

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0879-24 **Applicant:** Mr R White
Proposal: Proposed New Garage/Workshop
Location: The Farm House Low Road Holbeach Hurn
Terminal Date: 6th January 2025

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework December 2024**

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	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	4	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This a householder application for a domestic garage/ workshop, including alterations to the site access. The garage is to be split into two sections, the primary garage, which features a hipped roof, and the smaller flat roof store/workshop. The total width of the garage would be 15.7 metres, with a maximum depth of 9 metres, giving an approximate footprint of 136sqm. It is to be located along the norther-eastern boundary of the plot.

The main garage would measure 10.2 metres (width) by 9 metres (depth). It would feature a hipped roof, with an eaves height of 2.7 metres, rising to 4.7 metres at its apex. The building would be rendered light grey. Timber garage doors would be used alongside grey roof tiles.

The flat roof component would measure 5.5 metres by 7.8 metres. The roof height would be approximately 2.9 metres. It would be clad in dark grey timber cladding.

In addition to the above, an amended access is proposed to accommodate the alterations. This access would be located to the far south of the plot. The drive would be gravelled.

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.

H09-0433-22 - Full - Proposed new garage block & altered vehicular access - Refused 8 August 2024.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Internal Drainage Board

Initial comments, received 28/10/24:

"The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board"

Revised comments, received 23/12/24:

"The adjustment to the roof ridge height does not affect the Board's previous comments of 28 October 2024 which still stand."

Holbeach Parish Council

Support - no comment

Environmental Protection

Initial comments, received 18/11/24:

"no observations"

Revised comments, received 18/12/24:

"No comments regarding amendment 1 in regards to environmental protection or land contamination"

Highway and Lead Local Flood Authority

Initial comments received 11/11/24:

Request additional information: "The proposal also includes a revised access location . The access is to be constructed to Lincolnshire County Council Specification and a note should be added to the proposed block plan. Will the proposed garage/workshop result in any increased vehicle movements to/from the site?"

Revised comments 23/12/24:

"The application is for a proposed New Garage/Workshop. There will be a revised access location, and the access construction should be to Lincolnshire County Council Specification. The existing access will need to be formally stopped up. The garage/workshop is for private use so there will not be any increase in vehicle movements to and from the site as a result of this proposal. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application

Planning Conditions: In the event that permission is to be given, the following planning conditions should be attached: Highway Condition 12 Within seven days of the new access being brought into use, the existing access onto Low Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority. Reason: To reduce to a minimum, the number of individual access points to the site, in the interests of road safety"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, six letters of representation have been received, although one letter of objection is a duplication. These are divided into two comments and three objections.

The comments can be summarised as:

- Concern the garage may be converted to a holiday home
- Concern garage may be commercial
- Concern regarding noise and traffic generated from potential commercial use

The objections can be summarised as:

- Object to relocation of driveway due to traffic safety concerns (present in both letters)
- Object if commercial lorries are to be parked in new driveway
- Concern regarding the scale of the building
- Object to increase traffic the building would generate
- Object due to scale of building, particularly given raised floor levels
- Object due to increased surface water run off.

Key Planning Considerations

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but 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 in the following sections.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states 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 NPPF, 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. Developments should 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 SELLP outlines sustainable development considerations for proposals;

providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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.

As outlined above, the garage is of significant scale. The footprint of the building, at 136sqm, is greater than that of the host dwelling. The maximum ridge height of the building, at 4.7 metres, is also significant, being greater than that of the existing single storey component over the dwelling. That being said, it is considered that the overall scale of the development is subservient to the host. This primarily is achieved via the lowered height to the eaves and the positioning of the building. It should also be noted that due to the scale of the curtilage, feasibly a building with a larger footprint (albeit with an alternative position) could be constructed under permitted development.

Irrespective of the above; however, is the consideration upon the wider visual impacts of the development. The building would be set back 7.3 metres from the highway. This 7.3 metre separation distance adequately reduces the visual impacts of the significant height. This separation distance ensures that a significant portion of the extension would be obscured by the existing boundary treatments along this boundary. While it is adjacent to the norther-eastern boundary, as this borders an agricultural plot, the effects of this are limited. Accordingly, the tangible impacts upon the character of the area are low.

The materials proposed are considered to be in keeping with the surroundings. While neither material is particularly abundant in the area, they are both typical enough as to not appear out of place.

The alteration to the site access would have no significant detrimental visual impacts.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed garage, by virtue of its positioning along a boundary which has no neighbouring residential property, would not overshadow or overlook any residence.

The altered vehicular access would not represent a significant amenity concern. Adequate distance would still be maintained to any dwelling as to prevent noise disturbance.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

In respect of highway matters, 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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. Adequate parking would be provided as a result of this garage.

The proposed relocated access would not represent a significant highway safety concern. Adequate visibility would be maintained to ensure vehicles could safely access/ exit the site. While an objection has been made by a member of the public regarding this access, seeing as there has been no such objection from the Highway Authority, it would be inappropriate to resist the application on this basis.

Concerns have also been raised regarding increased vehicular movements as a result of the creation of a commercial garage on this site. However, as this is a purely domestic garage, with this tie being secured via condition, it is not considered that significant weight can be given to this point.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Surface Water Drainage

Policy 4 of the SELLP, in part, concerns surface water drainage. Paragraph 182 of the NPPF is the primary paragraph concerning drainage, stating the following: "Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal".

Due to the scale of the proposal, it is not anticipated any significant drainage issues would occur as a result of the development. Ample room is left to accommodate surface water run off within the site to ensure no significant impact to neighbouring dwellings.

Other Matters

Representations received have made reference to the site potentially being used for commercial purposes. As a householder application, the proposal is explicitly for domestic use only. In any event, to ensure that the proposal is purely domestic in nature, it is recommended that a condition be imposed tying the garage to the dwelling and ensuring it remains as an ancillary domestic use.

Planning Balance

As detailed above, 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 within a defined residential curtilage. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. A condition is recommended to ensure that the proposal remains ancillary to the host.

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

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 33 and 36 of the SELLP, as well as Sections 9, 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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