DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0965-21**	**Applicant:**	**Mr M Ryan**
Proposal:	Proposed agricultural building		
Location:	Mole Drove Gedney Hill Spalding		
Terminal Date:	9th November 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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 3. Plan Making;
Section 4. Decision making.
Section 6. Building a strong competitive economy.
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of an agricultural building.

Site Description

The site is located on the eastern side of Mole Drove to the rear of a replacement dwelling presently under construction (ref. H07-0347-20).

Heading House is located to the north and is set well back from Mole Drove. Cherry Tree Lodge is situated further to the south and Willow Manor, the applicant's present dwelling, opposite.

Relevant Planning History

H07-0496-15 - Full - Replacement dwelling - Granted 25 August 2015.

H07- 0948-15 - Full - Replacement Dwelling (Re-application of H07-0496-15) - Granted 7 December 2015.

H07-0347-20 - S73A - Replacement Dwelling - approved under H07-0948-15. Modification of Condition 11 to allow cream woodgrain upvc windows/doors in lieu of timber - Granted 23 June 2020.

Consultation Responses

Gedney Hill Parish Council

No response.

South Holland Internal Drainage Board

We note that the applicant has not identified or provided a drainage strategy for the site within their application. If a 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).

Public

No response.

Planning Considerations

Principle

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.

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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, March 2021 promotes sustainable economic growth. Paragraph 83 specifically indicates that planning policies and decisions should support 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 applicant is a hay farmer and owns land around the village. The building is required for storage of his agricultural implements in relation to the hay farming business. The proposal constitutes agricultural development in the countryside and satisfactorily complies with Policy 1 of the SELLP.

Character/Appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

The building would have dimensions of 12m x 18m with a height of some 6.2m. It would be constructed in Olive Green profiled metal sheeting with Goosewing Grey profiled metal sheeting on the roof. It is relatively small and typical of modern agricultural buildings found within the district. It would have a satisfactory appearance and would not harm the rural landscape.

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

Amenity

Policies 2 and 3 of the 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.

Heading House is located to the north and is set well back from Mole Drove. Cherry Tree Lodge is situated further to the south and Willow Manor, the applicant's present dwelling, opposite.

As previously indicated, the proposal is small scale and would be used for the storage of implements, hay, etc. The nature and scale of the development and its general relationship to neighbouring residential property is such that the amenity of nearby residents would not be materially harmed in terms lack of privacy, overlooking, overshadowing, blockage of light, noise and disturbance, etc.

The development satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

Access to the site would be off Mole Drove via existing entrances serving the dwelling. There are not considered to be any highway safety issues given the nature and scale of the proposed development.

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

Flood Risk/drainage

The site is within Flood Zone 3 on the Environment Agency Maps. The sequential test should therefore be applied.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as no hazard. The proposal therefore satisfies the sequential test. There are therefore no flood risk issues in this case. The development therefore satisfactorily accords with local and national policy in terms of flood risk.

Planning Balance

No objections are raised in principle to agricultural development in this location. The nature, scale, appearance of the development and its relationship to neighbouring property is such that it would not materially harm the character/appearance of the countryside or amenity of nearby residents in terms lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, etc. There are no highway safety concerns or flood risk issues in this case.

The proposal generally accords with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no issues in this case that outweigh factors in favour and the policies referred to above.

Conclusion

The planning balance is in favour of the proposal.

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

That the application be approved under delegated powers.