

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0385-20 **Applicant:** Mrs Rachel Blake

Proposal: 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.

Location: Adjacent: Rosemead Stotons Gate Holbeach

Terminal Date: 9th 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
23	The Reuse of Buildings in the Countryside for Residential Use
30	Pollution
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	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission was allowed on appeal for a residential conversion in August 2019 (ref. H09-0798-18). This application is essentially to increase the width of the barns to enlarge the living area.

Site History

H09-0798-18 - Full - Proposed conversion of barn to dwelling - Refused 23 November 2018.
Allowed on appeal on 7 August 2019.

Planning Considerations

The site is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 23 of the SELLP 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.

Addressing the above, the building is largely structurally sound and is of some historic merit. It is worthy of retention. Although some re-building is proposed the alterations are considered to be sympathetic and maintain the character and integrity of the barns. It is considered that the proposal satisfactorily complies with the above criteria, also taking into consideration that there is an extant permission for a residential conversion (ref. H09-0798-18).

The proposal also complies with Paragraph 79 of the National Planning Policy Framework, 2019, 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. It is therefore considered that the proposed development would amount to sustainable development when applying the Framework as a whole, and as such the balance lies in favour of the scheme.

The nearest residential property is Rosemead immediately to the north, which presently appears to be unoccupied. Trees/hedging are located along the common boundary. It is considered that the proposal would not materially harm the amenity of its occupiers in terms of overlooking, lack of privacy, noise/disturbance, etc. The proposal therefore complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

The site is in Flood Zone 3 on the Environment Agency Maps. However, it is within an area of no hazard within the SHDC Strategic Flood Risk Assessment. The proposal therefore passes the sequential test. In terms of the exceptions test, a finished floor level 300mm above existing ground level would be appropriate in this case. The proposal therefore complies with Policy 4 of the South East Lincolnshire Local Plan, 2019 and advice within Section 14 of the Framework in terms of flood risk.

Environmental Protection has previously recommended that a full contamination condition be applied.

Lincolnshire County Council Highways Authority previously objected to the proposal on grounds that Stoton's Gate is an un-surfaced public highway full of standing water which would not be suitable to provide access to additional residential development. However, the original application (ref. H09-0798-18) was subsequently allowed on appeal. No objections are therefore raised on highway safety grounds.

Conclusion

The proposal satisfactorily complies with Policies 2, 3, 4, 23 and 30 of the South East Lincolnshire Local Plan, 2019. It is therefore recommended that the application be approved under delegated powers.

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.