

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H06-0653-21 **Applicant:** Mrs C Norman
Proposal: Erection of single storey barn for agricultural use
Location: Sea View Lodge Marsh Road Gedney Drove End
Terminal Date: 11th August 2021

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021

Section 2. Achieving sustainable development.

Section 12. Achieving well-designed places.

Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

RESIDENTS	0	1	0	0
-----------	---	---	---	---

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for the erection of single storey barn for agricultural use. The barn would measure 7.2 metres x 10.8 metres and stand at 3.4 metres in height (2.5 metres to the eaves). It would be constructed using dark brown cladding and galvanised sheeting.

Site Description

The site comprises a detached dwelling with generous gardens to the rear. The house is located within the Gedney Drive End settlement boundary but part of the land within the red line boundary is outside the defined settlement boundary. The house benefits from a large paved driveway to the front as well as attached garage to the front. The site backs onto the open countryside.

History

H06-0312-03 - Proposed two storey detached house and garage - Withdrawn

H06-1010-01 - Erection of an implement shed, glasshouse and construction of an irrigation reservoir - Approved

H06-0464-00 - Erection of a 3 bed detached bungalow with integral garage - Approved

H06-1015-99 - Residential development - Approved

Consultation Responses

Gedney Parish Council

No objections.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Environmental Health

No objections.

South Holland Internal Drainage Board

We are encouraged with the measures proposed to attenuate flows and volume.

If there are any riparian owned/maintained watercourses within or adjacent to the site boundary and the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

Resident

One local resident has commented on the application saying the barn is too close to the boundary fence but does not object.

Planning Considerations

Principle of development

The site is located in Gedney Drove End and part of it is outside any settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy states 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".

In this case the building would be used for a purpose incidental to the existing dwelling (Sea View Lodge). The proposal is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed barn would measure 7.2 metres x 10.8 metres and stand at 3.4 metres in height. It would be constructed using dark brown cladding and galvanised sheeting. The size/materials are what would be expected from an agricultural storage unit therefore there are no concerns regarding its size and appearance. The barn would be visible from the open countryside to the east of the site. Given the location and nature of the development it is not considered to be out of keeping with the character of the area.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

The neighbour to the north-west at Rowan Lodge has not objected to the proposal but had concerns with the barn being located so close to their boundary. The concerns are noted, however, on balance the scheme is considered acceptable as the barn would be located towards the rear end of this neighbour's garden. As such it would not result in any overbearing impact on the main house and the majority of its amenity space would not be impacted.

The stables would be set back from the applicants existing dwelling and the neighbouring properties by at least 35 metres. Given the barn would be for personal use, the number of animals/activity would not be excessive. As such it is considered that the proposed development would not create unacceptable harm upon the existing residents in the vicinity by reason of noise and odours. Environmental protection has not raised any objections to this arrangement and no resident objections have been received.

As such the proposal is on balance in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of neighbouring amenity.

Flood risk and drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c);

incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board initially raised concerns and requested further details regarding how the surface water will be collected and how this method of collection will be sized to cater for the surface water that is created on site as well as a strategy for additional rainfall events that may fall when the storage is at maximum capacity.

Following comments from the Internal Drainage Board the applicant submitted further details confirming that rainwater will be harvested and stored in IBC tanks. 8no tanks would be placed along the rear of the building and have the guttering connected to divert any rain into them. Once the storage is full any excess will be diverted to the soakaway. The Board advised that they have no objections to the proposed measures.

The Board has also advised that if there are any riparian owned/maintained watercourses within or adjacent to the site boundary and the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). Should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). An informative has been placed on the decision advising the applicant of this.

As such the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Planning balance

The principle of developing a barn in this rural location is considered acceptable. On balance, it would achieve sustainable development without impeding other opportunities that would lead with greater benefits in this respect.

The scale, height and position of the barn would be proportionate with the built environment in the area. The external appearance would be standard of this type of development. In light of the separation distances between the barn and the nearest dwellings, no significant adverse impact is anticipated.

In summary, any adverse impact of granting permission to the proposals would significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019; and Section 12 of the National Planning Policy Framework (NPPF), 2021.

It is accordingly recommended to approve this planning application via delegated powers.

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.