DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0663-19**	**Applicant:**	**Mr E McGowan**
Proposal:	Change of use of disused amenity building to dwelling		
Location:	Lazy Acre Caravan Site Little Dog Drove Holbeach St Johns		
Terminal Date:	29th August 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
23	The Reuse of Buildings in the Countryside for Residential Use
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

National Planning Policy Framework (Feb. 2019)
Sections 2, 4, 5, 12, 14, 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	1	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an amenity building to a dwelling.

This is a full planning application that seeks permission for a change of amenity building to dwelling (Use Class C3) - Lazy Acre Caravan Site, Little Dog Drove, Holbeach St Johns.

Site Description

The site is located at Lazy Acre Caravan Site, Little Dog Drove, Holbeach St Johns.

The site is an unused building, built as an amenity building with planning permission, substantially finished but not yet entirely completed.

The overall site is quite overgrown and doesn't appear to have any camping/caravanning activity taking place.

The 'road' is a single track, narrow and in poor condition.

The site context is predominantly characterised by agricultural land and sporadic development, there is dispersed residential development in the surrounding area.

The site location is not contained within any defined settlement limit as set out in the South East Lincolnshire Local Plan 2019. The site is therefore open countryside.

Consultation Responses

Holbeach Parish Council
"Holbeach Parish council are in support of this application."

SHDC Environmental Protection - No comments or objections.

Lincolnshire County Council SUDs (Highways) - No Observations.

Environmental Protection - I request that the applicant fills out a screening assessment form prior to determination, however if they choose not to do this, I recommend the full land contamination condition..

Lincolnshire County Council Historic Environment Record - No archaeological impact.

The Environment Agency - does not wish to make any comments.

Representations

Three objections have been received from residents:

- in the past few years 2 applications have been refused for a dwelling for a local farmer to build a dwelling to continue to carry out the family farming business in this road, under the Local Plan.
- the road surface is not up to standard to take another dwelling and all this entails. The road surface breaks up a few months after it has been repaired and more traffic would add to the damage to the road.
- during the summer and autumn months there are a number of farm vehicles using this

road constantly to carry out their business of harvesting and planting.
- there are no public passing places except the grass verges. Any so called 'passing places' are on private land.
- The road is in such a poor condition that it can hardly support the existing traffic which has increased over the years.
- Traffic situation is difficult, when vehicles meet they have to leave the highway onto grass verge or field - this causes ill feeling and conflict and the police have previously been involved.
- If approved there should be a condition requiring tarmac laybys.

Planning Considerations

The main issues in this case are:
- Policy/Principle;
- Relevant planning history;
- The likely impact upon the amenity of nearby residents;
- Highway safety;

Policy/Principle

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. 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 a solid brick construction with a traditional style.

The building is very new in construction and appears to have had no previous use.

The recent age and lack of architectural or historic merit mean that the building cannot be considered to be of significant architectural/historic merit and, on balance, is not considered worthy of retention and conversion and fails the second criteria of Policy 23 of the South East Lincolnshire Local Plan 2019.

The Case Officer is of the view that the proposal would therefore be in conflict with criteria 2 of Policy 23 of the South East Lincolnshire Local Plan.

The proposal also fails to comply 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 not amount to sustainable development when applying the Framework as a whole, the principle is not justified.

Relevant Planning History

H09-1127-18 Lazy Acre Caravan Site, Little Dog Drove, Holbeach St Johns
Use of land as touring caravan site and associated tented camping
S191 LAWFUL USE CERT
Withdrawn Application Issued : 18-02-19

H09-1276-16 Lazy Acre Caravan Site, Little Dog Drove, Holbeach St Johns
Retention of change of use to touring caravan and camping site
FULL
Refusal Issued : 08-02-17

H09-0921-15 LAZY ACRE CARAVAN SITE, LITTLE DOG DROVE, HOLBEACH ST JOHNS,
Retention of change of use to touring caravan and camping site
REFUSAL Issued : 05-02-16

H09-0566-15 Lazy Acre Caravan Site, Little Dog Drove, Holbeach St Johns
Proposed utility/amenity building
NON MAT AMENDMENT Holbeach
Approved Issued : 21-09-15

H09-0336-14 Lazy Acre, Little Dog Drove, Holbeach,
Use of site for camping and caravanning - re-submission of H Mr Ezra McGowan
S191 LAWFUL USE CERT Holbeach
REFUSAL Issued : 11-08-14

H09-0929-13 Lazy Acre, Little Dog Drove, Holbeach Drove
Use of site for camping and caravanning
S191 LAWFUL USE CERT
REFUSAL Issued : 10-02-14

H09-0751-13 Lazy Acre Caravan Site, Little Dog Drove, Holbeach St Johns
Erection of 2 sheds, toilet facilities and timber gazebo
FULL Holbeach
Approved Issued : 17-12-13

H09-0114-13 Lazy Acre, Little Dog Drove, Holbeach St Johns
Site manager's mobile accommodation
REFUSAL Issued : 16-04-13

H09-0333-10 Lazy Acre, Little Dog Drove, Holbeach St Johns
Proposed utility/amenity building
FULL
Approved Issued : 10-06-10

Residential Amenity

It is considered that the amenity of nearby residents would not be materially harmed in terms of such matters as overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

Highway Safety

The access road, Little Dog Drove, is very poor in quality and very narrow. However there have been no objections from the Highways Authority (Lincolnshire County Council) and a refusal on this issue would be hard to substantiate.

Ecology

In such a new building with a sound roof there is no reason to suspect Protected Species will be in the building or adversely affected.

Contamination

Environmental Protection has raised no objection.

Conclusions

The building is very new in construction and has no architectural or historical merit to justify a residential conversion.

The Case Officer is of the view that the proposal would therefore be in conflict with criteria 2 of Policy 23 of the South East Lincolnshire Local Plan.

The dwelling would be in open countryside and not well related to facilities and would be an unsustainable form of development in conflict with the National Planning Policy Framework including paragraph 79.

Recommendation: REFUSED.

Additional Considerations

Public Sector Equality Duty

In making a 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 of refusal 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.Of specific relevance are 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 of refusal 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 interest and

the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.