

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0452-19 **Applicant:** Mr & Mrs D Hurst
Proposal: Residential annexe
Location: Willow Tree Farm Spalding Road Holbeach
Terminal Date: 21st July 2019

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
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 8, 9, 12 and 14

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

Full planning permission is sought for a "residential annexe" to be occupied by the applicants' daughter and son-in-law. The application is accompanied by supporting information indicating why the annexe is required for personal reasons.

Site Description

The site is located on the northern side of Spalding Road and is currently garden associated with Willow Tree Farm (bungalow). Access is off a private roadway.

An agricultural building is located to the north and residential development to the south on the opposite side of Spalding Road.

Planning History

H09-1462-00 - Full - Extension to existing bungalow - Granted 9 February 2001.

Representations

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

Environmental Protection - Located on landfill site so needs to be demonstrated that the applicant can achieve a safe development.

Planning Considerations

The proposed annexe is relatively large and totally self contained. It is of similar size to a 2/3 bed bungalow and would be independent of the main dwelling and not closely linked. In planning terms, therefore, it is considered to be tantamount to an independent residential unit.

Such development should therefore be assessed against Policy 1 of the South East Lincolnshire Local Plan, 2019. It states that outside a settlement boundary development will only 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. This policy is in accordance with advice within the National Planning Policy Framework, 2019 which is aimed at only allowing new residential development in the open countryside if it is necessary in that location in land use terms.

Addressing the above, the proposal is deliverable and would make a contribution to the supply of housing required to meet the personal needs of the applicants' family and also future generations. However, the site is not closely related to an existing built up area and would not be readily accessible to existing services and facilities other than by motor vehicle. The proposal would not bring significant community benefits.

The Authority is sympathetic to the personal circumstances of the applicants' family. However, whilst they are a planning consideration, Central Government advice indicates that they should carry limited weight and not normally outweigh land use considerations.

No objections are raised on amenity grounds.

LCC Highways has raised no objections on highway safety grounds.

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps 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 South East Lincolnshire SFRA indicates that the site is located within an area partially identified as "Danger for Some". It is possible for new housing to be delivered within areas of the district that

are more sustainable and of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered in this particular case that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 158 to 160 of the National Planning Policy Framework, 2019.

Environmental Protection has indicated that the site is on a landfill. A desk study has been carried out which reveals an overall low-medium risk associated with the site. Contamination could be addressed by means of a condition if permission was forthcoming.

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 proposal would 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 proposal 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.