DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0227-22**	**Applicant:**	**Caroline Wheeler**
Proposal:	Proposed conversion of brick barn to dwelling, including extension and demolition of existing buildings - re-submission of H08-0170-21		
Location:	Fifth Drove Gosberton Clough Spalding		
Terminal Date:	29th April 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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

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
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL				

	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Proposed conversion of brick barn to dwelling, including extension and demolition of existing buildings.

Specifically, this application proposes the retention of a brick barn, following the demolition and removal of the other structures on the site, and the renovation and "extension" of the remaining barn, to provide a single storey four-bedroom dwelling. A separate detached garage building is also proposed.

A centrally located vehicular access is shown to a block paved parking and turning area. A domestic curtilage is proposed to be formed.

The application is supported by a Justification Statement, a Structural Survey and an Ecology and Protected Species Survey. Additional information was submitted as a result of an officer request regarding the structural survey.

Site Description

The application is within the open countryside, accessed from Fifth Drove, and consists of a series of agricultural barns of various ages, materials and states of repair.

The application building now stands as a discrete structure as structures and self seeded vegetation has been removed. The building is a small scale brick built agricultural building under a pantile roof, and is not unusual for this District.

The building seems to have suffered significant deterioration since the consideration of the previous application as a result of vegetation having been removed, and at the time of writing the building is propped with timber.

History

H08-0170-21. Proposed conversion of brick barn to dwelling, including extension and demolition of existing buildings.. REFUSED ON 02-09-21 for the following reason:

The building is of some architectural and historic merit and has a limited contribution to the character of the landscape, however the large extension and free standing garage proposed are too great to justify conversion to ensure the retention of this small agricultural barn. The design of the proposal is not sympathetic to the character and appearance of the building in terms of architectural detailing/design approach and materials of construction; the scale of the overall proposal, when viewed in the context of the existing barn, would overwhelm the barn being retained. The ridge height would be greater than the existing barn, and the bulk and massing of the proposals would render the barn very much a secondary element of the proposals.

The proposed development would not comply with Policy 23 the South East Lincolnshire Local Plan (SELLP), 2019, nor would it comply with advice within the National Planning Policy Framework (NPFF), 2021.

Consultation Responses

Gosberton Parish Council

No response received.

SHDC Building Control

It appears that hey are planning to build a raft inside the existing structure and replace much of the roof. Details of how they will stabilise the walls during this phase would help to decide. It doesn't really change my opinion that it will still be difficult to do. I am not saying impossible, just difficult.

Additional comments- The latest proposal for the temporary supporting works provides a solution that could retain the existing walls, providing was undertaken correctly as specified and under supervision.

SHDC Environmental Protection

Request the standard land contamination condition at this location.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed conversion of and extensions to this barn, to form a dwelling, would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

Recommend two informatives.

Black Sluice Internal Drainage Board

Rainfall Runoff -
It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are appropriate for the site should be submitted to the local planning authority for approval.

Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site. Discharge to any watercourse will require prior written consent from the Board.

Disposal of Foul or Dirty Water -
If foul water from the development is to be discharged via a package or bio-treatment unit, then the applicant has two options:

i. If the final discharge is to a watercourse, then the Boards consent is required and a discharge fee may be due.
ii. If the discharge is to soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code.

Lincolnshire Bat Group

No response.

Previous response to H08-0170-21:

Although no evidence of bat use was found, the site's proximity to the South Forty Foot Drain, a major bat feeding area, where pipistrelles are regularly recorded foraging over the drain, means that we would endorse the recommendations in section 5.1.2 for enhancements in the new development, and with particular reference to minimising any proposed lighting.

Third Parties

None received.

Planning Considerations

The main issues in this case are:
Principle of Development
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Contaminated Land
Biodiversity

Principle of Development, Layout and Design

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. The starting point for decision making is set out in the NPPF 2021, as follows:

So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). With regard to the 3 sustainability objectives: an economic objective, a social objective and an environmental objective; Para 9 of the revised NPPF sets out, however, that

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The site is located in open countryside, however the prevailing polices with regard to this development would not hinge on the sustainability criteria, per se.

Para 80 of the NPPF 2021 sets out that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential building; or
e) the design is of exceptional quality, in that it:
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Policy 23: The Reuse of Buildings in the Countryside for Residential Use of the South East Lincs Local Plan (SELLP) sets out the following:

Proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;

2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;

3. the proposal is in keeping with its surroundings;

4. the design is sympathetic to the character and appearance of the building in terms of architectural

detailing and materials of construction; and

5. development leads to an enhancement of the immediate setting of the building.

As explained by the SELLP, not all buildings in the Countryside are suitable for conversion as they may be of insubstantial construction, of poor design or not in keeping with their surroundings. Buildings to be converted should be structurally sound and proposals which require significant extension, alteration or rebuilding will not be acceptable. Structural surveys may be required in order to demonstrate that a building is structurally sound. Proposals which would involve rebuilding, rather than conversion, will be regarded as new dwellings in the Countryside and will not be permitted.

So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The site is within the open countryside and on a narrow highway, and is to be considered in the light of the policy stance above.

In terms of the NPPF, para 80 would apply, inter alia.

With regard to Policy 23 of the SELLP, this can be considered as follows in looking at the principle of conversion on this site:

The building is of a poor condition and being a small scale agricultural building of brick and pantile, is not unusual within the District. Now that the building is full exposed from the self seeded vegetation previously obscuring its form, it is considered on balance that the building is of no architectural or historic merit, nor does it make a positive contribution to the character of the landscape. It is therefore considered that the retention of the building and its conversion is not justified.

The structural survey submitted to support this application indicates that considerable rebuilding would be required together with temporary supporting works.

The engineer has confirmed that they visited the site post preparation of sketches to support the application showing propping and temporary works, but no confirmation has been received that a structural engineer has carried out testing of the building structure and there has been no investigation of the building subsoils.

The impacts of wet rot to the timbers (wall plates, rafter ends, purlins and ties) to the barn would indicate that a significant amount of rebuilding may be required, given the state of the roof, wall plate and other timbers, how that the demolition of some supporting structures on the site has taken place.

The engineer set out in the survey that accompanied H08-0170-21 that the tree growth adjacent to the building had caused disturbance to the brickwork and building foundations and the report showed the impact damage as well as the close proximity of the tree to the north wall. As the building is now propped it appears that the removal of vegetation has had an impact on the structure.

The structural survey submitted, undertaken by PCC Consultants, was prepared in August 2021 as a desk top assessment of the building rather than following a site visit and in person inspection of the building, and sets out that "The building has suffered impact damage as well as deformation due to consolidation of the subsoils and roof "spread". The building has also suffered from weather damage to the masonry and the timber roof is affected by wet rot. Tree growth adjacent to the building has caused disturbance to the brickwork and building foundations. The adjacent photograph shows the impact damage as well as the close proximity of the tree to the north wall."

A further survey was submitted that is dated 2 August 2021 which supports this application.

Additional information was received from PCC Consultants on 10 May 2022 clarifying that the author briefly inspected the temporary propping. A full structural appraisal of the building following a detailed site visit and consideration of the sub soils has still not been undertaken.

This revised proposal does not prove to the satisfaction of the Local Planning Authority that the building is capable of conversion without the need for significant alteration or rebuilding, given the

apparent need for significant propping that the building requires to maintain its current state, and the fact that the detailed structural design has not been undertaken.

The proposal would utilise the existing barn retained as a single storey ensuite bedroom connected to the rest of the dwelling being a single storey building to house a further bedroom a family bathroom, as well as the main kitchen/living/dining space.

The extension are of a scale that would complement the existing building, and would be acceptable in principle if the building was of architectural or historic merit, made a positive contribution to the character of the landscape, structural and the integrity of the existing building were clear.

The design of the proposal would be sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; the scale of the overall proposal, when viewed in the context of the existing barn, if it retention were acceptable in principle, which is not the case.

The development could lead to an enhancement of the immediate setting of the building, in as much as a number of buildings in a poor state of repair would be removed, however this could take place without the development being proposed.

The provisions of Para 80 of the NPPF 2021 are clear in consideration, and the development is not supported by an essential rural worker justification (para 80 a), the building is not identified to be a heritage asset (para 80 b), the development would re-use redundant disused building and could be considered to be an enhancement to its immediate setting (para 80 c), would not involve the subdivision of an existing residential building (para 80 d), nor is it being put forward as a design is of exceptional quality (para 80 e).

The development would not accord with Policy 23 of the SELLP and the intentions of the NPPPF, for the reasons set out above.

Highway safety and parking

As can be seen above, the LCC as Highway Authority raise no objections.

The development would accord with Policies 2 and 3 of the SELLP and the intentions of the NPPF in this regard.

Impact of neighbouring Residents/land users

The proposals would be a significant distance from nearby residents, and it is not considered that a dwelling ion this location would lead to detrimental impacts. Disruption during the construction period is by it's nature temporary. It is not considered that there are residents so close by that hours of construction should be limited.

The development would accord with Policies 2 and 3 of the SELLP and the intentions of the NPPPF in this regard.

Flooding, Foul and Surface Water Drainage considerations

The site is located within Flood Zone 1. As such it is not considered that the site would be significantly impacted by flooding. The details of Foul and Surface Water Drainage are addressed by the application and could be controlled or detailed by condition.

The development would accord with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF in this regard.

Contaminated Land

The application has been considered by the SHDC Environmental Protection officer who considers that a standard condition to control submission if contaminants were to be found during works would be sufficient.

Biodiversity

A Protected Species Survey was submitted to support the previous application. The enhancements recommended by that survey could be controlled by condition if the proposal were acceptable.

Planning Balance

PLANNING BALANCE

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.

The building is of no architectural and historic merit and has a limited contribution to the character of the landscape. This revised proposal does not prove to the satisfaction of the Local Planning Authority that the building is capable of conversion without the need for significant alteration or rebuilding, given the apparent need for significant propping that the building required to maintain its current state, and the fact that no testing of the building structure has been undertaken and there has been no investigation of the building subsoils, nor has the detailed structural design been prepared.

The proposed development would not comply with Policies 23 the South East Lincolnshire Local Plan (SELLP), 2019, nor would it comply with advice within the National Planning Policy Framework (NPFF), 2021.

The are significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal as set out above.

Conclusion

Refuse.

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.