DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0269-24**	**Applicant:**	**Ms E Hartel**
Proposal:	Erection of shed for storage of tools, soil, gardening equipment (for personal use) - Retrospective		
Location:	Land Opposite Old Post Office Hurn Bank Holbeach Hurn		
Terminal Date:	29th May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the retrospective erection of a shed for storage tools, soil and gardening equipment for personal use at land opposite the Old Post Office, Hurn Bank, Holbeach Hurn.

Site Description

The site is located outside the defined settlement boundary of Holbeach Hurn as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The site is concealed by a large mature hedge to the northern boundary with a South Holland IDB drain running to the southern boundary.

History

H09-0317-23 - Change of use of land (previously used as landscapers yard and car repairs) to mixed use for yoga/meditation/dog training - Withdrawn

Consultation Responses

Holbeach Parish Council

No objections.

South Holland Internal Drainage Board

Consent not currently required under Byelaw 3 or Section 23. Consent is required under Byelaw 10 and as such the applicant must apply for consent under this byelaw.

Lincolnshire County Council Highways Authority

Recommendation: No objection

This proposal is for the Erection of shed for storage of tools, soil, gardening equipment (for personal use) - Retrospective and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Key Planning Considerations

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

- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use

Evaluation

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 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 within the report above.

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

Planning Considerations

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 and beautiful 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 retrospective shed is made from wood on the walls with the roof being made from black shed felt. Both the windows and doors are made from perplex with some doors also being wood. These materials are common for sheds and therefore it is made from an appropriate material for the nature of the building, in any case, following the case officer's site visit it was made clear that the shed is concealed by an existing hedge which runs along the entire northern perimeter. Therefore any concern surrounding the use of these materials are minimised by this factor.

The shed has a total length of 4750mm with a width of 3420mm, to the eaves it is around 1820mm with a total height of 2130mm. These measurements provide an adequate amount of room for the specific purposes of the shed which is purely for storage purposes, if there were any concerns surrounding the size or positioning etc these are minimised by the aforementioned existing hedge.

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 Residential 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.

There is considered to be no overlooking, overshadowing or overbearing impact from this shed, this is mostly due to the fact the building is not a habitable room plus the fact it is concealed from view by the existing hedge which reduces the potential for overshadowing and any overbearing impact. Furthermore, the shed is lower than the highway with the ground level in this regard being lower and therefore further reducing the potential for any impact.

Whilst the use of the shed is purely for storage, conditions will be imposed to ensure this remain the case and that no significant noise will be caused via power tools or other equipment on this site. Furthermore, the LPA will ensure that the use remain for the storage of the applicants possession only as it is for 'personal use'.

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.

Other Matters

Concern has been raised initially regarding the potential harmful effects this development could cause if it was approved. The likelihood is that approving this would not set a harmful precedent on the area as there is no other land set to the front of other dwellings and across the road that could be developed, this is because apart from the land opposite the Old Post Office the area is overgrown with mature trees and hedges and appears to thin and small to be developed on due to the existing drain/ditch that spans the border of the highway running up to Hawthorne House, Hurn Bank over 1000m to the west. Furthermore, around 400m in this direction there is existing buildings that been constructed on land opposite Hurnfield Nursery which appears to be for agricultural/farm land and therefore it can be seen a precedent has already been set in this area.

In addition to this, it could be classed that this proposal is tantamount to the extension of new domestic land and the domestication of existing land, however conditions will be imposed on this application to ensure that the shed only operates for the storage of tools, soil and gardening equipment with the land being tied into this but only the shed can be used for storage to ensure equipment or other garden paraphernalia is not left out on the site.

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 outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents through overlooking, overshadowing or overbearing whilst conforming 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 2 and 3 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The are no significant factors in this case that indicate against the proposal and outweigh the consideration 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.