

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0530-23 **Applicant:** Mr R Swan

Proposal: Temporary change of use for a period of 3 years to multiple occupation/hostel - retrospective (previously approved under H06-0012-20)

Location: Cardwell Lodge Dawsmere Road Dawsmere

Terminal Date: 29th 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
23	The Reuse of Buildings in the Countryside for Residential Use
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 8. 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.
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
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	1	0

CASE OFFICER ASSESSMENT

Proposal

Permission is sought to use buildings for a further 3 years as temporary staff accommodation for workers employed by a local farming enterprise (J E Piccaver & Co - JEPCO) based at Norfolk House Farm, Gedney Marsh. The application is accompanied by a supporting statement from the latter relating to need.

The building requires no alteration to facilitate the proposed use and apart from Cardwell House itself there are no dwellings in the immediate vicinity of the site.

The use is required for a further period of 3 years to meet the temporary accommodation needs of the local farming enterprise.

Site Description

The proposal relates to a range of brick and slate outbuildings historically associated with Cardwell House, a former care/nursing home. There is an existing access to the site.

History

H06-0193-14 - Full - Temporary change of use for a period of three years to multiple occupation/hostel - Approved 17 April 2014.

H06-0186-17 - S73A - Temporary change of use for a period of 3 years to multiple occupation/hostel - approved under H06-0193-14. Modification of Condition 1 to allow a further 3 years - Approved 19 April 2017.

H06-0012-20 - S73A - Temporary change of use for a period of 3 years to multiple occupation/hostel - approved under H06-0186-17. Modification of Condition 1 to allow a further 3 years - Approved 10 March 2020.

Consultation Responses

Gedney Parish Council

Supported.

LCC Highways/SUDs

No objections.

South Holland Internal Drainage Board

No comments.

Environmental Protection

No comments.

Environment Agency

This proposal comes under cell D8 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.

Material Considerations

The main issues in this case are:

- Policy/principle;
- The likely effect upon the character of the area and amenity of nearby residents;
- Highway issues;
- Other material considerations such as flood risk and drainage.

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 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.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Policy/Principle

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 SELLP is therefore applicable. It states that development will be permitted in the countryside 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.

Paragraph 88 of the National Planning Policy Framework, December 2023 stresses that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas. Para 89 indicates that it should be recognised that sites to meet local business needs may have to be found adjacent or beyond existing settlements, and in locations that are not well served by public transport. This is especially considered to be the case in conjunction with agriculture.

Criteria that are commonly used to assess whether an application for transient agricultural workers accommodation is necessary include the following:

Essential and proven need - The applicant has provided information satisfactorily demonstrating that temporary accommodation is required to meet the needs of a nearby large-scale farming enterprise (JEPCO).

Commensurate with the needs of the holding - The accommodation proposed is considered commensurate to the nearby agricultural holding that it currently serves.

Temporary accommodation - The application is for temporary accommodation.

Character of the area - The proposal involves the conversion of existing outbuildings and would not materially harm the character of the countryside.

Satisfactory standard of accommodation - The standard of accommodation and facilities associated with it are considered sufficient to cater for the scale of the development proposed. Licensing has previously raised no objections.

Existing dwellings - There is not sufficient accommodation upon the farm to accommodate seasonal workers.

The proposal satisfactorily complies with Policies 1, 2 and 3 of the SELLP in terms of whether the development is necessary in this location and impact upon the character/appearance of the countryside.

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets 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 is Cardwell House which is associated with the site. No public objections have been received. It is considered that the amenity of nearby residents would not be materially harmed in terms of noise, disturbance, lack of privacy, etc.

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

Highway Issues

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 site is served by an existing access and on-site parking is available. Occupiers are normally transported to and from the farm by minibus. LCC Highways has indicated that the use of the building as a multiple occupation/hostel facility for the benefit of JEPCO has no material impact upon the safe use or the capacity of the local highway network. The highway authority therefore has no objection to the period of use being extended for a further three years, subject to the same conditions set by the previous consent notices.

The proposal accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in

terms of highway issues/safety.

Flood Risk

Policy 4 of the South East Lincolnshire Local Plan relates to flood risk and indicates that development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted in instances where specific criteria is met.

The Framework states that development in areas that are at risk of flooding should be avoided. It also states, at paragraph 167, that all plans in such areas should apply a sequential test to avoid flood risk and steer development toward areas with the lowest risk of flooding. If it is not possible to locate development in a lower risk area the exception test may be applied. Similar to SELLP Policy 4, this would need to demonstrate that the development would provide wider sustainability benefits to the community to outweigh the flood risk and would be safe for its lifetime, without increasing flood risk elsewhere.

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 designed as "Danger for Most". However, the Framework states at paragraph 174 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 174 also stresses that proposals should still meet the requirements for site specific flood risk assessments. Concerning the latter, the submitted flood risk assessment indicates that the site is at risk during a breach of the tidal defences with a depth of between 0.0m and 0.25m. In this case, finished floor levels are already raised above existing ground level. Consequently, the FRA states that there are no specific recommendations associated with the existing building to reduce the risk of flooding to the development. It does, however, recommend that the applicant sign up to the Environment Agency's free Floodline Warnings Direct Service. In addition, it is considered that there should be safe refuge at first floor level and that a safe route into and out of the site be identified to a safe haven.

The proposal therefore satisfactorily complies with Policy 4 of the SELLP and advice within the National Planning Policy Framework, December 2023, subject to conditions.

Drainage

Facilities for the disposal of foul and surface water would remain the same as existing. If any problems were to arise they could be addressed through separate environmental legislation.

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 proposal is considered to be necessary in this location to serve the temporary needs of a nearby farming enterprise. It does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole. Flood risk can be addressed by means of a condition.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 23, 29 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within 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.