DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0126-24**	**Applicant:**	**Mr & Mrs J Matthews**
Proposal:	Conversion & Extension of Barn to Holiday Let		
Location:	Adj. The Old Brickyard Farmhouse Peartree House Road Holbeach		
Terminal Date:	19th April 2024		

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
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

4 - Decision-making
6 - Building a strong, competitive economy
9 - Promoting sustainable transport
12 - Achieving well-designed and beautiful places
14 - Meeting the challenge of climate change, flooding and coastal change
15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the conversion and extension of a barn to a holiday let on land adjacent The Old Brickyard Farmhouse, Peartree House Road, Holbeach. The proposal seeks to provide a holiday let which contains a store, entrance hall, shower room. kitchen and a combined lounge / dining area at ground floor level. A verandah will be sited on the south-west facing elevation. At first floor level two bedrooms and two en-suites will be provided. Internal floor levels within the holiday let will be raised by 0.5 metres to address potential flood depths. The plans also indicate possible future solar panels on the south-west facing roof elevation. Proposed materials of construction are reclaimed bricks and tiles to match those of the existing barn. Windows and doors will be constructed from grey aluminium.

A site visit was conducted on Wednesday the 28th of February 2024.

An amendment was made to the application to upgrade the vehicular access following a request by the County Highways department.

SITE DESCRIPTION

The site is outside of the defined settlement limits of Holbeach and as such is classed as being located in the countryside. The surrounding area is predominately rural and is characterised by non-nuclearised linear development of varying ages and designs. The site frontage is located 23 metres to the south-east of the building. Old Brick Yard Farmhouse is located 28 metres to the south-west of the proposed holiday let. The boundary with Old Brick Yard Farm is located 6 metres to the north-east and 13.5 metres to the north-west. Existing boundary treatment is a 2 metre high hedge and metal barrier to the frontage with a wire mesh fence beyond. The north-eastern side boundary is a 1.8 metre high timber fence, as is the fence along the north-western rear boundary. The south-eastern side boundary is a 1.6 metre high brick wall and the side elevation brick wall for a curtilage building at The Old Brickyard Farmhouse. Details of proposed boundary treatment have not been submitted.

The site is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area with a maximum predicted flood depth of 0.5 metres. Surface water will be addressed by a soakaway with foul water addressed via a package treatment plant. Further details of drainage will be addressed via condition.

RELEVANT HISTORY

H09-1378-06

Full - Change of use from agricultural to domestic garden - Approved - 24 November 2006.

H09-0458-08

Condition Compliance - Details of existing hedge works to trees (Conditions 2 and 3 of H09-1378-06) - Approved - 16 April 2008.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 23rd February 2024 to 15th March 2024)

South Holland Internal Drainage Board - 29th February 2024

The IDB requests details of soakaways and the package treatment plant. This is considered to be a matter that can be addressed via condition.

Holbeach Parish Council - 7th March 2024

No objection.

South Holland District Council - Environmental Protection - Oliver Abrams - 11th March 2024

A precautionary land contamination condition is requested.

Lincolnshire County Council - Highways & SUDS - 12th March 2024

"The access will need upgrading to Lincolnshire County Council Specification and a note should be added to the drawing." - An amendment has now been submitted to address this request.

Lincolnshire Bat Group - 17th March 2024

"Thank you for consulting Lincs Bat Group on this ecology report. This is quite satisfactory, given the date of the report, from the depths of winter. Bat droppings were found so we endorse the need for a further survey in summer 24."

Responses Received following Re-consultation (Consultation period between 19th March 2024 to 30th March 2024)

South Holland Internal Drainage Board - 22nd March 2024

The IDB requests details of soakaways and the package treatment plant. This is considered to be a matter that can be addressed via condition.

South Holland District Council - Environmental Protection - Oliver Abrams - 26th March 2024

"No comment regarding amendment 1. My previous comment still remains the same."

Holbeach Parish Council - 27th March 2024

"No Comment."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Highway Safety and Parking
Flooding Considerations / Drainage
Biodiversity and landscaping
Outstanding matters from representation

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

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 benefit. The policy justification goes on to state that "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan"

Economically, the proposal will provide tourism opportunities for the district. Socially, the proposal retains the character of the existing building and is not considered to materially impact the amenity of the surrounding area. Environmentally, the proposal will allow for the retention of an existing building and is not considered to have a material impact in vehicular movements in the area.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

This proposal is also assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Other Employment Areas and this section states:

"New employment development/businesses or the extension of an existing business outside the above 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."

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

a. The development does not conflict with neighbouring land uses. A residential use already exists in the vicinity and the neighbouring farm is a standard use in a countryside context.
b. An existing barn is retained and extended with matching materials. Therefore there is not significant adverse impact upon the character and appearance of the area.
c. The barn is being retained so the design is responsive to the local context.
d. There will be no significant adverse impact on the local highway network. A large area for parking is available on site and the existing access will be upgraded to highways standards.
e. The holiday let use benefits from a rural location and there will be no significant adverse impact upon the viability of delivering any allocated employment site.
f. The proposal will utilise an existing building and the countryside location aids the appeal of the site. It is not considered that the holiday let use will lead to a material increase in vehicular movements in a rural area.
g. Hotels are typically located in a urban location, however, diversifying the accommodation offer in the area is considered to attract the tourists who may prefer quieter locations and the scenery of the Fens.

This proposal is also against against SELLP Policy 9 titled - Promoting a Stronger Visitor Economy. This policy states:

Proposals for tourism and visitor development which utilise and enrich the natural and built environment and existing attractions of South East Lincolnshire to the benefit of the local economy, visitors and local communities will be supported within the boundaries of settlements identified in Policy 1.
Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:
1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise.
Larger developments will only be supported outside settlement boundaries in exceptional circumstances, for instance to proportionally support or enhance the enjoyment of an established visitor attraction where this cannot reasonably be achieved from a town or village location.

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

The proposal is to provide a two-bedroom holiday let located in the open countryside. The proposal is a conversion of a barn that historically has been associated with the wider farm operations. The building given its scale and proximity to the existing dwelling in unlikely to be fit for modern day agricultural purposes.

Holiday accommodation in this location would allow for access to local natural attractions present in the area and would also give an adaptive reuse to a rural building. The proposal then is considered to require a countryside location and is considered to accord with both policies 1 and 9 of the SELLP in that it would promote local tourism and give an adaptive reuse to a rural building.

The proposal would not conflict with neighbouring land uses and being a conversion, it would retain much of the well-established barn that has informed the character of the area for some time. The local plan allows for the reuse of buildings in the countryside for residential uses (Policy 23). An allowance in the plan therefore for such proposals is acknowledged, the proposal then in principle terms is acceptable subject to meeting the wider sustainability needs of the area.

The applicant has provided a structural survey showing how the barn is capable of conversion, there is no reason to suggest why this report is not accurate. The proposal would also include an extension to make it fit for the purposes of a two bedroom holiday let. The building has been in situ for a number of years and therefore informed the character of natural environment, the scale of the extension would not undermine this. The building is now unused and somewhat dilapidated, so the

adaptive reuse would enhance the building itself as well as the wider site.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework and require that 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal is considered to improve the character of the surrounding area. The ivy growth around the barn will be removed and the dilapidated but structurally intact building will be brought back into use. The existing and proposed layout is in keeping with the rural character of the surrounding area, and the holiday let use will extend the lifetime of the building.

Proposed materials of construction are reclaimed bricks and tiles to match those of the existing barn. Windows and doors will be constructed from grey aluminium. A new roof structure will be required throughout, however, this is not considered to materially impact the external built character of the barn.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making

planning decisions.

The site frontage is located 23 metres to the south-east of the building. Old Brick Yard Farmhouse is located 28 metres to the south-west of the proposed holiday let. The boundary with Old Brick Yard Farm is located 6 metres to the north-east and 13.5 metres to the north-west. Existing boundary treatment is a 2 metre high hedge and metal barrier to the south-east facing frontage with a wire mesh fence beyond. The north-eastern side boundary is a 1.8 metre high timber fence, as is the fence along the north-western rear boundary. The south-western side boundary is a 1.6 metre high brick wall and the side elevation brick wall for a curtilage building at The Old Brickyard Farmhouse. Details of proposed boundary treatment have not been submitted.

The proposal is not considered to constitute overdevelopment. The extended areas will provide a link corridor and shower room, as well as a store to the north-east elevation and a verandah to the south-west elevation. The extensions are subservient in scale to the existing massing and footprint of the existing barn. There is not considered to be an overshadowing impact from the holiday let. The barn is not being extended in height and when right to light lines are drawn there is not considered to be a material loss of light to neighbouring land uses.

Whilst finished levels will be raised by 500mm, there is not considered to be a material overlooking impact to neighbouring buildings due to the separation distances involved and the location of new fenestration. The north-east facing ground floor windows serve a lounge, kitchen, and shower room, and face a 1.8 metre high timber fence, beyond which the blank elevation of a large agricultural building is sited. The north-west facing ground floor has no fenestration and faces the 1.8 metre high timber fence 13.5 metres away, beyond which is an open fronted agricultural store. The south-west facing ground floor fenestration serves a kitchen, hallway and a verandah. The south-west boundary is located 9.5 metres away with a garden beyond, and is served by a 1.6 metre high wall, with the dwelling 28 metres from the holiday let. Due to the separation distances and relationship between the holiday let and management at Old Brickyard Farmhouse there is not considered to be a material overlooking impact on the rear garden of the dwelling. The south-east facing entrance hall is served by double doors that are sited 23 metres from the site frontage, which is served by a 2 metre high hedge.

At first floor level an existing window is sited in the south-east facing frontage which will serve a bedroom this window is 23 metres from the site frontage and does not directly face Old Brickyard Farmhouse or the parking area in the frontage yard of Old Brickyard Farm, which is visible from the highway. There are two rooflights in the first north-east elevation serving the frontage and rear bedrooms. These rooflights are sited 1.9 metres above floor level and there is not considered to be an overlooking impact from this fenestration. There are two rooflights in the first south-west elevation serving the frontage and rear bedrooms. These rooflights are sited 1.9 metres above floor level and there is not considered to be an overlooking impact from this fenestration.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for

dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The site is currently grassed and no details have been submitted to provide driveway details. The Design & Access Statement states "Access will be off an existing access off Peartree House Road. Vehicle parking will be provided to the front of the site with turning facilities so the vehicles can enter and leave in forward gear." Given the amount of land to the front of the building it is considered that a future driveway can be provide that comfortably provides a minimum of two off road parking spaces that satisfies Policy 36 of the SELLP.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations / Drainage

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area with a maximum predicted flood depth of 0.5 metres. Surface water will be addressed by a soakaway with foul water addressed via a package treatment plant. Further details of drainage will be addressed via condition.

Provided that the details within the submitted Flood Risk Assessment document are adhered to, there is not considered to be a material flood risk impact on the site or surrounding area. The raised finished floor levels can be incorporated into the existing barn structure without materially impacting the external appearance of the building, nor the character or amenity of the surrounding area.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National

Planning Policy Framework (December 2023) in this regard.

Biodiversity and landscaping

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Policy 28 of the South East Lincolnshire Local Plan (2019) outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

As the proposal is a minor application there is a requirement to demonstrate a biodiversity net gain of 10% from the 2nd of April 2024. However, because the requirement to demonstrate a biodiversity net gain for minor applications commences for applications submitted on or after the 2nd of April 2024 this is not a requirement for this application. This is due to the application being accepted on the 12th of February 2024. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This is can be achieved via a number of measures such as ponds, and hedge / tree planting.

A landscaping condition will be added to the decision notice to ensure that the site can satisfactorily demonstrate a material biodiversity uplift in accordance with Policy 28 of the SELLP.

Given that the proposal requires the conversion of an existing barn a Protected Species Report has been submitted. This Report has provided the following recommendations:

"1. As there is potential for nesting birds on site, which are protected under the Wildlife and Countryside Act 1981 (as amended), then if the works are to start in the bird nesting season (March to August) then a nesting bird survey will be required before works commence. If a nesting bird is found, then works will cease until the chicks have fledged and the ecologist has given the all clear;

2. As Swallows are nesting within the barn then alternative accommodation for them needs to be found or created;

3. As there is a low possibility of bats roosting in the Ivy or holes in the Western wall of the main barn which are an European protected species, then a single evening Presence/ Absence bat survey will be required between May and August to confirm if there is a roost or not;

4. As the rubble piles around the site can act as a hibernacula, then these should be removed under a watching brief by a trained ecologist;

5. As there is potential for Hedgehogs within the area, then any trenches need to be covered at night during construction to prevent them from falling in;

6. Any planting around the buildings should include native and RHS Perfect for Pollinators Garden Plants."

It is considered that the findings of the report and the subsequent recommendations are appropriate and proportionate for the site. The outcomes of the report and imposition of a biodiversity net gain condition are considered to protect and enhance biodiversity in and around the proposed holiday let.

Outstanding matters from representation

None

PLANNING BALANCE

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the open countryside and would help promote the visitor economy and tourism within the district. The external appearance of the building would be in keeping with the rural locality. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

CONCLUSION

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 9, 28, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Sections 4, 6, 9, 12, 14 and 15 contained within the National Planning Policy Framework (NPFF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.