DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0888-24**	**Applicant:**	**Mr S Mickleburgh & Ms C Funnell**
Proposal:	Erection of garage and workshop for part domestic use and part business use		
Location:	Nealwood Fishergate Sutton St James		
Terminal Date:	18th December 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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)]

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a garage/workshop for part domestic use and part business use on land at Nealwood, Fishergate.

Site Description

The application site comprises land at Nealwood, Fishergate which is a residential dwelling and its associated garden and driveway. There is also an annexe (The Boathouse) within the curtilage of the dwelling. The site is located approximately 1km to the north-west of the edge of Sutton St James. There is a public right of way to the south of the site that runs along South Holland Main Drain.

Relevant Planning History

H06-0728-16: Extension and alterations to dwelling, and demolition of Boat House and its replacement with an annexe - approved 25 July 2016

H06-0982-16: Change of use of agricultural land to domestic garden and demolition of boathouse and erection of self contained annexe - approved - 04 November 2016

H06-0604-17: Demolition of boathouse and erection of self-contained annexe (re-submission of H06-0982-16) - approved 24 July 2017

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Gedney Parish Council: No objections.

Environment Agency: No comments.

Environmental Protection: No comments.

Inward Investment Manager: No observations.

South Holland Internal Drainage Board: The applicant proposes to discharge surface water to a watercourse, however the discharge rate has not been provided at this stage. I note the presence of a Board Owned and Maintained watercourse (DRN199G3806 - H38 South Holland Main Drain) adjacent to the southern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). I note that the applicant intends to carry out installation of a land drain and outfall to facilitate the above mentioned surface water discharge (Proposed Elevations, Roof Plan, Site Section and Site Plan - Anglia Building Consultants, October 2024) within 9 metres of the aforementioned Board owned and Maintained watercourse. To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Highways and SUDS Support: No objections. The proposal is for the erection of garage and workshop for part domestic use and part business use. The business deals with kiln formed glass art. They have two employees and it is not expected that customers will visit the site as they only sell at exhibitions and shows. Deliveries are infrequent 1-4 a month on a medium sized van. The access remains unchanged and can accommodate two-way traffic. Vehicle movements will be very low as the main use will be residential. The access has good visibility and there is sufficient space on site for the parking and turning of vehicles. The proposal will not have an adverse impact on the public highway.

Cllr J L Reynolds: No response received.

Ecology Officer: No response received.

Public Representations

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.

Key Planning Considerations

Development Plan

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 adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Flood Risk and Drainage;
-Highway Safety and Parking; and
-Biodiversity.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement limits and is therefore within the countryside in planning policy terms. Policy 1 sets out that within 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.

Paragraph 88 of the NPPF also sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas (part a), and the development and diversification of agricultural and other land-based rural businesses (part b).

The proposed development is for erection of garage and workshop for part domestic use and part business use. The business creates bespoke artwork such as glass sculptures. The proposed building does not necessarily need to be located within the site; however, the building is proposed to enable the applicants (also the business owners) to operate from home. The principle of the proposed building is therefore considered to accord with the aims of Policy 1 of the Local Plan and Paragraph 88 of the NPPF, which includes supporting businesses of all forms and scales.

Design and Visual Impact

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed 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 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Similarly, Policy 2 of the 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 NPPF, 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.

The proposed building would be located to the east of the dwelling, within an area that currently features a mixture of hardstanding, a container structure and part of the driveway. The building would be located towards the site frontage; however, it would be partially screened by fencing which runs along the site frontage and along the south-eastern boundary of the site. The proposed building would however be visible from Fishergate, which is the road next to the site. There is also a public right of way to the south of the site, and as such, the proposed building would be visible along

the public route to the south also.

The scale of the proposed building has been reduced during the determination of the application as initially the building was proposed to be measure 5.7m up to the roof ridgeline. Given that the main bungalow within the site measures 6.3m up to its ridgeline, and given the scale and siting of the proposed workshop building, this was considered to be too large. The height of the building has therefore been reduced down to 4.5m, which is considered to be more suitable and will help the building to remain subservient to the host dwelling. The applicant could construct a building with a ridgeline up to 4m with a dual pitched roof using permitted development rights, and as such the proposed building is only slightly larger than the 'fall back' position; albeit, the location of siting the building would also require altering in such a case.

Although the local planning authority would have preferred for the building to incorporate a more rural style, with materials such as timber cladding or brickwork to match the main dwelling, the cost implications in this case mean that this is not feasible. The proposed anthracite composite cladding is therefore considered to be acceptable on balance in this case. It is recognised that there are agricultural buildings further to the north along Fishergate which feature metal cladding and as such the proposed materials would not be entirely out of keeping with the character of the area.

The visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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 Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site is not adjacent to any neighbouring properties. The proposed building would not result in an unacceptable degree overlooking or overshadowing. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in 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 proposed building would be located within an existing building footprint and an area of hardstanding. Part of the area where the building is proposed currently comprises permeable gravel, however, the proposed building would largely not increase the impermeable area within the site. The proposed building is not for human habitation, it is only intended to be used as a workspace.

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. Within the SFRA, areas of South Holland are categorised according to a hazard rating. In this case, the site is located within a 'Danger to MOST' area a 'Danger to SOME' area. As the proposal is for a 'less vulnerable' use (as defined in Annex 3 of the NPPF), the SFRA sets out that with appropriate mitigation the proposed less vulnerable use can be acceptable in these hazard areas provided appropriate mitigation is

secured. Mitigation is proposed within the submitted FRA and the implementation of this mitigation can be secured through a condition.

It is not necessary for the proposed development is to pass the exception test as it is for a 'less vulnerable' use. It is however necessary for the development to pass the sequential test. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. It is not considered that there are any site-specific reasons as to why the proposed development needs to be located within the site. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities within lower risk flood areas and as such, given the nature and reasoning for the propsoal, it is therefore considered that the sequential test is passed.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

Policy 2 within the Local Plan sets out 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 sets out 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, 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.

No changes are proposed to the access, nor are any changes proposed for the parking provision within the site. Lincolnshire County Council's highways team have reviewed the proposals and have confirmed that the proposed development is not expected to have an adverse impact on the public highway. For example, there will only be two employees who both live within the site, and deliveries to the site for the business are relatively infrequent, given that they only occur once to four times per month in a medium sized van. As such, the proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 ensure sites of biodiversity value are protected through the planning system. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The proposed development would not affect a priority habitat and it would not affect more than 25sqm of onsite habitat. The proposed development therefore falls within the de minimis exemption. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

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 proposed development represents appropriate development which would not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh significantly 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 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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

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.