06-0159-09 - Agri Det - Proposed general purpose agricultural building - Approved 13 March 2009.

H06-0963-13 - Full - Replacement dwelling - Granted 18 February 2014

H06-0763-14 - C/C - Details of landscaping, bricks and panel, roofing materials, roof lights, eaves, external boxes and protected species survey (Conditions 4, 5, 6, 8, 12, 13, 14 and 16 of H06-0963-13) - Approved 30 September 2014.

H06-0617-20 - Full - Change of use from agricultural building to 2 holiday lets and single storey side extension - Granted 10 August 2021.

Consultation Responses

Gedney Parish Council

Supported.

Public

No comments received.

Planning Considerations

The main issue in this case is whether the proposed revisions are acceptable in terms of:
- Policy;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage and ecology.

Policy/Principle

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 site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan

(SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location, 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 23 of the SELLP is also of relevance. It 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.

Policy 9 relates to the visitor economy and indicates that small scale development to support the visitor economy, including farm diversification, will be supported providing it does not conflict with neighbouring land uses, is in keeping with the character of the locality and demonstrate a functional link with an existing rural attraction or farm enterprise.

Addressing the above policies, the proposal is small scale and would help promote the visitor economy. It is a form of farm diversification and would have a functional link with the existing farm enterprise.

The eastern section of the building is of substantial brick construction with a pantile/corrugated iron roof. The western section is corrugated iron/timber with a timber frame. The structural report accompanying the original application (ref. H06-0617-20) indicated that they are structurally suitable to be converted into dwellings. The buildings are traditional farm buildings and consequently of some historical merit. The proposed conversion is sympathetic to the character and appearance of the buildings and would enhance their current appearance.

The proposal is therefore considered to be generally in accordance with Policies 1, 9 and 23 of the South East Lincolnshire Local Plan, 2019.

The proposal is considered to be consistent with advice within the National Planning Policy Framework, 2021. It supports sustainable growth and stresses that significant weight should be placed on the need to support economic growth and the provision of local services to reflect the community's needs. Paragraph 84 states that planning policies and decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; and c) sustainable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 80 indicates that planning decisions should avoid new isolated residential development 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.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest residential properties unassociated with the holding are Glenfield House and Oakwood House 300 metres to the west and south-west approximately. The western fringe of Lutton is some

550 metres to the east.

The separation distance between the site and the nearest residential properties is therefore significant. In addition, the buildings currently have an agricultural use, which could potentially be noisy. Taking these factors into account it is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

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

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

An existing access would be utilised. There would be sufficient space on the site for the parking of 4 vehicles, despite only two vehicles most likely visiting at any one time. LCC Highways has previously raised no objections on highway safety grounds.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking requirements.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they do not take into account any flood defences. Also, large parts of the South Holland District 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

The SFRA indicates that the site is within an area designated as "Danger for Most". However, the Framework states at paragraph 167 that minor development and changes of use applications should not be subject to the sequential or exceptions tests, unless falling within certain types of development. Given the nature of the scheme, neither the sequential or exception test is required in this case. However, paragraph 167 also stresses that proposals should still meet the requirements for site specific flood risk assessments.

The proposal is a more vulnerable development. The Flood Risk Assessment accompanying the application recommends that bedrooms be at first floor level. However, in this case, the proposal is a conversion of a single storey range of buildings. The addition of a second storey is not practical and would harm the historic integrity of the buildings. It is considered in this case that wider sustainability benefits and the need to retain traditional agricultural buildings and bring them back into active use outweigh flood risk.

Nevertheless, some mitigation measures are still possible that would help alleviate flood risk. The FRA accompanying application ref. H06-0617-20 recommended that the ground floor level of the proposed holiday accommodation should be raised to a level of 3.90m ODN, which is approximately 700mm above the existing level. The buildings should be designed incorporating flood resistant and resilient techniques to allow them to be refurbished after flooding to a depth of approximately 300mm above the floor level of the new building. The owners and management of the letting of the property should also register with the Environment Agency's Floodline Warnings Direct Service, and inform all visitors to the accommodation of the possible flood risk.

Concluding, therefore, the proposal does not wholly comply with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2021, but is outweighed in this case by wider sustainability benefits that outweigh flood risk.

Drainage

Foul water would be disposed of via a package treatment plant. Surface water would be disposed of

via the existing system (soakaways). This arrangement is considered acceptable in this countryside location. The proposal satisfactorily complies with Policy 2, 3 and 30 of the SELLP in terms of drainage.

Ecology

The previous application (ref. H06-0617-20) was accompanied by a protected species report which indicated that the site is not used on a regular basis by significant numbers of bats. No bats or signs of bats were recorded and there were no indications of significant long-term roosting or breeding by bats.

The survey site also searched for signs of use by nesting birds, typically old nests and concentrations of faecal deposits associated with a breeding site. The buildings are enclosed and are not considered to provide any opportunities for species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (and as amended).

Both the SELLP and Framework indicate that opportunities should promote biodiversity enhancements in respect of new development. A condition to this effect is therefore considered justifiable in this case.

Planning Balance

The proposal generally accords with the development plan and advice within the National Planning Policy Framework, 2019. Although there are concerns regarding flood risk, they are outweighed in this case by wider sustainability benefits in favour of the proposal and can be satisfactorily addressed by mitigation measures.

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

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.