

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0676-23 **Applicant:** Mr M Smith

Proposal: Extension of residential curtilage to include proposed extensions, detached car port/store, new vehicular access, relocation of domestic shed and growing tunnel and completion of tractor shed within land beyond (agricultural)

Location: Sycamore Farm 6 Station Road Gedney Hill

Terminal Date: 19th December 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023**

4 - Decision-making
9 - Promoting sustainable transport
12 - Achieving well-designed places

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
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

SITE DESCRIPTION

The existing residential site is within the defined settlement limits of Gedney Hill. The area in which the applicant seeks to expand their residential boundary into, is outside of defined settlement limits.

There are dwellings to the north, south and east of the site with long gardens and agricultural land to the west. There are three trees to the front of the site which are subject to tree preservation orders. The southern boundary is bordered by a 1.8 metre high fence with an existing hedge further west. The northern boundary is bordered by existing native hedging.

The site is in Environment Agency Zones 1, 2 and 3. The entirety of the site is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water drainage is to be addressed via a soakaway with foul water drainage connecting to the existing system on site.

PROPOSAL

This is a full planning application at Sycamore Farm, 6 Station Road, Gedney Hill for the extension of the residential curtilage to include proposed extensions, detached car port/store, new vehicular access, relocation of domestic shed, green house, and growing tunnel and completion of tractor shed within land beyond (agricultural).

An existing net growing tunnel on agricultural land will be relocated onto the proposed residential curtilage extension land. The dimensions of the net growing tunnel will not change, and measure 5.5 metres in depth and 27.5 metres in width.

A partly built tractor shed, located just outside of the new residential curtilage boundary seeks an additional lean-to, added to the south facing frontage, and access doors on the east facing elevation. The amended dimensions of the tractor shed are 10 metres long and 5.8 metres wide, with additional 1.7 metres in width from the lean-to roof on the south facing side elevation of the building. The ridge height is 4 metres, with an eaves height of 2.5 metres to the northern rear, and an eaves height of 1.8 metres to the southern frontage. The building will be constructed from concrete panel walls and light grey sheet cladding to the roof.

An existing shed to the south east of the tractor shed will be moved eastwards so it is sited entirely within the new domestic curtilage. The existing shed measures 3.4 metres in depth, 5.4 metres in width and is approximately 2.5 metres in height.

A new green house for domestic use will be located to the east of the relocated net growing tunnel, and will be constructed from 50% shade green netting on the exterior of the glass. The green house will measure 21.3 metres in width, 3.65 metres in depth, have a ridge height of 2.65 metres, and an eaves height of 1.8 metres.

An existing rear conservatory is to be removed and a single storey extension added to the rear of the dwelling. This rear extension will project a maximum of 6 metres from the original rear elevation wall. The extension will contain a family room, kitchen, boot room and a wc. The extension will be constructed from brick and tile to match that of the existing dwelling.

A single storey extension will be added to the northern side elevation of the dwelling. This extension will be sited forward of the existing utility room and will provide an extension to the utility room use. No fenestration will be located in this extension. The extension will be constructed from brick and tile to match that of the existing dwelling.

A shed to the south of the property is to be replaced by a proposed car port/store. This shed is to be placed on the footprint of a dilapidated mobile home which will be removed from the site. The proposed car port / store will measure 4.5 metres in width, 4.5 metres in depth, have a 2.2 metre

eaves height and a 3.8 metre ridge height. The car port is to be constructed from brown horizontal timber cladding, brown timber posts and have grey slate tiles to match those of the existing dwelling.

A new gravel driveway with turning head is proposed to the frontage of the proposed car port, along with a new vehicular access onto Station Road. The 5 metres of driveway nearest the highway will be tarmac for the first 5 metres to meet County Highways requirements. The driveway will be sited between the root protection areas of two trees subject to tree preservation orders. Conditions are required to ensure that the trees are protected and preserved during and post construction. The existing driveway adjacent to the northern boundary will also have tarmac installed on the 5 metres of driveway nearest to the highway.

Amendments have been submitted during the course of the application to address access and TPO matters. A site visit was conducted on the 10th August 2023, with a further site visit conducted on the 9th November 2023.

RELEVANT HISTORY

H07-1024-13

TPO Tree Works - Works to prune two sycamore trees on the frontage of Sycamore Farm, 6 Station Road, Gedney Hill. The trees are identified as T16 and T17 of Gedney Hill Tree Preservation Order No. 1 1984. The trees have been previously pollarded, there is much dead wood in T16 and large cavities in T17. There is need for some pruning to clear British Telecom cables. Re-pollard the trees, remove no more than two thirds of height above the old pollard cuts. (Leave one third of the existing height above the old pollard cuts) - Approved - 08 January 2014.

H07-0688-21 - At 3 Sycamore View to south of site

Full - Change of use of part of paddock from agricultural to residential garden and erection of an outbuilding - retrospective - Approved - 25 August 2021.

CONSULTATION RESPONSES

Lincolnshire County Council - County Highways & SUDS Officer

"The construction and use of the development being proposed in this application would not be expected to have an unacceptable impact upon highway safety and therefore, no objection is raised by this Authority on highway grounds. The proposed works do include the formation of a new vehicular access to the property which, under the provisions of Section 184 of the Highways Act 1980, must be constructed in accordance with the highway authority's current vehicle access crossing specification - details below."

"It is noted that the existing vehicle access to the property is surface with only unbound gravel, so it is requested that, as a condition of any consent that may be granted for this application, this access too should be brought-up to the highway authority's current vehicle access crossing specification."

"It is also noted that the footway on the west side of Station Road ends at the southern boundary of the application site. Given that the proposed new vehicle access will need to be a bituminous surface and the existing access (it is hoped) will also be constructed with a bituminous surface, it is suggested that it would make good sense for this bituminous construction to be extended across the entire frontage of the application site, so as to form a continuation of the footway lying to the south." They request a new access informative.

Lincolnshire County Council - Historic Places Team

"No archaeological input required."

South Holland District Council - Environmental Protection

Registered 23 August 2023 - *"I request the applicant complete a screening assessment form for this location. A screening assessment form can be found at: <https://www.sholland.gov.uk/article/11653/Planning-application-consultations>."*

Registered 07 September 2023 - *"After reviewing the submitted screening assessment form and amendment I request that a precautionary contaminated land condition be applied at this location."*

South Holland District Council - Trees & Nature Conservation Officer

They have requested conditions to ensure damage is minimised to the preserved tree roots during the construction of the new driveway. They also state that any proposed works to preserved trees will require an application to the Trees & Nature Conservation Officer.

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, four letters of representation have been received. These can be summarised as:

Features of the site incorrectly placed.
Potential impact on protected trees.
Site is prone to surface water flooding.
The garden extension on neighbouring land under reference H07-0688-21 is of no relevance to this application.
Application not in keeping with surrounding area.
The site generates a large amount of vermin.
Existing fridge on site makes noise.

The site does not have open boundaries.
There is existing development on the grass paddock.
The site was used as a salvage business with bonfires on site.
The site is subject to a boundary dispute.
An additional access is not needed.
Site is overdeveloped and not in keeping with surrounding properties.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability.
Presumption in Favour.
Layout, Design and Consideration of the Character and Appearance of the Area.
Impact on Residential Amenity/Land Users.
Parking/Highway Safety.
Flooding Considerations/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 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 above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting

and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

The existing residential site is within the defined settlement limits of Gedney Hill. The area which the applicant seeks to expand their residential boundary into is outside of defined settlement limits. The proposed works within the existing residential boundary are for residential development on residential land. The principle of development within the existing boundary is considered to be acceptable. The principle of residential curtilage extensions is considered to have already been established in the vicinity of the site. An application to the south of the site at 3 Sycamore View under reference H07-0688-21 was approved on the 25th August 2021 for the retrospective change of use from agricultural land to residential garden. The Sycamore Farm application seeks to extend the residential curtilage to continue the same boundary line at 3 Sycamore View for residential use.

The proposed site is not considered to encroach unacceptably upon open countryside, with further structures under the applicants control being sited to the rear. 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, albeit the proposal seeks to erect, alter and relocate structures within its land. 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.

As such, whilst the proposal is not considered to be in strict accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan, the proposal, for the reasons outlined above, are considered to be acceptable in this instance when viewed in principle; notwithstanding its policy conflict. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, parking provision and impact upon trees which are discussed in turn as follows.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-

designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within section 12 of the National Planning Policy Framework (2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

It is not considered that the proposed works would have a material impact on the character of the surrounding area. There are a large number of curtilage structures and buildings within and beyond the existing residential boundary to the rear of the site. The northern and southern rear boundaries of the site are bordered by 1.8 metre high fencing, as well as established trees and hedging. The majority of the existing buildings on site are largely shielded from public view when viewed from ground level.

The character of the front of the site is not considered to be materially impacted from the proposed works. There are a number of gravelled driveways in the vicinity of the site and the proposed car port to the southern side elevation is to be located on the footprint of the relocated shed. Whilst the ridge height of the car port is higher than that of the replaced shed, it is not sited forward of the frontage elevation and due to the adjacent fencing and hedging is considered to be visually discrete, when viewed from the highway, or 8 Station Road to the south. Representation from a member of the public has stated that the existing and proposed buildings on site are not in keeping with the character of the surrounding area. A number of the existing buildings meet permitted development guidelines and are well shielded from public view due to the rear boundary hedging and frontage fencing and gates. It is the consideration of the Local Planning Authority that the development would not be at odds with the surrounding context, to a degree that would warrant the refusal of planning permission in any event.

The tractor shed building will be constructed from concrete panel walls and light grey sheet cladding to the roof. The dwelling extensions will be constructed from brick and tile to match that of the existing dwelling. The car port is to be constructed from brown horizontal timber cladding, brown timber posts and have grey slate tiles to match those of the existing dwelling. All of the proposed materials are considered to be appropriate for the proposed uses and compliment the built materials of the existing dwelling and curtilage buildings on site.

Given the extent of development and resultant number of outbuildings on site when taking into account the existing, relocated and proposed structures, to ensure that additional residential curtilage buildings are not added to the site that may materially impact the character and amenity of the surrounding area, permitted development rights for the site are to be removed

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There is not considered to be a material impact on the amenity of adjacent land users. When right to light lines are drawn from the proposed dwelling extensions, car port, relocated shed, extended tractor shed and proposed green house, no adjacent land or dwellings are impacted by a material loss of light to an unacceptable extent.

The fenestration for the proposed rear and side residential extensions is solely sited at ground level. The southern boundary is bordered by a 1.8 metre high timber fence, and established hedging to the northern boundary. Due to the existing boundary treatment there is no overlooking impact from the proposed extensions. There is not considered to be an amenity impact from the proposed gravel driveway and the levels of the site have not been altered to facilitate the development.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposed car port allows for the covered parking of one car, there is space on the existing and proposed driveway for in excess of two additional cars, therefore the proposed parking provision accords with Policy 36 of the South East Lincolnshire Local Plan.

The proposed turning head on the new driveway allows for vehicles to exit the site in a forward gear. The County Highways & SUDS Officer has no objections to the submitted details and requests a standard access informative. The proposed new access is not considered to cause an unacceptable impact upon highway safety.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The site is in Environment Agency Zones 1, 2 and 3. The entirety of the site is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water drainage is to be addressed via a soakaway with foul water drainage connecting to the existing system on site. A soakaway condition is required to secure the proposed location and efficacy of the soakaway.

Impact on Tree Preservation Order/Protected Trees

There are three trees subject to Tree Preservation Orders across the frontage of the site. T16 adjacent to the northern boundary is a sycamore. T17 in the centre of the frontage garden is a sycamore, and T18 adjacent to the southern boundary is an oak. The proposal does not seek to remove any of the trees to facilitate this proposal; as such, should their removal be sought in the future, an application for the removal of TPO trees will be required and will be assessed on their pertinent merits in that particular case.

The Trees and Nature Conservation Officer has requested conditions to ensure damage is minimised to the roots of the preserved trees during the construction of the new driveway. They also state that any proposed works to preserved trees will require an application to the Trees & Nature Conservation Officer.

The Officer states:

"All trees/hedgerows to be retained should be protected to British Standard 5837: 2012 where they are likely to be affected by construction works. Please see 'General considerations with regard to development near significant trees'. Many are relevant, such as no services being laid in Root Protection Areas, no changing soil levels within Root Protection Areas, only when unavoidable due to 'No-dig' construction solutions."

The conditions sought have been recommended.

Other Matters Raised

Features of the site incorrectly placed - A site visit was conducted on 10th August 2023, with a further site visit conducted on 9th November 2023. The features on site accord with the submitted plans.

Application not in keeping with surrounding area - The buildings to the rear of the site are largely shielded from public view when viewed from ground level and the proposal is considered to be acceptable for the reasons outlined above.

The site generates a large amount of vermin - No evidence of vermin was witnessed during Officer site visits. Should any vermin be witnessed this is a matter than can be addressed by the Environmental Protection department.

Existing fridge on site makes noise - The fridge on site was turned off. No history of noise complaints from the fridge has been raised by the Environmental Protection team.

The site does not have open boundaries - A large number of properties in the vicinity also have closed boundaries. There is not considered to be a material impact on the character of the surrounding area through retention of the existing boundary treatment.

There is existing development on the grass paddock - These buildings have been on site for a number of years and have now become immune from enforcement action. They now constitute

lawful development. This matter can be formally addressed through a lawful development certificate where required.

The site was used as a salvage business with bonfires on site - No evidence of a salvage business or bonfires was present during either Officer site visit. These matters can be addressed through correspondence with Planning Enforcement, but do not specifically relate to the proposal hereby put forward.

The site is subject to a boundary dispute - Matters related to land ownership do not have a material impact on the planning decision and are a civil matter. There has been no evidence that aspects of the proposal fall outside of the applicants ownership.

An additional access is not needed - Need, in this instance, is not a material planning consideration. The merits of this aspect of the proposal have been considered.

Site is overdeveloped and not in keeping with surrounding properties - No more than 50% of the existing residential site is covered by development. Therefore, prior to the implementation of any permission hereby granted, permitted development criteria for the construction of new buildings under Class E, Part 1 of the General Permitted Development Order still applies for aspects of the development hereby proposed. Overall, the assessment of this matter has been addressed within the character section above.

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.

It is considered that the proposed curtilage buildings and domestic extensions can be accommodated on site without materially impacting the character or amenity of the surrounding area. This is due to the existing boundary treatment and the modest height of the proposed buildings. The proposed driveway allows vehicles to exit the site in a forward gear and a condition will be added to secure the protection of the three preserved trees at the frontage of the site, during and post the construction process.

There are a large number of curtilage buildings that are in existence and proposed on site. These buildings are located in the existing residential curtilage, the proposed extended residential curtilage, and on the agricultural use land beyond. To ensure that additional residential curtilage buildings are not added to the site that may materially impact the character and amenity of the surrounding area, permitted development rights for the site are to be removed.

Whilst the proposal does not strictly accord with Policy 1 of the South East Lincolnshire Local Plan, the proposal, on balance, is considered to be acceptable for the reasons outlined above. As such, the balance is in favour of the proposal.

CONCLUSION

This application is considered to accord with Policies 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2023 and is considered to be acceptable 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.

RECOMMENDATION

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