DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0975-24**	**Applicant:**	**Mrs K Hunt**
Proposal:	Proposed conversion of existing outbuilding to form ancillary annexe		
Location:	Elda Churchgate Gedney		
Terminal Date:	21st January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework December 2024**

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a Section 192 Certificate of Lawful Use for the proposed conversion of an existing outbuilding to form an ancillary annexe at Elda, Churchgate, Gedney.

Site Description

The site is located outside the defined settlement boundary as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP).

History

No relevant site history.

Consultation Responses

No consultation responses received.

Planning Considerations

The Town and Country Planning Act (1990) sets out that there are two main types of "development". One is operational development, such as the erection of a building, and the other is the material change of use of land.

In this case, no operational development is proposed. The application seeks to establish that the

proposed use of the outbuilding as an annexe would not require a planning application as it would not result in a material change of use of the land. The main point in this instance would be whether or not this would render the annexe as no longer ancillary to the host dwelling with it being tantamount of a new dwelling.

The outbuilding would go from having three separate rooms to featuring a lounge/kitchen/dining area, bedroom, walk in wardrobe and an en-suite. This could be considered that the annexe would therefore be completely self-contained and can be independent from the host dwelling of 'Elda'. Residents would not necessarily need to use the main property live accordingly, they would be able to live, sleep, cook and wash all within the proposed annexe, this could stray away from what is usually allowed as an annexe being subordinate to the main dwelling. If the application was to be approved a condition would be imposed to ensure that it cannot be sold on and must remain tied to the host property.

The LPA consider that a separate planning unit would be formed as a result of this conversion, the occupants would not be dependent on the main house in any capacity as previously discussed. The equipment within the annexe would allow them to live, sleep, cook and wash without needing to enter the host property. If the annexe was either not completely self-contained or not solely independent it may be more acceptable and could be deemed lawful.

Based on the above factors, the proposed use of the outbuilding as an annexe would therefore create a self-contained, independent annexe which has no reliance on the host dwelling. Full planning permission would therefore be required for the proposed change of use.

Conclusion

The proposed change of use would not be ancillary and would require a full change of use application. It is therefore considered that the certificate of lawfulness should not be granted.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused 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.