

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-0906-20	Applicant:	Beeswax Dyson Farming Ltd.
Proposal:	Conversion of two redundant agricultural barns into two holiday lets		
Location:	Barns At Hospital Cottages Leadenhall Farm Holbeach St Marks		
Terminal Date:	7th December 2020		

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
09	Promoting a Stronger Visitor Economy
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 6, 12, 14, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert two agricultural barns into 2 no. 3 bed holiday accommodation.

Site Description

The barns are located in open countryside at the north-eastern end of Leadenhall Road some 2.2km to the north of the village of Holbeach St Marks. They are presently separated by a large concrete pad used for storage purposes.

Residential property (Hospital Cottage) is situated to the west of the site. The Leadenhall Farm complex is some 700 metres to the south-west.

Recent Planning History

Site to the north west

H09-0966-20 - CM - Construction of a covered digestate storage lagoon, perimeter bunding and fencing - Still under consideration by Lincolnshire County Council.

Consultation Responses

Holbeach Parish Council - This is an area prone to flooding.

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

Environmental Protection - Standard land contamination condition should be applied.

Environment Agency - No objections subject to conditions.

LCC Archaeology - No archaeological input.

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 and ecology.

Policy/Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location, or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 23 of the SELLP is also of relevance. It 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.

Policy 9 relates to the visitor economy and indicates that small scale development to support the visitor economy, including farm diversification, will be supported providing that they not conflict with neighbouring land uses, are in keeping with the character of the locality and demonstrate a functional link with an existing rural attraction or farm enterprise.

Addressing the above policies, the proposal is small scale and would help promote the visitor economy. It is a form of farm diversification and would have a functional link with the existing farm enterprise. The buildings are of substantial construction (brickwork) and structural surveys indicate that they are structurally suitable to be converted into dwellings. The buildings are traditional farm buildings and of some historical merit. The design is considered to be sympathetic to the character and appearance of the buildings and would enhance their current appearance.

The proposal is therefore considered to be generally in accordance with Policies 1, 9 and 23 of the South East Lincolnshire Local Plan, 2019.

The proposal is considered to be consistent with advice within the National Planning Policy Framework, 2019. It supports sustainable growth and stresses that significant weight should be placed on the need to support economic growth and the provision of local services to reflect the community's needs. Paragraphs 17 and 28 encourage the expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings. The latter also stresses that planning policies should support rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.

Paragraph 79 indicates that planning decisions should avoid new isolated residential development 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.

Amenity

The nearest residential property is Hospital Cottage to the west. Currently, the buildings the subject of this application could be used for agricultural purposes, plus the storage of crops and/or agricultural products on a large concrete pad between the two agricultural buildings. Activity associated with this use could be potentially noisy, albeit seasonal. The concrete pad would be removed and laid down to grass, plus a spinney. Overall, it is considered that the amenity of nearby residents would not be harmed to a significantly greater degree in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

The proposal satisfactorily complies with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

The site would be accessed via an existing long private roadway, which is already used by large agricultural vehicles visiting the farm, plus vehicles associated with a number of dwellings. The increase in traffic is not considered to be such as to justify refusal and outweigh factors in favour of the proposal. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they 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 SFRA indicates that the site is within an area designated as "Danger for All". However, the Framework states at paragraph 164 that minor development and changes of use applications should not be subject to the sequential or exceptions tests, unless falling within certain types of development. Given the nature of the scheme, neither the sequential or exception test is required in this case. However, paragraph 164 also stresses that proposals should still meet the requirements for site specific flood risk assessments.

The proposal is a more vulnerable development and Hazard Maps for the 2115 year 0.1% (1 in 100) probability event shows depths greater than 1.6 metres for the site. The South East Lincolnshire Strategic Flood Risk Assessment standing advice states that for depths of over 1.6 metres it is unlikely that mitigation measures would prevent flood water from entering the building at ground floor level. In such cases, proposals should have a minimum of 2 storeys with no ground floor habitable accommodation. However, in this case the buildings are existing and single storey. The addition of a second storey is not practical and would harm the historic integrity of the buildings. It is considered in this case that wider sustainability benefits and the need to retain traditional agricultural buildings in their present form outweigh flood risk.

Nevertheless, some mitigation measures are still possible that would help alleviate flood risk. Floor levels could be raised, but the maximum height that could be achieved would be governed by the available ceiling height. The Flood Risk Assessment indicates that a Flood Warning and Evacuation plan would be prepared and the period of occupancy restricted in line with advice from the Environment Agency.

The applicant should also sign up to the local Flood Early Warning scheme and the building should incorporate flood resilient construction. In addition, the installation of demountable flood barriers is recommended.

Concluding, therefore, the proposal does not wholly comply with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2019, but is outweighed in this case by wider sustainability benefits that outweigh flood risk.

Drainage

Foul water would be disposed of via a package treatment plant. Surface water would be disposed of via the existing system. The amount of impermeable surface would be lessened as a result of the removal of the concrete pad. This arrangement is considered acceptable in this countryside location. The proposal satisfactorily complies with Policy 2, 3 and 30 of the SELLP in terms of drainage.

Ecology

The application is accompanied by a protected species report. It indicates that the barns have the potential to support roosting bats. The survey results confirmed a single pipistrelle bat was recorded. In order to comply with latest industry guidelines, further dusk and/or dawn surveys must be undertaken in the active season (May to September).

The site also supports breeding barn owls. A Barn Owl Method Statement has therefore been

provided and must be adhered to. Appropriate timing is required with respect to nesting birds. Enhancement measures such as provision of nest boxes are recommended. The Little Owl box within Barn 1 must be re-located or closed in the winter months.

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.

Planning Balance

The proposal generally accords with the development plan and advice within the National Planning Policy Framework, 2019. Although there are concerns regarding flood risk, they are outweighed in this case by wider sustainability benefits in favour of the proposal.

Conclusion

The planning balance is in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.