

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0163-20 **Applicant:** Beeswax Dyson Farming Ltd
Proposal: Conversion of redundant agricultural barns to 4 holiday lets
Location: Leadenhall Farm Leadenhall Road Holbeach St Marks
Terminal Date: 3rd July 2020

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
09	Promoting a Stronger Visitor Economy
23	The Reuse of Buildings in the Countryside for Residential Use
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 2019

Sections 2, 4, 5, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	1	0

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert a range of barns at Leadenhall Farm, Holbeach St Marks to 4 x 3 bedroom holiday lets. Each of the holiday lets has its own access into the building and is served by two vehicle parking spaces.

It should be noted that the northern range of the barn complex already has consent for student accommodation and also as a farm office.

Site Description

The barns are located within the southern section of Leadenhall Farmyard and are in open countryside. A dwelling (New Farmhouse) is situated to the south of the barns on the opposite side of the access road. The site is 2km north of the village of Holbeach St Marks and 7.5km north of the town of Holbeach approximately. Vehicular access is via a private roadway.

History

H09-1340-06 - Full - Conversion of redundant barn into farm offices - Granted 16 November 2006.

H09-0735-13 - Full - Conversion of redundant farm building to hostel accommodation for agricultural student placements - Granted 2 December 2013

H09-0370-15 - C/C - Details of windows and door (Condition 5 of H09-0735-13) - Approved 5 May 2015

Consultation Responses

Holbeach Parish Council - The application states the barns are redundant, this is not true they are let out to a tenant and paid for monthly. The tenant has a contract for use of the front barns and are indeed occupied. I cannot see how planning permission can be granted for a building that is occupied.

LCC Highways - Does not wish to restrict the grant of permission.

Environmental Protection - Standard land contamination condition should be applied. No mitigation measures required concerning air quality.

Environment Agency - Concerns raised. If the Authority is minded to approve should be determined in line with cell C5 of the local flood risk standing advice and a condition imposed restricting the period of occupancy.

LCC Archaeology - No input.

Public - Resident objection received (summarised):

Barns not redundant because barn 2 is presently rented out for storage/hobby purposes: Private lane is not kept in good repair and includes pot holes: Cuts off access: Flooding/poor drainage: Issues concerning refuse collection: Trespass: Electricity supply cut off.

Planning Considerations

The main issues in this case are:

- Policy;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage and ecology.

Policy/Principle

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.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location, 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 SELLP is also of relevance. It 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. development leads to an enhancement of the immediate setting of the building.

Where permission is granted, permitted development rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Policy 9 relates to the visitor economy and indicates that small scale development to support the visitor economy, including farm diversification, will be supported providing that they not conflict with neighbouring land uses, are in keeping with the character of the locality and demonstrate a functional link with an existing rural attraction or farm enterprise.

Addressing the above policies, the proposal is small scale and would help promote the visitor economy. It is a form of farm diversification and would have a functional link with the existing farm enterprise. With the exception of one element, the walls of the buildings are mainly brickwork. According to the structural survey, they are suitable to be retained without major rebuilding or demolition being necessary. The buildings are attractive and of some architectural/historic merit. They constitute an important rural feature which should be preserved. This proposal is a means of seeking their retention. The design is considered to be sympathetic to the character and appearance of the buildings.

The proposal is therefore considered to be generally in accordance with Policies 1, 9 and 23 of the

South East Lincolnshire Local Plan, 2019.

Concerns have been expressed on grounds that the buildings are not currently redundant and that barn 2 is presently rented out for storage/hobby purposes. This has been taken up with the applicant's agent, who has indicated that the applicant has not rented out the barns or used the barns for any other use or to any other occupier. Any disagreement concerning this issue is a separate legal matter. The fact that the barns may or may not be presently redundant is not considered to be such as to outweigh factors in favour of the scheme.

The proposal is considered to be consistent with advice within the National Planning Policy Framework, 2019. It supports sustainable growth and stresses that significant weight should be placed on the need to support economic growth and the provision of local services to reflect the community's needs. Paragraphs 17 and 28 encourage the expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings. The latter also stresses that planning policies should support rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.

Paragraph 79 indicates that planning decisions should avoid new isolated residential development 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.

Amenity

New Farmhouse is located immediately to the south of the buildings. It is understood that it has an historical association with the farmyard and is currently rented out. The rear of units 3 and 4 face this property. To address material overlooking, the applicant has agreed to the existing hedge being allowed to grow to 1.8 metres in height and be retained at least this height. The existing vehicular access serving New Farmhouse would also be re-aligned. The buildings are part of an active farmyard where there is already agricultural activity and associated noise/disturbance. Taking the aforementioned into account, it is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc..

Concerning the disposal of waste, the applicant has indicated that the refuse/ recycling bins would be of the commercial size to serve all 4 Holiday Lets, for which the client/ applicant would be responsible for emptying - normally on a contract basis with a commercial refuse collector.

The proposal satisfactorily complies with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

The site would be accessed via an existing long private roadway. Concerns have been raised on grounds that it is of poor structural standard and that it is unsuitable for additional traffic. However, the roadway is already used by large agricultural vehicles visiting the farm, plus vehicles associated with a number of dwellings. The increase in traffic is not considered to be such as to justify refusal and outweigh factors in favour of the proposal. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they do not take into account any flood defences. Also, large parts of the South Holland District 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 SFRA indicates that the site is within an area designated as "Danger for All". However, the Framework states at paragraph 164 that minor development and changes of use applications should not be subject to the sequential or exceptions tests, unless falling within certain types of development. Given the nature of the scheme, neither the sequential or exception test is required in this case. However, paragraph 164 also stresses that proposals should still meet the requirements for site specific flood risk assessments.

The proposal is a more vulnerable development and Hazard Maps for the 2115 year 0.1% (1 in 100) probability event shows depths greater than 1.6 metres for the site. The South East Lincolnshire Strategic Flood Risk Assessment standing advice states that for depths of over 1.6 metres it is unlikely that mitigation measures would prevent flood water from entering the building at ground floor level. In such cases, proposals should have a minimum of 2 storeys with no ground floor habitable accommodation. In this case the buildings are existing and single storey. The addition of a second storey would significantly harm the architectural/historic integrity of the buildings. It is considered in this case that wider sustainability benefits and the need to retain historic buildings in their present form outweigh flood risk.

Nevertheless, some mitigation measures are still possible that would help alleviate flood risk. The FRA indicates that Barn 1 (Holiday Lets 1 & 2) would have a finished floor level (FFL) of 3.36m aOD and Barn 2 Holiday lets 3 & 4) to have a FFL of 3.21m aOD. This is the maximum height that could be achieved given the available ceiling height. It also indicates that a Flood Warning and Evacuation plan would be prepared and the period of occupancy restricted in line with advice from the Environment Agency.

The applicant should also sign up to the local Flood Early Warning scheme and the building should incorporate flood resilient construction. In addition, the installation of demountable flood barriers is recommended.

Concluding, therefore, the proposal does not wholly comply with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2019, but is outweighed in this case by wider sustainability benefits that outweigh flood risk.

Drainage

Foul water would be disposed of via a package treatment plant. Surface water would be disposed of via soakaways and the areal footprint of the buildings would not be altered by the proposed development. This arrangement is considered to be acceptable in this countryside location. The proposal satisfactorily complies with Policy 2, 3 and 30 of the SELLP in terms of drainage.

Ecology

The application is accompanied by a protected species report. It indicates that the barns on site are considered to have potential to support roosting bats and a single pipistrelle bat, together with field signs, were recorded. In order to comply with latest industry guidelines, further dusk and/or dawn surveys must be undertaken in the active season (May to September).

The site also supports breeding barn owls. A Method Statement has therefore been provided and must be adhered to. Appropriate timing is required with respect to nesting birds. Enhancement measures such as provision of nest boxes are recommended.

Other Matters

Issues have been raised concerning such matters as trespass and cutting electricity supplies. These matters are a separate civil/police matter.

Conclusion

The proposal generally accords with the development plan and advice within the National Planning Policy Framework, 2019. Although concerns have been raised in relation to the barns not presently being redundant, vehicular access and flood risk, they are outweighed in this case by other factors in favour of the proposal.

It is therefore recommended that the application be approved under 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.