

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H08-1143-22	Applicant:	Mr R Hart
Proposal:	Erection of Dwelling		
Location:	Fossils Farm Chaintoft Lane Gosberton		
Terminal Date:	14th February 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the erection of a dwelling at Fossils Farm, Chaintoft Lane, Gosberton. This is an application for a "betterment" dwelling following the prior approval for conversion of a barn into a dwelling under application reference H08-0536-22. The intention of the application is to provide a dwelling that better serves the needs of future occupants, and is more in keeping with existing dwellings in the surrounding area. The footprint of the proposed dwelling is less than 50% of the originally approved barn conversion.

The application seeks to provide a new dwelling accessed off an existing access and parking area. The two storey dwelling will contain a lounge, utility and an open plan, kitchen, dining and living area at ground floor level. At first level three bedrooms, an en-suite, dressing room and a bathroom are to be provided. Proposed materials of construction are red brick and dark grey concrete pantiles. Exact details of construction would be addressed by condition. An existing mobile home on site is being relocated toward the frontage boundary hedge. A Condition would be attached to any approval that at no time should the mobile home be used as an independent living unit.

SITE DESCRIPTION

The dwelling is outside of defined settlement limits and is accessed by a track onto Chaintoft Lane, which is located approximately 240 metres away. The surrounding area is predominately rural and is characterised by non-nuclearized, linear development of varying ages and designs. There are no other dwellings in the vicinity of the site. The nearest dwellings are Neldar, approximately 250 metres to the north, 97 Westhorpe Road approximately 380 metres to the south-east and 145 Westhorpe Road, approximately 340 metres to the south. The site is located in Environment Agency Flood Zone 3 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H08-0546-09

Full - Proposed barn for storage of hay and agricultural machinery and pond for wildlife - Approved - 28 September 2009.

H08-0559-15

Full - Erection of pole barn and extension of existing pole barn for storage of agricultural produce and machinery - Approved - 10 August 2015.

H08-0536-22

Prior Approval - Conversion of Barn into Dwelling - Approved - 09 August 2009.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

"This proposal is for the erection of a dwelling which will utilise the existing access from Northgate/Chaintoft Road which serves the current use and meets the guidelines set out in Manual for Streets for visibility. Adequate provision for car parking and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety."

"As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major

applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

Welland & Deepings Internal Drainage Board

No comment.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Countryside

Normally there is a policy of restraint for residential development in the open countryside, unless evidence can be brought forward to show that a dwelling is essential in that location. Previous permission for a barn conversion to a dwelling was granted under a prior approval Class Q application, reference H08-0536-22. The (Mansell v Tonbridge and Malling BC EWCA Civ 1314) judgement supports the alternative development of a new dwelling to replace Class Q where it can be demonstrated that demolition of an agricultural building and the construction of a "betterment" dwelling will benefit the site and area as a whole. It is considered that submitted proposal does constitute a "betterment" dwelling, therefore, the principle of development in this location, in this instance is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site. No trees are to be removed to facilitate this proposal. The character and appearance of the area is not considered to be materially impacted by this proposal due to the design and location of the dwelling.
2. The design of the dwelling is considered to be a visual improvement on that of the approved converted barn design. The orientation is appropriate for the site and allows for easy manoeuvrability of vehicles.
3. Proposed materials of construction are red brick and dark grey concrete pantiles. These materials are considered to be standard materials for dwellings of this design in the area. Exact details of construction would be addressed by condition.
4. The existing access is not being altered. There is large availability of off road parking available on site, which exceeds the minimum required amount of two off road spaces for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP.
5. There is not considered to be an impact on existing community services and infrastructure as a result of the proposal.
6. There are no other dwellings in the vicinity of the site. The nearest dwellings are Neldar, approximately 250 metres to the north, 97 Westhorpe Road approximately 380 metres to the south-east and 145 Westhorpe Road, approximately 340 metres to the south. Therefore, there is not

considered to be a noise, odour, disturbance or visual intrusion impact from the proposal. The application site is not considered to represent overdevelopment, with the proposed dwelling having a footprint more than 50% smaller than that the approved barn conversion under Class Q application H08-0536-22.

7. The site is located in Environment Agency Flood Zone 3 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. As the application site is not subject to increased flood depth there is not a requirement to undertake a sequential or exceptions test. The submitted Flood Risk Assessment proposes finished floor levels at 0.15 metres above existing ground level. As there is not increase predicted flood depth in this area the proposed finished floor levels are considered to be acceptable. Future occupants are to sign up to the Environment Agency Direct Early Warning System. Foul water will be directed to an existing septic tank with surface water addressed by a soakaway. Full details of the proposed soakaway would be addressed by a planning condition.

This application is considered to accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site. No trees are to be removed to facilitate this proposal. The character and appearance of the area is not considered to be materially impacted by this proposal due to the design and location of the dwelling. A sense of place is not impacted by this proposal.

5. There is ample space on site for bicycle and bin storage. The existing access is not being altered. There is large availability of off road parking available on site, which exceeds the minimum required amount of two off road spaces for dwellings with three bedrooms or fewer under Appendix 6 of the

SELLP.

11. There are no other dwellings in the vicinity of the site. The nearest dwellings are Neldar, approximately 250 metres to the north, 97 Westhorpe Road approximately 380 metres to the south-east and 145 Westhorpe Road, approximately 340 metres to the south. Therefore, there is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposal. The application site is not considered to represent overdevelopment, with the proposed dwelling having a footprint more than 50% smaller than that the approved barn conversion under Class Q application H08-0536-22.

12. The site is located in Environment Agency Flood Zone 3 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. As the application site is not subject to increased flood depth there is not a requirement to undertake a sequential or exceptions test. The submitted Flood Risk Assessment proposes finished floor levels at 0.15 metres above existing ground level. As there is not increase predicted flood depth in this area the proposed finished floor levels are considered to be acceptable. Future occupants are to sign up to the Environment Agency Direct Early Warning System. Foul water will be directed to an existing septic tank with surface water addressed by a soakaway. Full details of the proposed soakaway would be addressed by a planning condition.

This application accords with SELLP Policy 3.

PLANNING BALANCE

Due to the improved design and layout, the proposed dwelling is considered to represent a "betterment" of the converted barn allowed under Class Q application H08-0536-22. The character and amenity of the site and surrounding area is considered to be improved by this application.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

RECOMMENDATION

This application is recommended for approval.

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.