

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0130-24 **Applicant:** C & P Butler
Proposal: Conversion of ancillary outbuilding into annex for family use
Location: The Old Ranch Low Road Holbeach Hurn
Terminal Date: 25th July 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
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well-designed and beautiful places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

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

RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for conversion of a barn/stables into a two-bed annexe for family members in association with a recently permitted barn conversion (ref. H09-0627-19).

Site Description

The brick and slate barn forms part of a disused farm yard located to the rear of existing residential properties situated off Marsh Road. Vehicular access is off Low Road.

The nearest residential properties include Vinery Cottage, Sunshine Cottage, Turning Point and Hillside to the west/south-west.

Recent History

H09-0627-19 - Full - Proposed barn conversion - Approved 15 August 2019

H09-1255-21 - Cond Comp - Details of elevational & cross-sectional plans, proposed floor levels, landscaping, doors, windows & rooflights and scheme to deal with contamination (Conditions 4, 5, 6, 9, 10, 12 & 14 of H09-0627-19) - Approved 2 February 2022

Consultation Responses

Holbeach Parish Council

No objection.

LCC Highways/SUDs

No objections.

South Holland Internal Drainage Board

If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3.

Environmental Protection

No comments.

Lincolnshire Bat Group

Has a protected species survey been carried out on this building.

LCC Historic Environment Officer

Recommend an archaeological condition for a mitigation strategy.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

The main issues in this case are:

- Principle
- Impact upon nearby residents
- Highway issues
- Other material considerations such as flood risk, ecology and archaeology.

Evaluation

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.

In this case, the South East Lincolnshire Local Plan 2011-2036 (SELLP), 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 within the report 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.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Policy/Principle

The site is outside Holbeach Hurn settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states that "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".

Policy 23 of the South East Lincolnshire Local Plan, 2019 indicates that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. the development leads to an enhancement of the immediate setting of the building.

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 (Dec 2023), 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.

Addressing the above, the building is of brick and slate construction and capable of conversion without significant structural alterations or re-building.

Moreover, the building is of some architectural/historic merit and is considered worthy of retention and conversion. The proposed alterations are sympathetic. It should also be noted that Class Q allows the conversion of agricultural buildings as permitted development.

The proposal also complies with Paragraph 84 of the National Planning Policy Framework, December 2023, which indicates that planning decisions should avoid new isolated homes in the countryside, unless there are exceptional circumstances. They include the re-use of redundant or dis-used buildings where the development would enhance the immediate setting.

Moreover, the proposal is for a self-contained annexe incidental to the main dwelling permitted by virtue of H09-0627-19. Given the ancillary nature of the development, the proposal cannot readily be located elsewhere.

It is therefore considered that the proposed development would amount to sustainable development when applying the Framework as a whole. Therefore, the principle of development is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in general accordance with Policies 1, 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

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

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.

The nearest residential properties include Vinery Cottage, Sunshine Cottage, Turning Point and Hillside to the west/south-west.

The main elevation faces south with lounge, bedroom and ensuite windows on its northern elevation. The western elevation facing neighbouring property is blank. Roof lights are high level. The proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, noise and disturbance, etc, subject to satisfactory boundary screening.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety/Parking

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.

Further, 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.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to

'Promoting sustainable transport'. Paragraph 115 of the Framework 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".

The proposal is for the conversion of an ancillary outbuilding into annex for family use. The annexe will have two bedrooms and parking is adequate. The access will be widened to 4.5m wide to allow for shared use parameters and it will be constructed to Lincolnshire County Council Specification. Low Road is a low speed road due to the narrow nature and the access has good visibility in both directions. The building in question is set well back from the public highway. LCC Highways has indicated that the proposal will not have an adverse impact on the public highway.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

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".

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.

SELLP Policy 4 is consistent with the above and states that development within Flood Zone 3 will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding and that more vulnerable development would provide wider sustainability benefits to the community that outweigh flood risk. Moreover, an application is supported by a site-specific flood risk assessment (FRA) which, amongst other matters a) demonstrates that the vulnerability of the proposed use is compatible with the flood zone and b) identifies flood mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source.

The site is within Flood Zone 3 of the Environment Agency's Flood Maps. However, the flood maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zones 2 and 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) (SFRA) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area designated as "No Hazard". The proposal therefore satisfies the sequential test.

Given that the proposal is within Zone 3 and is a more vulnerable development the exceptions test needs to be carried out. In this case, however, the sustainability benefits outweigh flood risk, especially bearing in mind the site is within an area of no hazard. In terms of part ii) of the exceptions test, no measures are recommended because the site is within an area of no hazard within the SFRA.

The proposal satisfactorily complies with Policy 4 of the SELLP and advice within the Framework (December 2023) in terms of flood risk.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to

the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 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.

Paragraph 180 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

No ecological survey has been carried out to date and is considered necessary due to the present characteristics of the building. Bio-diversity can be addressed by means of a condition.

The proposal satisfactorily complies with Policy 28 and advice within the Framework (December 2023), subject to conditions.

Archaeology

The brick built stable block is part of a partially extant 19th century farmstead. The farmstead is composed of a regular courtyard with linked working buildings to all four sides of the yard. The brick built stable is very likely one of the associated working buildings. It is visible in the Ordnance Survey Second Edition (1888-1913) map. The farmstead is included within the HER: ML123377. The farmstead is also related to Monument record ML120226 - The Early Medieval/Dark Age to Modern settlement of Holbeach Hurn and holds architectonic interest. In addition, it is included in the 'Building the Evidence Base for Historic Farmsteads in Lincolnshire'. This project mapped Lincolnshire's historic farmsteads (defined as those that pre-date the 2nd edition Ordnance Survey mapping of the early 1900s).

The LCC Historic Environment officer has indicated that construction activity will have a significant impact on any surviving original fabric of the farmstead. They therefore recommend that there be an archaeological condition(s) for a mitigation strategy to effectively deal with this site

The proposal satisfactorily complies with Policy 29 of the SELLP subject to conditions.

Planning Balance

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 building is of some historic merit and suitable for a residential conversion. It would be sympathetically converted. The proposal is therefore sustainable. Moreover, given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. The principle of the proposal is therefore acceptable.

It is considered that the proposal would not materially harm the character/appearance of the locality or amenity of neighbouring residents in terms of overlooking, lack of privacy, noise and disturbance etc, subject to conditions. There are no highway or flood risk issues in this case. Ecology and archaeology can be addressed by means of conditions.

The proposal conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework 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.

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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28, 29 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the considerations in favour of the proposal and the policies referred to within the development plan as a whole.

Recommendation

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