DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0627-19**	**Applicant:**	**Mr & Mrs J Butler**
Proposal:	Proposed barn conversion		
Location:	Off Low Road Holbeach Hurn Spalding		
Terminal Date:	16th August 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
23	The Reuse of Buildings in the Countryside for Residential Use
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 2019

Sections 2, 4, 5, 12, 14, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an existing agricultural barn to a single dwelling.

Site Description

The brick and slate barn is part of a disused farm yard located to the rear of existing residential properties situated off Marsh Road. Vehicular access is off Low Road.

Consultation Responses

LCC Highway/SUDs - Does not wish to restrict the grant of permission.

SHIDB - I note that the applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that a drainage strategy or plan has been provided for the site. This proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

SHDC Environmental Protection - Recommend full contaminated land condition.

Planning Considerations

The main issues in this case are:
- Policy;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage, ecology and contamination.

Policy

Policy 23 of the South East Lincolnshire Local Plan, 2019 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. the 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 of brick construction and capable of conversion without significant structural alterations or re-building. The main elements of the building would be retained. The proposed extensions are small scale, with the single storey element replacing an existing timber lean-to.

Moreover, the building is of some architectural/historic merit and is considered worthy of retention

and conversion. The proposed alterations are sympathetic and would retain and enhance the buildings agricultural character. It should be noted that Class Q allows the conversion of agricultural buildings such as this as permitted development, albeit with a reduced residential curtilage.

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.

Residential Amenity

The nearest residential properties are situated some 25 metres to the west and the dwellings themselves approximately 38 metres. A house (The Farm House) is located to the north alongside the access. The relationship of the building to nearby dwellings is such that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

Highway Safety

An existing vehicular access would be utilised. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

In terms of flood risk, the site is within Flood Zone 3 of the Environment Agency's Flood Maps. However, the flood maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zones 2 and 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) (SFRA) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area designated as "No Hazard". The proposal therefore satisfies the sequential test.

Drainage

Foul water would be disposed of via a package treatment plant and surface water to soakaways. This arrangement is considered to be suitable given the soil characteristics within this part of the district and the distance from neighbouring property.

Ecology

The characteristics of the building are such that it is unlikely to be inhabited by Bats or Barn Owls. Nevertheless, Policy 28 indicates that development proposals should provide an overall net gain in biodiversity. In accordance with this policy it is recommended that a barn owl box be erected prior to work commencing on the building.

Contamination

SHDC Environmental Protection have requested a land contamination condition.

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 satisfactorily complies with Policies 2, 3, 4, 23 and 36 of the South East Lincolnshire Local Plan, 2019. It is considered acceptable on character, amenity and highway safety grounds. It satisfies the sequential test. Ecology and contamination can be addressed by means of conditions.