DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0600-23**	**Applicant:**	**Mr J Depear**
Proposal:	Change of use of outbuilding to holiday let		
Location:	The Poplars 164 North Road Gedney Hill		
Terminal Date:	11th September 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
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 9. Promoting sustainable transport.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

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	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission is sought for conversion of a domestic outbuilding to a holiday let.

SITE DESCRIPTION

The building is currently a domestic garage/store within the curtilage of The Poplars and is of block construction with a flat roof. Agricultural land/grass field is situated to the north with an existing field access. A row of trees front the property. Associated buildings to the east and south-east have prior approval for conversion to a dwelling (ref. H07-0604-22 and H07-0617-22).

The nearest residential dwelling, other than The Poplars, is Northolme some 100 metres to the north-east.

RECENT HISTORY

H07-1259-07 - Full - Two 2-storey extensions, alterations and renovations to dwelling - Approved 14 November 2007.

H07-0035-08 - C/C - Details of landscaping scheme (Condition 7 of H07/1259/07) - Approved 21 January 2008.

H07-0050-08 - C/C - Details of windows (Condition 4 of H07/1259/07) - Refused 6 February 2008.

H07-0140-08 - C/C - Details of external doors (Condition 3 of H07/1259/07) - Approved 19 February 2008.

H07-0190-08 - C/C - Details of external doors (Condition 3 of H07/1259/07) - Approved 21 February 2008.

H07-0081-15 - Full - Extension & Alterations - Approved 1 April 2015.

H07-0055-21 - Full - Proposed extension and alterations - Approved 15 March 2021.

H07-0908-21 - PAA - Change of use of barn to residential dwelling - Approved 25 October 2021.

H07-0604-22 - PAA - Change of use of barn to residential dwelling - re-submission of H07-0908-21 - Approved 3 August 2022.

H07-0617-22 - PAA - Change of use of barn to residential dwelling - Approved 19 August 2022.

H07-0996-22 - Cond Comp - Details of ecological biodiversity measures (Condition 7 of H07-0617-22) - Approved 30 November 2022.

CONSULTATION RESPONSES

Gedney Hill Parish Council

Council has no problem in principle to this application but would request more information on access to property and parking plus drainage details.

LCC Highways/SUDs

No objections.

SHIDB

Consent not currently required from Drainage Board.

Environmental Protection

No comments.

Public

No comments/objections received.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):
· Policy/sustainability;
· Character and appearance;
· The likely impact upon the amenity of nearby residents;
· Highway safety;
· Other material considerations such as flood risk and drainage.

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 (SELLP) 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 (updated 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Policy/Sustainability

The site is outside a settlement boundary as defined in the SELLP. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location, or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 9 relates to the visitor economy and indicates that small scale development to support the visitor economy, including farm diversification, will be supported, providing it does not conflict with neighbouring land uses, is in keeping with the character of the locality and demonstrate a functional link with an existing rural attraction or farm enterprise.

Policies 2 and 3 of SELLP, amongst other matters, seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. It supports sustainable growth and stresses that significant weight should be placed on the need to support economic growth and the provision of local services to reflect the community's needs. Paragraph 84 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and sustainable rural tourism and leisure developments which respect the character of the countryside.

Addressing the above policies, the building already has an ancillary domestic use (garage/store). Moreover, the proposal is small scale and would help promote the visitor economy and tourism within the district. The external appearance of the building would not be altered to a significant degree and would include the blocking up of a garage door. The proposal would not materially harm the character or appearance of the countryside. Although it doesn't have a functional link with an existing rural attraction or farm enterprise this is not considered to be an overriding concern given the scale of the development. The proposal is sustainable in the sense that it would provide community and economic benefits.

The proposal is therefore in general accordance with the aims and objectives of Policies 1, 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework.

Amenity

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

The nearest residential dwelling, other than The Poplars, is Northolme some 100 metres to the north-east.

The accommodation only has two bedrooms. The development is therefore small scale and low key. Given the separation distances, it is considered that the proposal would not harm the amenity of nearby residents to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, etc.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in terms of residential amenity.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) 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 would be severe".

The proposed two-bedroomed holiday let is to be created by converting an existing garage/outbuilding of the host dwelling. Parking for those staying in the let would be provided by creating a new vehicular access onto North Road, together with two parking spaces and a manoeuvring area. The proposed new access is in a position where suitable visibility can be achieved in both directions along North Road so that drivers would be able to emerge safely into the public highway. The part of the proposed new access that crosses the highway verge would have to be constructed to the current highway authority specification. Access to the host dwelling is to remain unchanged.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

The proposal is therefore compliant with SELLP Policies 2, 3 and 36.

Flooding/Drainage

Policy 4 of SELLP is concerned on flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

The site is within Flood Zone 2 on the Environment Agency Flood Maps. However, it is within an area of low hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test. However, since the proposal is classified as a vulnerable use, mitigation measures are recommended in accordance with details within the flood risk assessment.

Concerning drainage, surface water drainage is via soakaways and would remain unchanged. Foul water would be disposed of to a septic tank. More specific details are required in respect of the latter, which can be addressed by means of a condition.

The proposal is compliant with Policy 4 of the SELLP in terms of flood risk and drainage.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The building already has an ancillary domestic use and the proposal is small scale and would help promote the visitor economy and tourism within the district. The external appearance of the building would not be altered to a significant degree and would not materially harm the character or appearance of the countryside. Although the site is somewhat isolated the proposal is nevertheless sustainable in the sense that it would provide community and economic benefits.

It would not harm the amenity of nearby residents and is satisfactory on highway/parking grounds. Flood risk issues and foul drainage can be addressed by means of conditions.

The proposal therefore conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

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.

CONCLUSION

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 9 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (2021). The are no significant factors in this case that indicate against the proposal and outweigh the considerations in favour of the proposal and the policies referred to within the development plan as a whole.

RECOMMENDATION

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