DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-1150-21**	**Applicant:**	**Mr D Hart**
Proposal:	Change of use of agricultural land to domestic and erection of building to house and maintain private vehicle collection.		
Location:	Norwood House Station Road Gedney		
Terminal Date:	13th January 2022		

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

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the change of use of agricultural land to domestic and erection of an outbuilding to house and maintain the applicant's private vehicle collection. The area of land subject to the change of use is shown in blue on the submitted block plan. The outbuilding would

measure 9.1 metres x 13.7 metres and stand at 4.5 metres in height (3.6 metres to the eaves).

SITE DESCRIPTION

The proposal site is located on Station Road in Gedney. The site is outside any defined settlement limit. It comprises a two storey detached dwelling. The immediate area is predominantly open countryside with small clusters of development along the road. The land in question is a paddock located to the north of Norwood House.

RELEVANT HISTORY

H06-0292-06 - Development of land for Business Park including recreation area - Refusal

CONSULTATION RESPONSES

South Holland Internal Drainage Board

If surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

Gedney Parish Council

No objections.

PLANNING CONSIDERATIONS

Principle of development and impact on the character of the area

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

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. Likewise, 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.

The site is located outside any settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The scheme would extend the residential curtilage of an existing dwelling at Norwood House, however, no new unit would be created in the open countryside. As such the principle of a development associated with an existing dwelling s considered acceptable.

The proposed site is not considered to encroach unacceptably upon the open fields. The proposed curtilage extension is not considered to be significantly out of character or detract from the landscape and setting. The change of use of the land does not require any material works to the land other than the outbuilding which would be located close to the existing residential curtilage of the dwelling. Should the proposed use cease then the land could return to agricultural use without any harm having occurred during the time of the proposed use.

The outbuilding would be sited adjacent to Norwood House. There would be views of the building from the public realm given the open character of the site. The building would be set back from Station Road by some 30 metres therefore it would not appear overly prominent in the street scene. The design of the outbuilding is in keeping with the rural character of the area.

To preserve the open, rural nature of the surrounding area, it is considered appropriate to remove permitted development rights for the extended land.

In summary, the proposals are visually acceptable within the locality and comply with Policies 1 and

2 of the SELLP and Section 130 of the NPPF.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

No additional noise disturbance is considered to result from the proposal as the site and all associated development would be used in conjunction with the existing residential use at Norwood House and it would not create any new activities not already associated with the current dwelling.

Given the relatively minor nature of the development and the fact there are no immediate neighbours it is not considered that any unacceptable impact would result on neighbouring amenity.

As such the proposal is considered to accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

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 has not raised any objections to the scheme but has advised that if surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4). An informative has been added advising the applicant of the Boards Byelaws.

Subject to the above advice 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 proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

The proposal is considered to accord with Policies 1, 2 , 3 and 4 of the South East Lincolnshire Local Plan, 2019 as well as Section 12 of the National Planning Policy Framework (2021). The recommendation is therefore one of approval.

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.

RECOMMENDATION

The application can be approved under delegated powers.