

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0742-24 **Applicant:** Mr M Godfrey
Proposal: Erection of shed & garden building - Retrospective
Location: Old Station House Station Road Gedney
Terminal Date: 15th November 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking retrospective permission for the erection of a shed and garden building at Old Station House, Station Road, Gedney.

Site Description

The site is located outside any defined settlement boundary and is therefore considered to be in the countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The site is currently occupied by a 19th Century period property (former station house), plus detached garage. Industrial premises are located to the rear, including a dark green fabricated steel storage building and a prefabricated office, plus storage compounds/areas. Access to the latter is via an existing surfaced roadway running along the northern boundary adjacent Station House, which also serves concrete works located further to the rear (east).

History

H06-0077-17 - Proposed storage compound and storage building and offices associated with construction specialists - Approved

H06-0643-17 - Proposed storage compound and storage buildings and office in old station house associated with construction specialists (thus the existing B1 classification remains) (re-submission of H06-0077-17) - Approved

H06-0213-19 - Details of external materials, window frames and doors and palisade fencing (Conditions 4 (external materials), 6 (details of window frames), 7 (details of external doors) and 13 (details of palisade fencing) of H06-0643-17) - Approved

H06-1106-19 - Details of surface water drainage (Condition 16 of H06-0643-17) - Approved

H06-1210-21 - Storage compound, storage building & offices associated with existing use - retrospective - Approved

H06-1149-21 - Change of use of Station House from offices to domestic dwelling and timber clad garage - retrospective - Approved

Consultation Responses

Gedney Parish Council

This response has been made using the clerk's delegated powers (as per Councils policy) and the council has not met.
Council has no objections to this application

No comments.

South Holland District Council Environmental Protection

No comments.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design, and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The application site in this instance is in the open countryside as detailed by Policy 1. Regardless of such, the proposal solely relates to the erection of a shed and garden building on an established residential site and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be acceptable with the requirements of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) 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, contained within Section 12 of the National Planning Policy Framework (December 2023), 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 and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, 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, 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 National Planning Policy 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.

Proposals for new development would 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 shed is made from dark brown timber cladding and has a height of 2270mm with a width of 2450mm and a length of 1850mm. The shed itself is acceptable due to it being minute and sited in the corner of the site.

Furthermore, the garden building is made from natural timber cladding with timber posts and a slate roof look. It has a height of around 3610mm and is split between two sections with a covered path. The storage section has a width of 4450mm and a length of 4550mm, the pathway is 2400mm in length leading into the sitting area which has a length of 4750mm and 4450mm and is lowered slightly into the ground.

Although the garden buildings are clearly visible from the highway due to the lack of coverage plus they take up a large portion of the front elevation of the property, as the LPA has reason to believe one section has been in situ for a period of more than four years the application cannot be resisted on its size, scale or location whilst not appearing totally suitable for this location. The application in this instance is not in direct accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023); however, due to the aforementioned reasons, it is the LAPs consideration that the proposal is acceptable and should be approved.

Impact on Residential Amenity/Land Users

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.

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.

There is a distance over 15m to the northern neighbour which is closest to the works, this is considered to be an adequate distance as well as the positioning benefit the scheme ensuring that no material overshadowing should occur. In addition to this, there will be no material overlooking as both buildings do not feature habitable rooms nor do the feature windows across any elevations.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Heritage Matters

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive

design.

Paragraph 203 of the National Planning Policy Framework (2023) relates to non-designated heritage assets and details that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

Upon further assessment, 'Old Station House' is considered to be a non-designated heritage asset due to its history as previously operating as a train station within Gedney. Furthermore, the elevation in which the proposed built form would screen, is considered to be the main principle elevation of the property; therefore, it could be considered that the siting of such a shed would, to some extent, harm the NDHA in this instance. However, as will be assessed in the following section of the report, on the balance of probabilities, the LPA do not have evidence to disprove that one section of the garden building has been in situ for a period of more than four years and therefore a new section adjacent to this would not cause significant extra harm and the LPA would struggle to resist the development.

Other Matters

Google Earth Imagery shows that the front section closer to the road was erected sometime in October with the LPA having no evidence to disprove this. Therefore, whilst it does not look completely appropriate within its location, on the balance of probabilities, the retrospective application should be approved.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents somewhat appropriate development outside the defined settlement boundary due to one section being erected for a period of four years. The development hereby proposed does not significantly materially harm the character or appearance of the locality, or amenity of nearby residents.

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.

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

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1 but not in direct accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023), for the reasons outlined above the application must be approved in this instance.

Recommendation

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