

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0475-19 **Applicant:** Mr A Yilmaz
Proposal: Erection of dwelling
Location: Retail Yard Adjacent: Beck Farm Cottage Beck Bank Gosberton Clough
Terminal Date: 5th August 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5 & 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for the erection of a dwelling on land adjacent Beck Farm Cottage, Beck Bank, Gosberton Clough. The proposal at ground floor seeks to provide an open plan kitchen / dining area, as well as a lounge and utility . The first floor will contain three bedrooms, an en-suite, dressing room and a bathroom. The proposed attic floor will contain a bedroom. In addition, a detached triple garage with an office / garden room will be provided to the front and side of the property. Proposed materials of construction would be addressed by a materials condition.

Site Description

The proposal site is in the open countryside a significant distance from the defined settlement limits of Gosberton Clough. The surrounding area is predominately rural in nature with a small number of dwellings of varying ages and designs.

The site is in Flood Zone 1 of the Environment Agency Flood Maps, and not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

History

H08-0107-85

Change of use of premises for storage and sale of general goods - Temporary two year permission - Approved -17 April 1985.

H08-0995-85

Erection of shed for storage of furniture and household goods - Temporary permission up to 17 April 1987.

H08-1126-92

Re-use of abandoned cottage as residential - Approved - 11 December 1992. This is the property to the north of the site.

Consultation Responses

Gosberton Parish Council

No comments

Environmental Protection Officer

Requests completion of a screening assessment form or attaching a full contaminated land condition.

County Highways & SUDS Officer

Requests standard access and utility informatives.

Planning Considerations

Principle of Development

When informed by the Local Planning Authority that the application was to be recommended for refusal, the agent attached a small section from Hansard and stated that the Local Planning Authority was ignoring SELLP policies on windfall sites. The SELLP does not have specific policies on windfall sites but it does have under Appendix 4 in the document , have a target of 53 windfall dwellings a year from 2020/21. The document also states "It is assumed that over the next three years all 'windfall' completions will come from the stock of commitments. Thus, a windfall allowance is not applied until 2020/21."

The agent declines to mention that the retail use has claims on this site has been discontinued for at least two years and the site cleared save for a few dilapidated buildings. The retail use on the site was supposed to have terminated in 1987 and whilst it continued beyond this date, no subsequent attempts were made to regularise the use, and therefore the Local Authority holds no evidence that a continuous retail use of 10 years has occurred on this site, and nor does the agent provide any supporting information concerning this matter.

The proposal site is over 600 metres away from the defined settlement limits of Gosberton Clough as the crow flies and is therefore in planning terms defined as being located in the open countryside. Gosberton Clough is in the lowest tier of the settlement hierarchy as it has only a small level of services. Section D of Policy 1 concerns countryside and states "In the countryside development will 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" It is considered that the agent has failed to demonstrate that the proposal meets any of the above criteria. This Policy is in accordance with Paragraph 79 of the NPPF concerning countryside dwellings and therefore the proposal is not in compliance with this paragraph.

Section C of Paragraph 118 of the NPPF concerns Brownfield sites and states that planning policies should "give substantial weight to the value of using suitable brownfield land within settlements for home and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land." Whilst the proposal site is brownfield land, it is not within a settlement and therefore this policy is support of the reuse of land does not apply. Redevelopment of brownfield land for dwellings must be in a sustainable location in accordance with local and national policy.

The proposal site is located outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the South East Lincolnshire 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. It is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need. As of 31 March 2019 the Council can now identify a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6.07 years through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance.

Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a 5 year housing land supply and a recently adopted up-to-date development plan with a spatial strategy setting out how the housing needs for the area will be met. Furthermore, public transport does not operate along Beck Bank. Consequently, access to services and facilities is unlikely to be convenient on a day to basis and there is likely to be some reliance on the private motor vehicle to access services and facilities. The location of the site does not therefore have attributes that make it sustainable for development for new market housing.

The proposed development would set a harmful development by positioning a residential dwelling in a countryside location outside the main built-up area of the village. This would have an adverse impact on the character of the area and would set a harmful precedent for further development outside the settlement boundary.

The proposal is contrary to policies 2 and 3 of the SELLP which amongst other things require proposals to have regard to the character and appearance of an area and stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Conclusion

The site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019).

The recommendation is therefore one of refusal.

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 to refuse permission 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 to refuse permission 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 to refuse permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.