

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0969-22 **Applicant:** Mrs R Zdroba
Proposal: Erection of Agricultural Building
Location: Lions Green Station Road Gedney Hill
Terminal Date: 13th December 2022

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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning application for the 'Erection of Agricultural Building' at Lions Green, Station Road, Gedney Hill.

The application is accompanied by a Site Location Plan, Existing Block Plan, and Proposed Elevations, Floor Plan and Site Plan. No information has been formally provided in writing as to the nature of activity that might occur within the proposed 'agricultural building'.

Site Description

The application site lies on the western side of Station Road, to the south of the village of Gedney Hill. It was formerly a stables and paddock land, however the site is now occupied by a number of storage containers towards the front and centre and private grazing and growing use towards the rear. There is paddock land and two residential properties to the north, which are screened by establishes trees and vegetation. There is agricultural land to the east and south. The western boundary is open. The eastern and southern boundaries are partly screened. The overriding character of the area is rural.

History

H07-1243-22 - Full - Change of use of land for container storage and private grazing, new hard standing area, and the erection of greenhouse, polytunnel and log house - retrospective (undecided)

H07-0106-09 - Full - Use of 2 mobile homes as temporary dwelling, office and wc, construction of 4 stables, tack room and wash room (retrospective) (refused April 2009 and allowed on appeal in October 2009)

H07-1412-07 - Full - Proposed 2 mobile homes for use as dwelling, construct 6 stables, office wash room and WC (part retrospective) (refused January 2008 and appeal not entertained by Planning Inspectorate)

H07-1539-03 - S73A - Continuation of use of caravan without complying with Condition 6 of H07/0375/00 (3 year time limit) (approved February 2004)

H07-0375-00 - Full - Erect barn and addl stables, plus siting of caravan for use as rest/utility room (part retrospective) (approved July 2000)

Consultation Responses

SHDC Environmental Protection - No objection.

LCC Highways / SUDS - The principle of an agricultural building being erected on this site is acceptable in highway terms. However, the Applicants have undertaken unauthorised works within the public highway at the frontage of the Application Site, to alter what was a simple farm access and to form a hardstanding area that appears to be being used for roadside parking. Vehicles parked on this former verge area restrict the visibility to the right of any driver leaving the site. It is therefore requested that as a Condition of any Consent that might be granted for this Application, the vehicle access crossing is made up to the current highway authority standard, that the unbound

material that has unlawfully been placed on the highway verge is removed and that the grass verge is reinstated.

Public (1 no. objection received, summarised) -

- So called barn is surrounded by green netting so it cannot be seen and is being built in block not metal
- Clearly it will be a house not barn
- The front of this site is clearly an industrial building site storing all aspects of building material not agricultural items
- The barn is in fact bigger than the so called agricultural part which only consists of a vegetable garden polytunnel and green house
- The size is relevant to a household size not a commercial size and 4 goats and a few chickens are not commercial.
- Building work has already started
- Not in keeping with the surrounding agricultural land

Planning Considerations

The application is accompanied by a Site Location Plan, Existing Block Plan, and Proposed Elevations, Floor Plan and Site Plans. Whilst the proposed building is referred to as an 'agricultural building' on the application form, it is considered that insufficient information has been submitted in support of this detailed planning application as to the nature of activity that might take place within the proposed 'agricultural building' and, consequently, it is not possible to fully assess the application on its merits. A supporting statement from the applicant has been requested and a considerable period of time has elapsed with no information having been provided within the specified time frame.

Conclusion

As above, therefore the recommendation is to refuse the application under delegated powers.

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.