

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-1211-22 **Applicant:** D E Brand & Son
Proposal: Proposed Agricultural Building
Location: D E Brand & Son Birds Drove Surfleet
Terminal Date: 19th January 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2021

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

PROPOSAL

This is an agricultural determination application for a proposed agricultural building at D E Brand & Son, Birds Drove, Surfleet. The proposal seeks to construct an extension to the northern side elevation of an existing building. The extension will measure 20.8 metres wide and 48 metres long. The eaves height will be 7.5 metres and the ridge height 9.53 metres. Two large roller shutter doors will serve the east facing frontage elevation to match the adjacent building. The building will be constructed from grey insulated composite panel cladding and will be used as a mixed use grain store. The submitted plans also show an extended yard area. The extended yard does not form part of this application and would be subject to a separate application.

SITE DESCRIPTION

The proposal is outside of defined settlement limits and is therefore designated as being located in the the open countryside. The surrounding area is predominately rural and is characterised by non-nucleated linear development of varying ages and design.

RELEVANT HISTORY

H08-0550-14

Agricultural Determination - Provision of a permeable parking area on agricultural land for vegetable harvesting trailers with access off Birds Drove - Approved - 28 July 2014.

H08-1088-14

Full - Proposed permeable parking area for employee vehicles with access/egress onto Birds Drove - Refused - 24 February 2015 - Allowed on Appeal - 26 October 2015.

H08-0775-20

Full - Erection of single storey portal frame agricultural (grain) store - Approved - 02 December 2020.

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Compliance with the General Permitted Development Order

The proposal complies with Class A of Part 6 because:

- The unit of land is larger than 1 hectare in size.
- The building is for agricultural purposes.
- The building does not exceed 1000 square metres in size.
- The building is not within 3 miles of an aerodrome.
- No part of the building exceeds 12 metres in height.
- No part of the building is within 25 metres of a trunk or classified road.
- The building is not for livestock or anaerobic digester / biomass boiler systems within 400 metres of a protected building.
- The building is not sited on Article 4 land.

The details submitted comply with Class A of Part 6 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2021 (as amended).

CONCLUSION

The details submitted comply with Class A of Part 6 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2021 (as amended) so further planning consent is not required.

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.