

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0235-20 **Applicant:** Mr M Purnell
Proposal: Replace existing barn with workshop/greenhouse
Location: 86 Risegate Road Gosberton Risegate Spalding
Terminal Date: 29th June 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving Good Design

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application to replace an existing barn with a workshop / greenhouse on residential garden land at 86 Risegate Road, Gosberton Risegate. The existing barn is dilapidated and collapsing. The proposed workshop / greenhouse will be sited 2 metres from the boundary with 84

Risegate Road and measure 10 metres in length, four metres in width. The eaves height will be 2.6 metres and the maximum apex height will be 4 metres. The dimensions and location of the proposal constitute permitted development under Class E, Part 1 of the General Permitted Development Order (2015). However, this does not prevent the submission of an application for planning permission.

The proposed workshop section of the building will be constructed from slate roof tiles, lampblack colour timber double doors, timber cladding with a barn stock brick base for the whole building. The greenhouse element will have Crittall windows in timber frames and a part openable glazed roof.

Site Description

The site is within defined settlement limits and is characterised by linear development of varying ages and design.

History

None

Consultation Responses

LCC - Historic Environment Officer

No objections.

SHDC - Councillor Walsh

Support

Planning Considerations

Principle of development

The proposal site is within the residential curtilage of the property and the proposed workshop / greenhouse constitutes permitted development under Class E, Part 1 of the General Permitted Development Order (2015) which concerns curtilage buildings. This is because the building is 2 metres from the nearest boundary and does not exceed 4 metres in height.

Impact of development

There is considered to be a positive impact arising from the proposed development. The workshop / greenhouse will replace a dilapidated building and therefore improve the visual amenity of the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.