

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0433-24 **Applicant:** Mr R White
Proposal: Proposed new garage block & altered vehicular access
Location: Farm House Low Road Holbeach Hurn
Terminal Date: 13th August 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a new domestic garage/workshop (including interior lift) & new wider vehicular access.

It should be noted that planning permission has been granted for extensions to the existing house, involving the removal of the existing single garage and replacement by residential accommodation (ref. H09-0633-22).

Site Description

The site is located on the south-eastern side of Low Road, Holbeach Hurn, and is occupied by a detached house. Hedging presently exists along the frontage.

The nearest neighbouring properties are a vacant farmyard situated to the south, including a barn which has an extant consent for conversion to residential (ref. H09-0627-19). A bungalow (Laburnum Lodge) and war memorial are situated to the west. Agricultural premises are situated to the east, plus a paddock including use as a riding school (ref. H09-0015-08).

Recent Planning History

H09-0633-22 - Full - Single storey extension & alterations - Approved 5 August 2022.

Consultation responses

Holbeach Parish Council

No objections

LCC Highways/SUDs

No objections subject to conditions.

South Holland Internal Drainage Board

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Environmental Protection

No comments or objections.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance objections have been received (main points summarised below):

- Look an eyesore because it is so large
- Increase in traffic and noise/disturbance. Already hear work carried out on vehicles including

racing cars and loud exhausts

- Additional work will be carried out because includes a lift
- Village is a rural one and should not have to endure loud volumes from 6am to midnight

Information from applicant's agent (summarised)

- Garage and workshop solely for applicant's personal use for his hobby vehicles that he is currently restoring/modifying
- The height is mainly to accommodate a classic lorry that the applicant is restoring
- Eaves height has been reduced to 3.5m (400mm less than originally proposed)

Planning Considerations

The main issues in this case are:

- Policy/principle
- Character/appearance
- The likely affect upon the amenity of nearby residents
- Highway issues
- Other material considerations such as flood risk and bio-diversity
- Driveway needs to be a satisfactory distance from neighbouring driveways to remain a safe distance, in the interest of highway safety.

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, 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.

Principle of Development

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site lies outside of 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 indicates 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".

In this case, given the ancillary nature of the development, it is not reasonable for the proposal to be readily located elsewhere within a settlement boundary. Therefore, the principle of development for the proposal is acceptable unless other material planning considerations indicate otherwise.

This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as

follows.

Character/Appearance

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 garage/workshop would have a length of 22 metres, width of 9 metres, eaves height of 3.5 metres and ridge height of 4.9 metres approximately. It would be constructed in plastic coated metal insulated sheeting (brown) with roller shutter doors.

The proposed building has a relatively large footprint and is utilitarian in terms of design and appearance. Moreover, it is forward of the dwelling and would not appear subservient. Taking account of the location, scale and design of the development the proposal is not considered to be acceptable. The proposal would cause an adverse impact to the character and appearance of the rural locality and would not 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) and should be refused as a result of this matter.

Impact on Residential Amenity/Land Users

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (December 2023). Paragraph 135, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest neighbouring properties include a vacant farmyard situated to the south, including a barn which has an extant consent for conversion to residential (ref. H09-0627-19). A bungalow (Laburnum Lodge) and war memorial are situated to the west. Agricultural premises are situated to the east, plus a paddock including use as a riding school (ref. H09-0015-08).

The proposed building would be used as a garage block/domestic workshop and not for commercial purposes (see information from applicant). Its openings (roller shutter doors and personnel door) would face south-west towards the dwelling. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overbearing effect, overlooking, lack of privacy, noise and disturbance, etc, subject to appropriate conditions, including restriction to a purpose incidental to the enjoyment of the dwelling (not commercial).

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework (December 2023) in this respect, subject to conditions.

Highway Safety

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".

A new wider vehicular access is proposed. LCC highways has raised no objections on highway safety grounds subject to a condition requiring the present access to be closed within 7 days

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking requirements and Section 9 of the National Planning Policy Framework (December 2023).

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps. However, it is within an area of no hazard within the within the SHDC Strategic Flood Risk Assessment.

Paragraph 174 of the Framework (Dec 2023) indicates that applications for minor development such as that proposed should not be subject to the sequential or exceptions tests but should still meet the requirements for site specific flood risk assessments. In terms of the latter, it is recommended that the finished floor level be set at 300mm with flood resilient construction if permission is forthcoming.

Biodiversity

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.

In this case, the proposal is exempt from Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics.

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 proposal represents appropriate development in spatial terms and would not materially harm the amenity of nearby residents, subject to conditions. LCC Highways have been consulted and raise no objections subject to improvements to the access point and closure of the existing. No objections are raised on flood risk or biodiversity grounds, subject to conditions.

However, it is considered that the proposed building, by virtue of its location, scale and design/appearance would materially harm the character and appearance of the rural locality. This is contrary to the provisions of the South East Lincolnshire Local Plan, 2019 and National Planning Policy Framework (December 2023) and outweighs other matters 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

The proposal fails to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), December 2023 in terms of visual amenity. This is a significant factor that indicates against the proposal and outweighs other matters in favour of the scheme.

Recommendation

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