

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H08-1147-22	Applicant:	Mr R Webb
Proposal:	Erection of New Workshop (Dual B2/B8)		
Location:	Cobwebbs Farm Swale Bank Gosberton Westhorpe		
Terminal Date:	3rd March 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
07	Improving South East Lincolnshire's Employment Land Portfolio
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking

National Guidance**National Planning Policy Framework 2021**

Section 2 - Achieving sustainable development
Section 3 - Plan-making
Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places
Section 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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a new workshop at Cobwebbs Farm, Swale Bank in Gosberton Westhorpe.

The proposed workshop will measure 16 metres by 15 metres with a maximum height of 5 metres. The workshop will be constructed of steel cladding and will be located east of the dwelling.

Site Description

The application site comprises a residential dwelling and outbuildings where the occupant of the dwelling trades from as V8 Developments Ltd. The site is surrounded by open countryside to the north, east, south and west. The site is well screened with trees, planting, and hedgerow.

History

H08-0098-98 - Full - Extension and alterations to existing dwelling - APPROVED.

H08-0533-97 - Full - Convert farm buildings to single dwelling - APPROVED.

H08-1298-97- Full - Change of use, alter & extend existing redundant farm buildings to specialist engine building workshop - APPROVED.

H08-0859-01 - Condition Compliance - Details of landscaping and access materials submitted (Conditions 5 & 8 of H08/1298/97) - APPROVED.

Consultation Responses

LCC Highways/SUDS

No objection.

The proposal is to erect a new, purpose build workshop within the home and business curtilage of an established, specialist engine builder and re-manufacturer. There are no proposals to alter the existing access arrangements. This business is known to been operating for several years from this site and, in the absence of any evidence or reports to the contrary, it might reasonably be considered that the day-to-day operation of the business does not have an unacceptable impact upon highway safety or a severe residual cumulative impact upon network capacity. The proposed workshop has sufficient open space around it for the soakaways, advised in the submitted Application Form to be being used to manage surface water run-off, to be effective without increasing surface water flood risk to the site or surrounding land and property.

In view of the above, the highway authority and lead local flood authority does not wish to object to this Application.

Lead Environmental Protection Officer

No objection.

Planning Considerations

As indicated in paragraph 47 of the National Planning Policy Framework, 2021, 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 any defined settlement boundary and within the open countryside as defined within the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the Local Plan (Spatial Strategy) 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.

Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio) states that:

"New employment development/businesses or the extension of an existing business outside the...allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;*
- b. there is no significant adverse impact upon the character and appearance of the area;*
- c. the design is responsive to the local context;*
- d. there will be no significant adverse impact on the local highway network;*
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;*
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated;*
- and*
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map."*

Whilst it is not a requirement of the Local Plan that all new employment development/businesses be directed to an allocated employment site, Policy 7 does require that it be satisfactorily demonstrated that there is an identified need for the business location outside of identified employment areas.

The site is already an established business site that has been trading for the past 20 years and whilst it is outside any defined settlement boundary, it does not further encroach onto the open countryside. As such it is not considered to conflict with Policy 7 of the SELLP and can on balance be accepted.

As such the principle of such development in this location is acceptable subject to other material considerations.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed new workshop would have a large footprint; however, it would not appear overly prominent in comparison to the wider site. Its design and materials are considered acceptable for the site. Both buildings would take on the appearance of agricultural buildings which are considered acceptable given the rural character of the area. The application site is also well screened with high trees and hedgerow which will further reduce any impact to the character of the area.

As such the development is not considered to result in detrimental to the character of the area and is therefore acceptable in terms of its design and siting.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There are no other residential properties in close proximity to be affected by loss of privacy, loss of light or by the proposal being overbearing in nature. Given the building would be used in conjunction with the existing business on the site it is not considered that any additional unacceptable noise would result from the proposed development.

The proposal would therefore accord with Paragraph 130 of National Planning Policy Framework

(2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway safety

The Local Highway Authority have not raised any objections to the proposal as the access and parking arrangements would remain unchanged and the buildings would be used in conjunction with the existing business on the site. It is therefore considered that the proposals would not result in any unacceptable impact on highway safety.

Flood Risk

The site is located within Flood Zone 2 of the Environment Agency's Flood Maps. However, the South Holland Strategic Flood Risk Assessment (2017) indicates that the site is within an area identified of no hazard. The proposal therefore satisfies the sequential test.

The proposal therefore satisfactorily accords with Policy 4 of the SELLP and advice within the Framework of the SELLP in terms of flood risk.

Planning balance

The principle of development is considered acceptable as it would support the existing use on the site. The proposed building is considered relatively minor in relation to the wider site and would not unacceptably change the overall appearance of the site and the area. No significant adverse impact is anticipated on residential amenity. The existing access is to be retained therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

In summary, any adverse impact of granting permission to the proposals would not significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3, 4, 7 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 6, 12 and 14 of the National Planning Policy Framework (NPPF), 2021.

It is accordingly recommended to approve this planning application via delegated powers.

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.