

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H07-0661-21	Applicant:	Mr K Mitchell
Proposal:	Erection of Garage - retrospective		
Location:	The Barn West Drove North Gedney Hill		
Terminal Date:	12th August 2021		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021
Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective householder application seeking permission for a detached garage to the front of the site. The garage measures 5.6 metres x 5.8 metres and stands at 3.7 metres in height (2.4 to the eaves). It is constructed using materials to match the existing dwelling on the site.

SITE DESCRIPTION

The property is a detached dwelling located on West Drove North in Gedney Hill. The site is outside any defined settlement boundary and within the open countryside. The site has a low wall along the front boundary and the remaining boundaries are enclosed by a fence. It benefits from a large gravelled driveway to the front providing off-street parking provision for several vehicles. The nearest residential property is situated some 150 metres to the south. Fishing lakes are located to the east on the opposite side of West Drove North.

RELEVANT PLANNING HISTORY

H07-1217-19 - Proposed barn conversion - Approved

H07-1177-18 - Full - Proposed barn conversion into residential - Approved

H07-0079-15 - PAA - Renovate existing brick built barn and outbuildings and change the use to a three-bed residential unit (resubmission of H07-0685-14) - Refused 23 March 2015. Dismissed on appeal 7 September 2015.

H07-0685-14 - PAA - Change of use of brick built barn and out-buildings into 3 bedroom residential unit - Refused

REPRESENTATIONS

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)

Should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

PLANNING CONSIDERATIONS

Principle of development

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

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy 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".

In this case the building would be used for a purpose incidental to the existing dwelling on the site. The proposal is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, 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 garage sits forward of the dwelling along the eastern boundary. The footprint if the garage is modest and its design, siting and use of materials is considered to be in keeping with the character of the existing dwelling. Furthermore given the large plot the proposed development is not considered to result in overdevelopment of the site.

As such the development on balance complies with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Given the remote location of the site in the open countryside, there are no immediate neighbours therefore the scheme is not considered to result in any unacceptable impact on neighbouring amenity.

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

Parking

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. The proposed scheme does not increase the number of bedrooms in the property therefore the parking requirement for the site remains the same. A maximum of 3no parking spaces are required for the site. The garage meets the size requirements for covered parking spaces and there is space in the remaining driveway for several vehicles. As such the scheme is considered to comply with the current parking standards.

Flood risk and drainage

South Holland Internal Drainage Board ha 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). In addition, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). An informative has been placed on the decision advising the applicant of this.

As such 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

In light of the considerations above, the proposal is considered to be in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.