DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0706-23**	**Applicant:**	**Mr & Mrs J Richardson**
Proposal:	Change of use of paddock land to residential to allow erection of two bedroom annex		
Location:	Rear Of 19a Station Road Gedney Hill Spalding		
Terminal Date:	9th November 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	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
OTHER STATUTORY BODIES	0	0	1	0

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning proposal to the rear of 19a Station Road, Gedney Hill for change of use of paddock land to residential to allow erection of two bedroom annexe. The proposal seeks to provided a single storey annexe which contains two bedrooms, a utility room, bathroom, kitchen, living room and dining room. Two false chimney stacks will be sited on the side elevations of the annexe. The building will be constructed from rendered blockwork with blue slate. The exact materials of construction could be addressed by condition.

The annexe is to provide self-contained living accommodation to meet the personal circumstances of their daughter. Following a request by the local planning authority the annexe has been brought closer to the residential boundary and reduced in scale.

SITE DESCRIPTION

The proposal site is located 10 metres outside the residential boundary and approximately 25 metres outside the defined settlement limits of Gedney Hill. The land to the north, east and south is predominately arable land with a line of residential development either side of Station Road to the west of the site. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

Verbal pre-application advice was given on a site visit that indicated that an application may be supported on this site. This was provided that the dwelling was appropriately designed, subservient in scale to the main dwelling and not significantly far from the main dwelling.

CONSULTATION RESPONSES

Lincolnshire County Council - Historic Places Team

"No archaeological input required."

Lincolnshire County Council - Highways & SUDS

Registered 06 September 2023 - No objection - *"This proposal is for the change of use of paddock land to residential to allow erection of two bedroom annex and it does not have an impact on the Public Highway or Surface Water Flood Risk."*

"Vehicles will utilise the existing access from Station Road which serves the current use and has sufficient visibility, adequate provision for car parking and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety."

"As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

Registered 18 October 2023 - *"Lincolnshire County Council as a Highway and Lead Local Flood Authority have no objection to Amendment 2."*

South Holland District Council - Environmental Protection

No comments.

South Holland Internal Drainage Board

Registered 04 September 2023 - Provides guidance regarding works. They request further surface water and foul water drainage details. Drainage matters can be addressed by condition.

Registered 20 October 2023 - *"The Board has no additional comments based on the amendments received."*

Gedney Parish Council

Registered 22 August 2023 - *"Councillor's OBJECT to this proposal. The proposal would result in an inappropriate form of backland development. The development as drawn is a two-bedroom bungalow (easily converted to a three bedroom property) with its own private driveway, whereas an annex would be situated closer to the main property and share its access. An annex should remain within the curtilage of the main dwelling at all times and not be permitted to become an independent dwelling."*

Registered 01 November 2023 - *"Councillors still believe this application is unacceptable, the development proposed would result in a self-contained dwelling , not an annexe."*

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, three letters of representation have been received. These can be summarised as:

Noise from annexe.
Noise from vehicular movements.
Light
Overlooking.

Ground is too unstable for further building.
The applicants don't live at the house regularly.
Overlooking from existing house windows.
Annexe will be sold as an independent living unit.
Loss of view
Loss of property value.
No need for annexe building.
Fire hazard. Inability for fire engines to get down vehicular access.

KEY PLANNING CONSIDERATIONS

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

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 - Countryside

The SELLP 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; 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 SELLP 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 sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

Policy 1 (Spatial Strategy) of the SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within 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.

Given the location of the site, this proposal is assessed against SELLP Policy 1 titled - Spatial Strategy, with the relevant section in this policy being titled Countryside. As outlined above, 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.

When assessed against the relevant criteria the following can be observed:

Economically the site will generate short term construction employment. There are benefits to the future occupant of the annexe, but there are not considered to be wider community benefits. By placing the annexe on paddock land outside of defined settlement limits there is not considered to be a wider environmental benefit from the proposal. It is noted that there are existing curtilage buildings within the defined settlement limits and residential curtilage that prevent the siting of an annexe. These curtilage buildings could be removed, however, the needs of the future occupant require an annexe that is further away from other dwellings.

It is not considered that the submitted application has demonstrated material economic, community or environmental benefits. Therefore, it is considered that the principle of development has not been demonstrated in this location.

Flood Risk / Site Levels

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 submitted Flood Risk Assessment shows proposed finished floor levels of 300mm. This would adequately address any potential flood risk. As the dwelling is single storey and the neighbouring dwelling is bordered by a 1.8 metre high timber fence, there is not considered to be a material overlooking or overshadowing impact from the proposed annexe. Surface water would be addressed by a soakaway with foul water addressed by a package treatment plant. Further details of drainage could be addressed by a pre-commencement drainage strategy condition.

Character / Appearance

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 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 proposed design has been brought forward to meet the needs of the applicant's daughter by providing a floor plan with distinct rooms and a general uniformity of design. The chimneys on the side elevations would not function and are placed at the request of the daughter. The building will be constructed from rendered blockwork with blue slate. The exact materials of construction could be addressed by condition. There are no other examples of buildings of a similar design in the vicinity of the site. Whilst the building design has been amended, given that the building is for a single occupant it is considered that the scale, whilst subservient to the main dwelling, remains of a size which is to large for the annexe use for which it is intended. Therefore, whilst the building is largely not visible from the highway the proposed design is such that the scale, siting and materials of construction are out of keeping with the general layout of buildings in the vicinity of the site.

There is considered to be a material impact on character and appearance from this proposal which does not accord with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

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.

The proposed finished floor level of 300mm is such that there is not considered to be a material overlooking impact to the neighbouring property at 21 Station Road. This is because the annexe is single storey and the adjacent property is bordered by a 1.8 metre high close boarded timber fence. Additionally, because the annexe is approximately 55 metres to the east from the main dwelling and 21 Station Road, there is not considered to be a material overshadowing impact.

As detailed above, the scale and design of the proposal is considered to be such that there would be not be a 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.

Whilst there is not a requirement for annexe buildings to have additional parking spaces on site, there is adequate provision on site to accommodate at least four off road parking spaces which would satisfactorily addresses off road parking provision. The County Highways & SUDS Officer has no objections to the submitted details.

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.

Other matters raised

Ground is too unstable for further building - This is a matter that would be addressed at the Building Control stage of development.

The applicants don't live at the house regularly - Provided that the occupant of the annexe regularly uses the main dwelling for meals and / or socialising then this is not a material planning concern. This is because the annexe would not be operating as an independent living unit.

Overlooking from existing house windows - Potential overlooking from existing windows at 19a Station Road does not carry material planning weight. This application is for an annexe to the rear of the dwelling, and no amendments are to be made to the fenestration at 19a Station Road.

Annexe will be sold as an independent living unit - The Local Planning Authority has to assess an application on the basis of the information submitted. If an annexe is approved a condition is placed on the application that it must not be sold, leased or rented as an independent living unit.

Loss of view - You don't not have a right to a view of land outside of your ownership. This matter does not carry material planning weight.

Loss of property value - This matter does not carry material planning weight.

No need for annexe building - It is not the function of the Local Planning Authority to assess need. This matter does not carry material planning weight.

Fire hazard. Inability for fire engines to get down vehicular access - The County Highways Officer has no objections to the submitted details. Fire Engines can operate from Station Road and utilise their equipment down the access.

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 proposal site is located outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the South East Lincolnshire Local Plan, 2019 states that development in the countryside will only 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. It is not considered that the application has demonstrated that development is essential in this location.

The annexe is sited a significant distance from the host dwelling. The location of the site does not therefore have attributes that make it sustainable for annexe purposes. The proposed development would set a harmful precedent by positioning a residential use curtilage building in a countryside location outside the main built-up area of the settlement. This would have an adverse impact on the character of the area and would set a harmful precedent for further development outside the settlement boundary in what is a predominately linear settlement.

The proposal is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 which amongst other things require proposals to have regard to the character and appearance of an area. They stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The proposal would also conflict with the National Planning Policy Framework, 2021 which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

CONCLUSION

For the reasons given above the proposal is not considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, as well as Section 12 of the National Planning Policy Framework.

RECOMMENDATION

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

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.