

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0944-24 **Applicant:** Fletcher Salads

Proposal: Change of use of agricultural land to gardens, driveways and vehicular parking for approved barn conversion under approved Class Q Prior Notification Application H06-0868-23

Location: Land Off Cade Drove (Formerly Part Of Broadgate Nurseries) Gedney Broadgate Spalding

Terminal Date: 10th January 2025

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
28	The Natural Environment
30	Pollution
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework December 2024**

Section 2 - Achieving Sustainable Development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well designed spaces
Section 16 - Conserving and enhancing the natural environment

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
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for a change of use of agricultural land to gardens, driveways and vehicular parking for approved barn conversion under approved Class Q Prior Notification Application H06-0868-23

Site Description

Broadgate nurseries is located approximately 2 km to the southwest of Long Sutton. There are a number of buildings on the site, close to the access is a brick built barn that benefits from an extant permission to convert into a dwelling, this was approved under H06-0286-23, this included the removal of a cold store and caravans.

The application site naturally is located within the open countryside and outside of any defined settlement boundary. The site is located within Flood Zone 3 of the Environment Agency's Flood Maps and the South East Lincolnshire SFRA indicates that the site is within an area designated as a low hazard area.

History

H06-0286-23- Full - Conversion of agricultural building into residential dwelling including the removal of cold store building and static caravans. Approved 23-05-23.

H06-0868-23-Prior Approval- Change of use of agricultural building into 2 dwellings with associated works. Approved 27-11-23

Consultation Responses

Parish Clerk

Council has no objection to this application

Highways & Suds

No objections - The application is for the change of use of agricultural land to gardens, driveways and vehicular parking for approved barn conversion under approved Class Q Prior Notification Application H06-0868-23. The site is accessed from a private track off Cade Drove - junction with Cade drove is acceptable.

The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. The road serving the site is a private road, and the highway authority has no jurisdiction over the use of this road.

With regard to this application, we have considered the safety and impact of these proposals on Adopted Cade Drove and its junction with the private access road.

It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application, and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Environmental Protection

No observations

Planning Considerations

The proposal is for a change of use of agricultural land to form residential gardens associated with H06-0868-23. The applicant shows plating, but no building operations are proposed. 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
- Highway Safety and Parking
- Biodiversity

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.

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.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan 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 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.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development 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 applications it is located within the open countryside and Policy 1d is therefore relevant. It 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.*

NPPF Paragraph 48 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.*

A residential use (including two dwellings) is extant on the site, this is a material consideration. This proposal would seek the extension of the residential curtilages agreed under H06-0868-23 further into the open countryside. Whilst the curtilage areas are fairly long, given the scale of the properties which they relate to as well as their countryside location and that the adjacent farm is also given over to residential permissions, the loss of this amount of agricultural land is considered acceptable and garden sizes not wholly inappropriate given the countryside setting. Whilst in strict terms not supported by the SELLP Policy 1, material considerations exist in this instance that indicate in principle that this development should be supported.

Layout, Design and Impact on the Character of the Area

Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'. Policy 3 sets out the 'Design of new development' in part it states 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"

The proposal involves a limited amount of building operations, and these relate in the main to the erection of fencing and formulation of parking areas. The outside of the site is treated with a low post and rail with new hedge planting along the site of it. The division treatment is a 1.8m close screen fence for part, it then become a post and rail. There is an existing boiler house in the proposed garden of plot 2 which is stated to be 'retained and used as a feature'. To the front a parking and turning head is proposed to the fore of each plot. An access is shown to still be permissible by vehicles leading to agricultural land to the rear.

It is considered that to protect the open countryside the removal of permitted development rights for outbuildings will be removed, this is so the LPA can assess any potential harm to the character and appearance of the open countryside as well as any potential archaeological findings.

Given the limited amount of building operations proposed and the removal of certain PD rights it is considered that the proposal would accord in character terms with SELLP Policies 2 and 3.

Impact on Neighbouring Residents/Land Users/Land Uses

Policy 2 and 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.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The proposal does not involve any works that are likely to result in unacceptable impact upon neighbouring amenity or the amenity of future residents. The proposal is considered to accord with SELLP Policies 2 and 30 in this regard.

Highway Safety and Parking

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. Policy 36 detail with parking and cycling provision and is also considered relevant.

The dwellings have already been approved and this application makes betterment to the proposed parking arrangement. The plans show that 3 number off-street parking spaces as well as turning heads. The Highway Authority have reviewed and have no objections. The authority state that they have only assessed highway safety as far as the adopted road and not the tract. However, given the access is already approved under the prior approval it is considered that there is nothing in terms of highway safety that would suggest this application not be supported.

On this basis the proposal would accord with SELLP Policies 2, 3 and 36.

BNG

SELLP Policy 28 is concerned with the natural environment and is relevant as is the Environmental ACT 2021.

The site is a mix of hard standing and stones surface. The applicant has provided an onsite habitat baseline as well as an onsite creation, the application demonstrates that a 28.59% gain will be achieved. The enhancements are not considered significant and the applicant has submitted a Ecological Impact Assessment and Biodiversity Net Gain Assessment which show how the BNG will be managed and maintained for 30 years, this will therefore be conditioned and a HMMP not required in this instance. Furthermore this application is for a change of use only, and therefore the di minis exemption is likely in this instance.

On this basis it is considered that the applicant has fulfilled their requirements under the aforementioned act as well as policy requirements relating to SELLP Policy 28.

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 application site already benefits from the ability to convert the barn to form two dwellings, there are also wider residential permission benefitting the nearby farm. Given that limited hard would follow it is therefore considered that the proposal whilst not in accordance with SELLP 1 is in this instance acceptable.

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 into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4, 28 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

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.