DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0434-23**	**Applicant:**	**Mr N Hadingham**
Proposal:	Proposed agricultural building		
Location:	The Limes 56 Station Road Gedney Hill		
Terminal Date:	5th July 2023		

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
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 3. Plan Making;
Section 4. Decision making.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
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 full planning application that seeks permission for a replacement agricultural building to be used for storage of agricultural equipment. The replacement building would measure 41.1 metres x 7.6 metres and stand at 5.5 metres in height (4.5 metres to the eaves).

It would be constructed from block work dwarf walls with box profile cladded walls sitting under a fibre cement roof.

Site Description

The is located off Station Road in Gedney Hill. The site is outside any defined settlement boundary and within the open countryside. It comprises several agricultural buildings. One of the agricultural buildings on the site has been subject to a recent change of use application to a dwelling which has been approved. The building in question is timber farmed with a part brick wall to the rear and is in a poor state of repair.

History

H07-0396-23 - Change of use of agricultural building into residential dwelling - Approved 21 June 2023

Consultation Responses

Local Highway and Lead Local Flood Authority

No objections as there is no change proposed to be made to the farmyard's existing access which has proven to be safe and suitable though many years of usage.

South Holland Internal Drainage Board

Recommends ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

SHDC Environmental Protection

No comments.

Planning Considerations

Principle of development

The site is located in Gedney Hill and is outside any defined settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the South East Lincolnshire Local Plan (SELLP), 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. Paragraph 3.2.15 of the SELLP indicates that there are types of development that require a countryside location either because it is the location of an existing building or use. It goes on to state that agricultural and forestry are clearly uses which must function in the countryside.

The National Planning Policy Framework, 2021 promotes sustainable economic growth. Paragraph

84 specifically indicates that planning policies and decisions should support the development and diversification of agricultural and other land-based rural businesses and the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The proposal is necessary in this location in conjunction with an existing agricultural holding and would bring economic benefits. It is considered to be a sustainable form of development in locational terms and therefore in accordance with Policy 1.

Given the countryside location agricultural development is considered acceptable.

Design and layout

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. 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 as per Policy 2 of the SELLP.

The size/materials of the proposed building are what would be expected from an agricultural storage building for a holding of this scale therefore there are no concerns regarding its size and appearance. The building would be visible from the open countryside but is not considered overly prominent when viewed against the wider site/surrounding area. Given the location and nature of the development it is not considered to be out of keeping with the rural character of the area.

The development therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

There is one existing dwelling on the site, within the applicants ownership located to the south of the proposed building. One further dwelling in the form of conversion of an existing agricultural building has also been permitted to the south-east of the proposed building. The current scheme is not considered to be unacceptable impact the amenity of either of these dwellings given it would replace an existing building and no new activities would be introduced on the site.

As such the proposal is considered to accord with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of neighbouring amenity.

Highway Safety

Policy 2 of the SELLP indicates that sustainable development considerations should be met in relation to access and vehicle generation levels.

LCC Highways have been consulted and have raised no objections on highway safety grounds as the proposal is to replace an existing agricultural building and there are no changes proposed to be made to the farmyard's existing access which has proven to be safe and suitable though many years of usage.

The development therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety.

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 advised that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. There are watercourses which are not maintained by the Board (riparian watercourses) adjacent to the northern, western and southern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter these riparian watercourse, or if works are proposed to alter these watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). An informative has been placed on the decision notice advising the applicant of this.

Subject to the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on drainage.

Planning balance

The principle of developing an agricultural building in this location is already in this rural location therefore the proposal is considered acceptable. On balance, it would achieve sustainable development without impeding other opportunities that would lead with greater benefits in this respect. The scale, height and position of the building would be proportionate with the site and the area. The external appearance would be standard of this type of development.

There is one existing dwelling on the site and another permitted as a change of use from an agricultural building to a dwelling but not yet implemented. The relationship with these dwellings would not change significantly given the proposal would replace an existing agricultural building.

There are also no highway safety concerns given the access remains as existing.

In summary, any adverse impact of granting permission to the proposals would significantly and demonstrably outweigh the benefits of doing so.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3, 4, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and Sections 2, 3, 4, 12 and 14 of the National Planning Policy Framework (NPFF), 2021.

It is accordingly recommended to approve this planning application via delegated powers.

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.