Application No:	**H07-1243-21**	**Applicant:**	**Mrs R Zdroba**
Proposal:	Change of use of land for private grazing, erection of greenhouse, two polytunnels, 30 beehives, livestock shed, demolition of existing stables, retention of one existing container and hardstanding - part retrospective		
Location:	Lions Green Station Road Gedney Hill		
Terminal Date:	21st July 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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	1	0	0	0
SHDC INTERNAL	0	0	1	1

RESIDENTS	6	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The current proposal relates to:
Change of use of land for private grazing, erection of greenhouse, two polytunnels, 30 beehives, livestock shed, demolition of existing stables, retention of one existing container and hardstanding - part retrospective.

Amended plans now show the existing container at the front of the site retained, two existing stables at the front labelled as to be demolished, 30 beehives with 2 storage containers being labelled as to be removed from the site. An extensive area of hardstanding is to remain. No landscaping proposals are shown around the hardstanding area.

Towards the rear of the site is proposed a 16m x 5.5m poly tunnel, with a vegetable garden at the rear. A well below ground is proposed. The previous log house is now labelled as a 6.3m x 5.6m livestock shed. A 16m x 5.5m polytunnel is proposed to the rear of the vegetable garden. A 7.4m x 3.7m greenhouse is proposed to be retained adjacent to the polytunnel.

The proposal is part retrospective.

The proposal has changed from the previously submitted proposal, which included storage containers, a log house (which is on site, now labelled a livestock shed), a vegetable garden, and a polytunnel. Some of the storage containers have been removed since the last site visit, and an extensive area of hardstanding remains. Evidence of the use associated as what has been described as 'amenity land' remains.

This was a further change from the original submission which related to commercial storage, retention of storage containers, farm agricultural warehouse. Within the original description, information was submitted which stated that several people access the land, with part of the land being used by rescue dogs, the front part has a hardstanding area, with a derelict stable and a storage container. The correspondence stated that the area will be used as storage and will be leased by the applicant's construction company, which was connected with energy saving measures and external wall insulation. It was stated that the applicant's children would use the area behind the container as amenity land, having a green house, a poly tunnel, chicken coop and small animals. The proposal also related to a shelter for a tractor and forklift. An application to supply the site for gas was made.

Site Description

The site comprises an open agricultural field in an unsustainable location, outside of the nearest village of Gedney Hill. Station Road is a long straight flat road and the landscaping is flat agricultural fields separated by field drains. At the time of the latest site visit, the area at the front of the site contained delapidated buildings/containers, commercial vehicles and temporary buildings of poor design quality, with areas screened off with galvanised industrial style fencing, with open storage of hardcore and other builder's materials over an extensive hardstanding area. Vegetation at the front was non existent. The site at the front resembled a B8 storage and distribution yard. Storage was both open, piled up against the containers, and within the containers themselves. Some areas contained large log piles, portaloos, screened off building materials, breeze blocks, extensive areas of roof tiles, earth moving equipment, metal, bricks, trailers, wood, traffic cones, and domestic fixtures and fittings such as bathtubs, radiators etc.

Towards the rear of the site there was a building which is now being referred to as a livestock store, however, at the time of the site visit it was referred to in the application as a log house, with domestic storage inside, such as a pushchair with the applicant stating at the time of the site visit

that a hot tub and trampoline would be added to the area described as 'amenity land' for the use of the applicant's children. This area contained patio tables and chairs adjacent to what appears as a residential garden, containing a residential greenhouse, a polytunnel, but also with commercial galvanised temporary fencing. Bags of seed potatoes, bags of soil, further domestic outdoor chairs were present. A tractor was present. Various tree pits were being dug to be planted by trees. Other parts of the vegetable plots were being prepared for plants to be grown there.

Recent communications indicate that the site is in a state of flux with regards to what particular items of storage remain on site at any one time, this includes various containers, storage and HGVs associated with the use, with some evidence that some of the materials on site are being removed. Various site visits have been made by more than one officer, recording the changes over time.

Various storage containers are and have been present containing personal possessions and building materials.

History

H07-0969-22 - Full - Erection of Agricultural Building (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 - Erection of barn and additional stables, plus siting of caravan for use as rest/utility room (part retrospective) (approved July 2000)

Consultation Responses

Gedney Hill Parish Council

Dated 02/02/22:

Objects. In respect to the proposed use of the Lionsbridge Stables for a Farm Agricultural Warehouse and Existing Storage Containers, the Gedney Hill Parish Council Has strong reservations regarding this application. This is a retrospective application and the new owner has already installed much of his building equipment, supplies and vehicles in the area including storage containers and racks of chemical based products. The council has grave concerns that this area will not be used for any agricultural purpose, as stated on the proposal but will be a continuation of his Building Cladding Business. The following points have been raised by the Gedney Hill Parish Council in respect of this application with additional relative points:
- The proposal states that there will be a Farm Agricultural Warehouse, yet section 9 relating to the proposed materials has not been completed.
- Section 6 identifying whether a new or altered access to the public highway is required has been answered as "NO". The applicant has already altered this.
- Section 7 relating to the storage / collection of waste is negative. Large volumes of chemical drums are stored on the site and it has been noted that some waste drums have been incinerated on a bonfire which, incidentally, was situated within a few yards of a high pressure underground gas main. Collection and disposal of this waste must be controlled according to the Environmental Protection Act of 1990.
- Section 14 relating to the existing use of the land should be agricultural as the container storage identified only relates to the unauthorised use by the applicant.
- Section 16 regarding the need to dispose of trade waste - where will the applicant dispose of his trade waste then?
- Section 22 - As above, where will the trade waste be stored or managed? Most cladding compounds, of which there are many drums stored here, are "Hazardous" according to the Manufacturers Safety Data Sheets. What, therefore, is the maximum annual operational throughput and what effect will this have on our village?

- Section 23 should identify all hazardous waste in the "other" section and, again, what effect will this have on our village?
The proposal does not require any domestic dwelling on site however the work force appears to be increased to 10 persons and the council are concerned that the two Chalet/Porta cabin structures having appeared on site will be used for the accommodation of employees.
In conclusion, therefore, the Gedney Hill Parish Council is concerned that this proposal will be detrimental to the village for the following reasons: -
- Application is retrospective and works already have commenced which shows disregard for planning policy.
- This is not in keeping with the surrounding area which is arable and stables and should retain the agricultural element of the site. The site has been cleared of vegetation, trees etc. and the entrance access to highways has already been altered.
- It doesn't comply with current planning policy.
- This is in essence a builder and storage yard.
- The land should be returned to its natural state.
- The application and photos don't relate to the current state of site.
- Furthermore this site is being used outside what should be appropriate hours and as such this impacts the wildlife in that area.

Dated 31/10/22:

This is agriculture land. The user has completed all the work without permission. This should be retained as agriculture given there is no link to the business and agriculture it should be returned precious condition. The lodge shouldn't be approved as this at two stories could then be turned to property. The visual amenity of this site is not in keeping with the local environment and is an eyesore. There is not obscured and given that farm land is surrounding it this is in reality an industrial site. It contravenes the local policy and affects the amenity of local people both visually, noise and damaging the environment.

South Holland Drainage Board

The IDB notes that the proposal requires works requiring prior consent from the Board in accordance with the Board's planning and Byelaw Strategy. These consents have not been sought. In addition, the applicant has failed to provide a drainage strategy to support their application. The Board objects to the planning application.

The Board would consider proposals in detail on receipt of an application for Land Drainage Consent, as per Section 23, Land Drainage Act, 1991.

Byelaw 3

The proposals may also require consent under Byelaw 3.

The applicant has failed to identify a drainage strategy for the site within their application. As mentioned in previous correspondence (dated: 20/02/2022, 05/10/2022 and 04/01/2023), the Board has serious concerns regarding the lack of a suitable drainage strategy. The Board expects to see evidence of a drainage strategy in line with National Planning Policy (specifically paragraph 167) in support of the application, especially given that the site lies within Flood Zone 3. Until a detailed drainage strategy is provided, the Board objects to this proposal.

If the applicant intends to dispose of surface water via infiltration, the IDB recommends that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the IDB expects the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Please note that the IDB recommends that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

Whilst not currently required for this application, if treated foul water is proposed to discharge to a watercourse at any time in the future, prior written consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

The IDB notes that the applicant has altered the existing culvert at the site entrance. As it stands, the IDB is unaware of any correspondence between the Board and the applicant to seek the Board's permission to alter the watercourse at the site entrance (as per Section 23 of the Land Drainage Act 1991). The applicant is strongly recommended to contact the IDB as as a matter of urgency to obtain the necessary permission. Failure to do so may result in the Board commencing enforcement procedures.

Byelaw 10
There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Earlier Correspondence from the IDB
Dated 4th January 2023:

In regards to the culvert, we note that Lincolnshire County Council's consultation response dated 8th February 2022 set out recommendations for the site access, specifically:
"The current access arrangements are not acceptable. Additionally, the hard standing area to the side of the
access that the applicant has created, needs removing and reinstating back to a grass verge."

Furthermore, the same response confirms the statutory requirement for the applicant to seek the IDB's permission to alter the watercourse at the site entrance. The photographs/screenshots you have provided below suggest that alterations to the watercourse have already been made. To date, we have not received an application to alter a watercourse as per the Land Drainage Act 1991. The applicant is strongly recommended to contact us as a matter of urgency to obtain the necessary permission.

In addition to the above, we are worried that our other concerns regarding this application, raised on 20/02/2022
and 05/10/2022, have not been addressed. We are also aware that the same applicant has a planning application for a two-storey dwelling under reference H07-0815-20 which has been built without an adequate drainage strategy. Therefore, we would like to ensure that the same thing does not happen at this site.

The applicant has indicated on their original application form that they intend to dispose of surface water via
infiltration and rainwater harvesting. However, the Amended Application Form - Amendment 1 (10/08/22) states
that surface water will be disposed of via an existing watercourse. As construction started on 01/08/2021, we are
not sure of the drainage strategy for this site or if any infiltration devices have already been installed. We want to
ensure that the surface water discharge from the site has no negative impact regarding potential flood risk to
nearby land and/or properties. Therefore, in normal circumstances, we would recommend that the proposed
strategy is supported by infiltration testing in line with BRE Digest 365 (or equivalent) to see whether soakaways can work efficiently.

We would like confirmation of how the site is currently draining and if infiltration testing has been carried out. If
testing has already been undertaken, please can you advise us of the outcome. If the applicant is discharging surface water to a watercourse, the development will require Land Drainage Consent in line with the Board's Byelaws (specifically Byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy
(https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).

LCC Highways/SUDS

This proposal is for the change of use of land for container storage and hard standing area -

retrospective and adequate provision has been made within the site to allow vehicles to enter and leave in a forward gear including sufficient parking. Therefore, it is considered that the proposal would not have an unacceptable impact upon highway safety. That said, the current access arrangements are not acceptable and therefore needs to be made up to the County Councils Specification within the extent of the Public Highway appropriate for it's proposed use. Additionally, the hard standing area to the side of the access that the applicant has created, needs removing and reinstating back to a grass verge within the extents of the Public Highway. Any proposals to install gates to the sites frontage needs to be set back as a minimum of 5.0 metres from the nearside kerb edge to ensure calling vehicles can manoeuvre off the highway without causing an obstruction to other highway users when opening the gates in the interests of highway safety. It should also be noted that any alterations or modification of the existing water course, will require the consent of the Internal Drainage Board.

SHDC Environmental Protection (noise and odour)

No objection but would wish to attach the following condition: No burning of waste to take place on site.

Public (12 objections, summarised)

-could be used for residential
-poly tunnel and vegetable garden does not constitute agricultural
-amenity land is normally attached to a residence
-storage in containers to store personal possessions, a tractor, mini digger, manitou forklift and other machinery. Several trailers and commercial vans are stored there. Is this a new base for Green Contractors ltd.
-applicant's house been under construction for 4 years, storage suggests storage area rather than agricultural use, still appears to be a builder's yard.
-Log house shown on original plan now a livestock shed, yet applicant states there is already livestock accommodation. Children's play area in the reply to objections not shown on plans.
-concerns insufficient space around beehives.
-concerns about what is stored in existing container.
-building materials that have been removed more recently will quickly return if permission is granted.
-not appropriate to surrounding landscape, which is arable and open pasture
-Visually and aesthetically land surrounding is open and agricultural
-siting of buildings not appropriate, creating unhelpful precedent,
-site used as builder's yard, vehicles parked, hard standing installed.
-practice of making repeated altered retrospective planning applications is detrimental to planning system, encourages others to flout rules, sets a precedent, uses Council resources.
-hard standing and log cabin no longer needed with beehives, will motobike parking be acceptable
-applicant manipulating planning
-will containers being used for building materials be removed, will they be moved. Will this be monitored.
-why is such a large hardstanding area needed, should be removed and put back to original
-no vehicles should be stored on site
-area at front should be turned to grass
-no large vehicles should be used to deliver building materials, and there should be no storage
-Polytunnel has no cover. Ground floods in winter. Flooding concerns.
-Pet dog kept on site 24 hours a day.
-nothing on site has changed - it is still a builder's yard with vans using it and now a dog kept on site.
-resident reports that applicant keeps putting in applications until you get what you want. Land is carbuncle and looks worse. He is determined to use it for his business.
-parking area installed next to verge, access widened by 2 metres, lighting proposed which would have an effect upon wildlife
-hard core, levelled with road planings has been added, will hardcore been removed and land returned when "temporary" period ends
-is there a drainage system installed for hardcore/parking area, not shown on plans
-application form suggests parking required for 2 light goods vehicles - suggests business use.
-telephone line installed on 4/8/21, suggests business use.
-area at rear has green house, polytunnel, log house, shelter for livestock and children's play area, and vegetable garden, suggesting domestic/residential use rather than agricultural.
-container office - why needed if no commercial business activity on site.
-land is visual eyesore, blot on village, containers, racks of materials, covered in torn tarpaulins,

vans parked and a green painted building. No amount of tree planting can improve this, it doesn't do anything for the first impression of the village.
-development has changed character of village, was once an open site, now a fully developed builders and storage yard, significant buildings already installed, significant storage.
-site has turned from agricultural field to an industrial park, many containers and buildings as wella s a twin unit mobile home. Rackings full of building materials, site is active early in the morning until late at night, often after dark. Cars arrive after dark. Vast amounts of machinery moving around most days, from forklifts to tractors and generators running. They are increasing the buildings as a cement mixer also runs regularly.
-Blatant disregard for the planning system.
-They have introduced animals and growing vegetables to try and cover the agricultural part of the application.
-fencing detracts from area
-such development on village outskirts may encourage infill by others on agricultural arable land to implement industrial business use, between proposed site and village entrance.
-surface water is an issue in Gedney Hill, the installation of hardstanding, tarmac and concrete does not encourage groundwater and rain infiltration on the land. This is already causing run off to surrounding properties, fields are often water logged.
-site storing hazardous materials
-visual impact, not sympathetic to area
-environmentally detrimental. Loss of wildlife. Not in keeping
-contrary to SELLP, section 7, negative impacts on visual amenity
-application states there will be 13 full time employees on site but only parking for 2 cars, 2 vans,1 motorcycle and 1 disabled space. Defined parking is insufficient. Dangerous for traffic and pedestrians. Will be deliveries to the site, increasing traffic and pollution. Concerns will be open to the public.
-Drainage concerns
-site is now full of double glazed windows, scaffolding and many other building materials.
-there is a petrol generator funning most days for their office which is set on a block paved area, clearly a permanent fixture. Heavy lorries visit the site frequently, sometimes as early as 5 in the morning. Building machinery cause noise.
-Trees have been cut down

Planning Considerations

The previous planning use for the site on the basis of previous permissions and their implementation was equestrian, but the stables referred to in the current application are described as derelict, so it is evident that this use has ceased, potentially some time ago.

Stable buildings/shelters have been on site since the early 2000s. A storage container was brought onto site without planning permission sometime after, but before September 2018 (as evidenced by Google Satellite imagery), and before the applicant purchased the site. The application form states that the container has been sited there since 2015, however, no certificate of lawfulness has been received to substantiate this claim legally. This is the container remains that sits approximately 15m back into the site. At the time of writing this report the said container is therefore not lawful or immune from enforcement action by virtue of the 10 year rule. This container is shown on the latest plans.

The uses on site at the time of the most recent site visit included:
- Private grazing (chicken and goats)
- Greenhouse, polytunnel, log house and vegetable garden for personal use. Tractor.
- Use as amenity land.
- Storage containers containing personal possessions whilst the applicants home was being built in the village as well as building materials associated with that project.
- External storage of building materials associated with the applicants self-build dwelling project and materials for a development site elsewhere in Throckenholt.

Principle

In accordance with Paragraph 47 of the National Planning Policy Framework (2021) (NPPF), 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.

The site is located outside of any settlement boundary as defined within the South East Lincolnshire

Local Plan (2019) (SELLP). It is therefore in the countryside in planning policy terms. In terms of the settlement hierarchy the countryside represents the least sustainable form of development at the bottom of the sustainable development hierarchy. The reason for settlement boundaries is to ensure sustainable development occurs in areas best suited to providing a range of public transport options close to the transport network. Countryside locations are the least sustainable locations for development, especially for those uses which generate a significant number of trips, or for uses which should not be located within the countryside.

Policy 1 of the Local Plan 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.

Part of the proposals relate to elements where the use resembles activities that can be reasonably considered to be required to be located in the countryside, however, other parts of the proposals do not.

Aspects of the application considered necessary to the location within the countryside

Part of the amended proposals relate to the installation of 30 beehives. This is not considered to be contrary to Policy 1 of the SELLP because bee hives can be viewed as reasonably necessary to a countryside location. This part of the use is akin to the keeping of creatures as in an agricultural use. There will be economic advantages producing honey, community benefits for local honey production and environmental benefits associated with bee production. This aligns with Policy 1.

The keeping of chickens and animal grazing is also appropriate for a rural countryside location for similar reasons to beehives.

Growing plants/trees within the two part retrospective polytunnels is again not considered to significantly contrary to policy 1 to justify refusal, although these are for horticultural uses rather than agricultural uses. Their scale is modest in relation to the size of the plot, but larger than a domestic scale. There will be no impact on neighbouring properties. It is also not considered to be contrary to Policy 1.

If the current building on site labelled as a livestock shed is used as such, this would also not be contrary to Policy 1 as again it can be reasonably interpreted as being necessary within the countryside to keep the animals housed on site.

Amenity Land

Despite amended plans being submitted, the supporting information and application forms describe part of the site as operating as 'amenity land'. This is land used by the family for recreational purposes, akin to the use of a residential garden. Activities both present at the time of the site visit include a dining area with chairs arranged around the central table, garden furniture and chairs. Whilst not present at the time of the site visit, the applicant spoke of adding a hot tub and a trampoline. The garden is laid out as a domestic garden, close to the building that was a log house and is now labelled as a livestock shed. The greenhouse is domestic in appearance and would normally be located in a residential garden. a mixture of gardening equipment are present, some of a domestic scale, and some of a scale more akin to an agricultural plot, such as a tractor.

It is considered that the use of the area as 'amenity land' including the green house, tables and chairs etc, is more closely akin to a residential style use, i.e. a residential garden, rather than an agricultural field. This is not an essential use within a countryside location. They replicate a residential garden in a location where a residential use (or part of that use) is not appropriate in locational terms and would be unsustainable, and car dependent. to be clear, it is recognised that there is no residential dwelling associated with this aspect of the use - however, the activities described in the supporting application remain part of the proposal and these aspects are considered contrary to Policy 1.

Shipping Containers, Fenced off storage, Open Storage and Container Storage

At the time of the site visit there were extensive areas of storage, including within various containers, and open storage of building materials and personal possessions. The applicant asserts that these are temporary pending the completion of the applicant's own home and another development site for one dwelling in Throckenholt. However, these have now been present on site

for over 2 years.. One of the containers remains on the amended plans. The storage was facilitated partly by an extensive area of hardstanding at the front of the site which is shown on the amended plans. These elements are not compatible with the lawful use of the site, or the use as agricultural land and do not resemble or reflect the countryside location in terms of its use, nor visually. They have also been present on site for some time, given that the application was submitted in 2021. In terms of the interpretation of Policy 1 of the SELLP, this aspect of the proposal is neither necessary for such a countryside location, now would have economic, social or environmental benefits and as such is completely unacceptable in this remote, countryside location.

The impacts of the storage are that nearby residents report, as evidence by objections, report numerous vehicular activity by cars, vans, lorries and HGVs visit the site to load and unload the material. This activity increases the comings and goings to and from the site and is out of character with both the lawful use and that of a countryside location.

It is recognised that the application site is located approximately 1.5km from the applicant's dwelling with little alternative storage accommodation close by. Whilst the closest established self-storage facility would appear to be 10km away near Sutton St James, this does not justify storage on an agricultural plot in a rural, isolated location. At the time of the site visit in 2023 the site still resembles a general builder's storage yard (B8) at the front of the site. Regardless of whether or not the storage is for personal use, or connection with a business, the collective visual impact of such large areas of non agricultural storage, with various piles of hardcore, commercial products in containers, building materials, containers packed with items including baths roof tiles, cement boxes, breeze blocks etc, hemmed in with Heras fencing, results in significant and demonstrable visual harm to the countryside, eroding its character and adversely affecting the countryside location. It is acknowledged that correspondence in June/July 2023 referred to various elements of storage being removed from site which would lesson the harm to a certain extent. In addition, the rear part of the site appears more (although not completely) agricultural in nature. However, the amended plans still show a large hardstanding area, and a retained container - which demonstrates that storage remains part of the use. Despite the amended plans, the overall impression of the site is that of a B8 use at the front of the premises. Controlling the amount of storage with such an extensive area of hardstanding, with a retained shipping container, once permission is given would be difficult. The proposal would be harmful in terms of its use and adverse visual impact on the countryside.

The applicant strongly refuted claims that the site is being used by his company. The container at the front of the site was identified to a previous case officer as an 'office'. A site visit was conducted by a case officer on August 16th 2022, where every part of the site, including the contents of the storage containers, were inspected. That particular container at the front was not being used as an office at that time and contained personal possessions. This remained the case by a subsequent site visit by another case officer in May 2023.

The difficulty with allowing temporary storage of building materials is that it constitutes a B8 use. This is irrespective of whether or not that storage is for domestic or commercial use. In principle, the use for the storage of builder's materials is not a use which is compatible with Policy 1 of the SELLP. A B8 use is not necessary to be located in a countryside location. B8 uses should be located close to the strategic road network to facilitate the efficient transport of goods to and from the site. The amount of storage present on site as at May 2023 means that larger vehicles are required to move the material, rather than a car for example. The storage of builder's material is contrary to policy 1 of the SELLP.

Landscape Character

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

In terms of landscape character, this area is a very flat landscape which is a fundamental landscape feature of of the Fens in South Lincolnshire, recognised in background papers to the SELLP by the Countryside Agency cited by the 'Strategic Landscape Capacity Study for South Holland District Council' (July 2003):

"Sky, soil and water combine in geometric patterns to give The Fens its distinct and cohesive

character. Dramatic cloudscapes and huge skies dominate the extensive views that the flat low-lying land of the area affords an empty, open landscape ....The embanked rivers and drains that have transformed this area from its flooded origins provide the only elevation."

This landscape is highlighted in paragraph 2.4.16 of the SELLP:

"extensive views and large open skies are common vistas, where vertical structures like churches (such as the 'Boston Stump'), pylons and wind turbines draw the eye, defining man's historical and modern day influence on the area. The open and flat landscape of the area also means that it is sensitive to development."

It is within this landscape that consideration of non agricultural uses within the countryside should be appraised. Their inclusion in unsustainable locations means they appear incongruous, visually intrusive and out of keeping with the character and landscape of the area.

Policy 2 of the SELLP stresses the importance of a proposal's size, scale, impact on amenity and the character and appearance of the area in which it is located, together with its relationship to existing development and land uses. The non agricultural elements are at odds with the rural nature of the location, its flat landscaped character, its scale and the amount of storage capable of being stored on the site is out of character and visually intrusive. The incongruous nature of the development is therefore contrary to Policy 2 of the SELLP as a result.

Design, Character and Appearance

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; and are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy 3 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.

Whilst views of the site from the north along Station Road are somewhat limited due to the adjoining trees along its northern boundary, the hardstanding area and storage is visible from the road and from the south. The site is most visible when the road is almost parallel to it. It is considered that the hardstanding and storage on site is visually harmful to the countryside and out of character. It does not function well within the countryside, and visually does not add to the quality of the area, it detracts from it. It erodes its landscape character setting. It fails to maximise opportunities for improving the character of the area, degrading the area's agricultural quality, and harming its rural setting. It therefore fails to comply with Policy 3 of the Local Plan. It is not considered that screening the site would mitigate the harm to the countryside that the storage and hardstanding generates.

Highway safety and parking

The Highway Authority have been consulted as part of the application process and have no objection on highway grounds. On this basis, there is not a defendable highway safety reason for refusal and the proposal.

It should be noted however, that the hardstanding and storage has attracted large vehicles to be parked on or adjacent to the site. Whilst not a highway safety issue, the vehicular activities associated with the storage of building materials adversely affects the character of the area.

Appendix 6 of the SELLP sets out minimum vehicle parking standards for certain types of new development. Changes of use such as that permission is sought for is not covered by Appendix 6. It is considered that any vehicles could be satisfactorily accommodated within the site itself should the proposal be otherwise acceptable, however, the impacts on the character of the area add to the overall impression that the storage and hardstanding detract from the landscape and rural character as detailed above.

Residential amenity

There are two residential properties to the north approximately 38m and 76m from the site boundary respectively and one to the south approx. 64m away.

SHDC's Environmental Protection Officer has been consulted on the application and has raised no concerns over the potential for noise and disturbance, other than requesting a standard no burning of waste condition, which could be imposed should the proposal be otherwise acceptable. The closest property to the site is Teremok to the north, whose landholding adjoins the application site. There is some screening in the form of mature trees and hedging, between the sites, but the site will still be visible as the vegetation is not continuous, especially in winter.

Numerous objections have been received in relation to the use in terms of the storage of building materials. Noise and disturbance has been reported and extended working hours, with large vehicles being used, sometimes at 5am. These include the fact that the site is active early in the morning until late at night, often after dark. Cars arrive after dark. Vast amounts of machinery are moving around most days, from forklifts to tractors and generators running. A cement mixer also runs regularly. The moving of storage materials via large vehicles is considered to adversely affect residential amenity, and does not reflect the agricultural nature of the site. It is also reported that a dog is present 24 hours a day.

Whilst it is acknowledged that there is no objection from the Council's Environmental Protection Officer, it is considered that the use at the front of the site, with storage of materials on the hardstanding, with equipment running extensively, sometimes during unsocial hours, is out of keeping and out of character with the rural nature of the area and as a result, adversely affects residential amenity. As such, the proposal is considered contrary to policies 2 and 3 of the SELLP as a result.

Flood risk and drainage

The application site lies within Environment Agency Flood Zone 3 and the uses applied for are classed as 'Less Vulnerable' in flood risk terms in National Planning Practice Guidance. Less Vulnerable uses are permitted in Flood Zone 3.

There is an existing septic tank on site that has been in situ since at least 2009 based on the drawings accompanying application ref. H07-0106-09. The applicant has located a portaloo on site.

Whilst it is accepted that the use is considered to be less vulnerable, all proposals within Flood Zone 3 still require a specific Flood Risk Assessment, demonstrating how the development incorporates flood resistance and resilient measures to ensure opportunities through layout, form and green infrastructure provide flood betterment and reduce the risk of flooding overall. The hardstanding area in particular may increase flooding elsewhere.

The IDB have objected to this application and maintain their objection because the applicant has not provided a drainage strategy, which is a requirement under paragraph 167 of the NPPF and Policy 4 of the SELLP, especially given that the site is within Flood Zone 3. Ground investigations have not been carried out to establish infiltration potential. The applicant has altered the existing culvert at the site entrance which is in breach of Section 23 of the Land Drainage Act 1991, which needs permission from the IDB. The Board may recommend enforcement procedures (separate to the planning process) as a result.

Policy 4 of the SELLP states that development in Flood Zone 3 need to ensure that the proposal will not increase the risk of flooding elsewhere through layout, form of development and green infrastructure, informed by a Flood Risk Assessment, mirroring paragraph 167 of the NPPF. Landscaping is absent from the hardstanding area, it is unclear whether or not the hardstanding is permeable or impermeable, and no rainwater harvesting techniques are incorporated. The foul and surface water details are omitted although the proposals do show a well. The lack of information means that the risk of flooding may increase as a result of the development, particularly the immediate neighbours; this is compounded by the lack of green infrastructure. Footnote 55 of the NPPF means that in Flood Zone 3 a site specific flood risk assessment is necessary for all development. The proposals therefore conflict with Policy 4.

Other considerations

The following are in response to comments made by objectors:

The applicant advises that the 'hazardous chemicals' an objector claims are stored on site are water based materials (e.g. render) and have a good fire rating. The potential for chemical mismanagement is an assumption and if there were any environmental issues, it would be a matter

for the Environment Agency under separate legislation.

A condition could be included to control any lighting to be installed should the proposal otherwise be acceptable in policy terms.

No twin unit mobile home was on site at any of the case officer's visits.

Whilst it is clearly preferable for applicants to seek planning consent prior to carrying out any development, retrospective applications are permitted by the legislative framework and each application is determined on its own merits.

When a temporary planning permission expires, there is usually a requirement for the land to be returned to its previous state.

Hours of use of the site can be conditioned if required.

Gedney Parish Council point out a number of 'inaccuracies' on the application form. Matters have been clarified with the applicant where relevant and do not impact the determination of this planning application.

None of the trees on site or adjacent land are covered by a Tree Preservation Order. If a tree has been damaged on neighbouring land, this is a civil matter between landowners.

It is understood that the telephone line to the site is not active as it is not connected to any other point within the site from the telegraph pole.

Any value the site would have had to wildlife prior to being purchased by the applicant clearly cannot now be determined. Had the proposal been otherwise acceptable, conditions could have been suggested to improve biodiversity net gain.

Planning balance

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, the production of honey may provide a local service if sold locally and may therefore make a very marginal contribution to the local economy. This weighs slightly in favour of the proposal.

There are no perceived community advantages or disadvantages associated with the proposals, this aspect is neutral in the planning balance as a result.

In environmental terms, the site is outside of defined settlement boundaries in the countryside. The existence of non agricultural uses for the means that the location of these uses is unsustainable in locational terms. The uses also adversely affect residential amenity and landscape character. The areas of hardstanding, non agricultural storage and on agricultural activities on the site is contrary to Policies 1, 2 and 3 of the SELLP which would result in unsustainable development and visual harm to the countryside, and an adverse impact on amenity, and landscape. In addition a Drainage Strategy and Flood Risk Assessment has not been submitted and the IDB objects to the proposal and no flood mitigation measures have been incorporated into the scheme, thereby contrary to Policy 4 of the SELLP. This means the balance in terms of environmental issues weighs significantly against the proposal. Overall, the benefits of the proposal do not outweigh the demonstrable harm in the overall the planning balance and as such the proposal is considered contrary to the development plan and should be refused.

Conclusion

Refuse permission due to the conflict of with the non agricultural aspects of the application being in conflict with Policy 1 of the SELLP and visual harm to the countryside, conflict with Policies 2 and 3 of the SELLP due to design and conflict with Policy 4 of the SELLP due to flooding.

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.