DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0349-21**	**Applicant:**	**Mr S Sillwood**
Proposal:	Vehicular/pedestrian access including entrance gates and close boarded fence		
Location:	Rosemead Stotons Gate Holbeach		
Terminal Date:	27th May 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed 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

CASE OFFICER ASSESSMENT

Proposal

The application seeks planning permission for a vehicular/pedestrian access and entrance gates to the front of the site and a close boarded fence to the front (1.8 metres in height) south and west of the site (1.2 metres in height).

A two storey rear extension and garages/carports are also shown on the proposed plans but these was approved under application references H09-0480-20 and H09-0222-21.

Site Description

The site was a former small agricultural holding comprising the farmhouse and barns to the south-west. It constitutes the only form of development in the vicinity. Stotons Gate is a nearly 2km long unmetalled adopted road across the Fenland flat open fields. The countryside lane is linked with Joys Bank (south) and Ravens Bank (north).

Rosemead is an old two-storey farmhouse. The site is heavily screened by a mature hedgerow of trees and planting onto Stotons Gate. An area of overgrown vegetation is to the south of the house abutting the site boundary. There is a further hedge is on the western (rear) boundary. Mature trees surround the house, especially to the rear of the building. A cluster of barns forming an L shape are roughly 60 metres to the south-west of the dwelling in adjacent land.

History

H09-0222-21 - Two storey extension and detached garage/carport/store - approved under H09-0480-20. Amendments to include change of window material from aluminium to upvc and timber cladding to west elevation - Approved

H09-0778-20 - Details of ecological survey (Condition 6 of H09-0480-20) - Approved

H09-0641-20 - Details of demolition and reconstruction works, 2 barn owl nesting boxes, external finish to roof and landscaping (Conditions 3, 4, 9 and 10 of H09-0798-18 and H09-0385-20) - Approved

H09-0640-20 - Proposed conversion of barn to dwelling - approved under H09-0798-18 and H09-0385-20. Amendments to elevations - Approved

H09-0480-20 - Two storey extension & detached garage/carport/store - Approved

H09-0385-20 - Proposed conversion of barn to dwelling - approved under H09-0798-18 (allowed on appeal). Modification of Condition 2 to allow amendments to previously approved plans - Approved

H09-0798-18 - Proposed conversion of barn to dwelling - Approved via Appeal Decision

H09-0797-18 - Proposed vehicular access - Approved

Consultation Responses

Local Highway and Lead Local Flood Authority - Does not wish to restrict the grant of permission.

Planning Considerations

Principle of development

The site is outside any settlement boundary, however, the principle of development is considered acceptable given it would be associated with and within the curtilage of the existing dwelling

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 key material considerations are addressed below.

Layout and Design

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

Given the remote location of the site the proposed fencing/gates would provide security and privacy to the occupiers. The proposed fence to the front would be largely hidden by the existing planting/hedges to the front of the site. The fencing to the side/rear of the site would not be overly prominent given its relatively low height of 1.2 metres. Given the low height of the fencing/gates and the fact the existing planting/soft landscaping around the site boundary would be retained the proposed fencing would not appear as a harsh boundary treatment or appear overly prominent or out of keeping with the open countryside character of the area.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Highway implications

The Highway Authority has not raised any objections to the proposed access, gates or fencing therefore it is not considered to result in any unacceptable impact on the safety of pedestrians or drivers.

Impacts upon Residential amenity

Given the remote location of the application site and the absence of any immediate neighbour there are no neighbouring amenity concerns.

The proposal therefore accords with Paragraph 127 of National Planning Policy Framework (2019) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning balance

The proposed access would not result in any highway safety issues and the fence/gates would not detract from the existing character of the site or the immediate area.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Additional Considerations
None.

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

The recommendation is for a delegated approval.