DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0913-21**	**Applicant:**	**Mr K Slack**
Proposal:	Change of use of paddock/garden area to short stay camp site for tents - retrospective		
Location:	Home Farm Washway Road Holbeach		
Terminal Date:	10th December 2021		

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 8. Promoting healthy and safe communities.
Section 9. Promoting sustainable transport.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a change of use of land associated with Home Farm to a short stay camp site (maximum 8 pitches). Vehicular access would be obtained via an existing driveway serving the property.

Site Description

The site (total area some 1.2ha) is located on the southern side of Washway Road and was formerly part of agricultural premises. It is currently a paddock/garden area and is partially landscaped, including perimeter planting.

An associated dwelling (Home Farm) is located to the north-east and a bungalow (Cranville) to the north-west, both fronting Washway Road. Washway House (grade II listed) and associated agricultural/commercial premises (O A Taylor & Sons Bulbs Ltd) are located to the north-east on the opposite side of Washway Road.

Recent History

H09-0748-10 - Full - Proposed replacement dwelling - Granted 4 November 2010.

Consultation Responses

Holbeach Parish Council

We have some concerns over retrospective permission on this site.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

SHIDB

If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No objections.

Environment Agency

This proposal comes under cell E5 of the local flood risk standing advice.

Anglian Water

No comments.

Public

No comments received.

Planning Considerations

The main issues in this case are:

- Whether the proposal would be a sustainable form of development taking into consideration economic, social and environmental factors, including the development's effect upon the character and appearance of the countryside and the setting of nearby listed buildings;
- Residential amenity;
- Highway safety;
- Other material planning considerations such as flood risk and drainage.

Policy

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 proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside.

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that in the countryside development will be permitted that is necessary to such a location and/or it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 9 of the SELLP indicates that outside settlement boundaries, small-scale development to support the visitor economy will be supported, provided that proposals do 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.

The above policy is in accordance with advice within the Framework. Para 84 stresses that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside. Para 11 of the Framework goes on to stress that there should be a presumption in favour of sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Addressing the above, the proposal is small scale and would help encourage visitors to the district (eg, cyclists, walkers, fishermen, bird watchers, etc). On this basis, the proposal would meet rural tourism and economic objectives within the Local Plan and Framework, subject to a condition restricting occupancy.

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance with an area/the countryside and have a satisfactory relationship with existing development. Policy 29 indicates that proposals should preserve the significance of a listed building and not harm the setting of a heritage asset.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that

special regard must be had to the desirability of preserving the setting of listed buildings. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The site is well landscaped with perimeter planting. The proposal is small- scale and the tents would not be readily open to public view. It is considered that the proposal would not materially harm the character or appearance of the countryside or affect the setting of Washway House (grade II listed).

The proposal therefore satisfactory accords with Policies 1, 2, 3 and 29 of the SELLP and advice within the Framework in terms of spatial strategy and visual impact.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

The nearest property unassociated with the proposal is a bungalow (Cranville) to the north-west, fronting Washway Road. Washway House (grade II listed) and associated agricultural/commercial premises (O A Taylor & Sons Bulbs Ltd) are located to the north-east on the opposite side of Washway Road.

The applicant has indicated that the existing vehicular access would be utilised, which passes alongside the associated dwelling (Home Farm) to the east. He has stated that "the expected traffic impact would be from a limited number of campers - they tend to arrive between 14:00 hrs and 19:00 hrs - occasionally later. Usually 1 vehicle per pitch - the nature of camping is that they arrive before dark to allow time to sort themselves out etc." The busiest period is May, June, July and August.

Overall, the use is low key given the limited number of pitches (maximum 8). The site is also opposite a large commercial operation (O. A. Taylor & Sons Bulbs Limited) that generates noise and traffic. It is considered that the amenity of nearby residents would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, etc. Lighting could be controlled by means of a condition if permission was forthcoming.

Issues such as spacing standards, communal/toilet facilities, fire safety, adequate water supply, etc fall within the remit of separate legislation.

The proposal satisfactorily complies with Policies 2, 3 and 30 of the SELLP in terms of amenity.

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

The applicant has indicated that the existing vehicular access would be utilised. There would be satisfactory space within the site for parking. Traffic to and from the site would be from a limited number of campers - usually one vehicle per pitch. The County Highways Authority consider that the proposal would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the highway network. It therefore does not wish to object to this planning application.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking requirements.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps. The South East Lincolnshire Strategic Flood Risk Assessment, 2017 indicates that it is mostly no hazard, although the westernmost strip is classified as "danger for some".

It is possible for development of this nature to be to be delivered on sites within the district that are more sustainable and of no flood risk whatsoever. Consequently, the proposal doesn't fully satisfy the sequential test. However, given the level of risk, it is considered that the proposal would provide wider sustainability benefits to the community that outweigh flood risk, subject to satisfactory mitigation measures. Cell E5 of the S E Lincolnshire Standing Advice Matrix recommends that a flood evacuation plan be prepared and that no pitches be used between 1 November and 14 March.

Holbeach Parish Council has commented that the application is retrospective. However, it is not an offence to commence development without first getting planning permission. It only becomes so if enforcement proceedings are undertaken and not complied with.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

The site is already well landscaped and the applicant has installed various bird boxes upon the site.

Planning Balance

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.

Development Plan policy and the National Planning Policy Framework, 2021 both support the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside.

The site is well screened with existing perimeter planting. It is considered that the proposed development would not materially harm the character or appearance of the rural locality or affect the setting of Washway House (grade II listed). Nor would it have a significant affect upon the amenity of nearby residents, taking into consideration the presence of a large commercial operation opposite. LCC Highways have raised no objections on highway safety grounds. Flood risk issues can be addressed by means of mitigation conditions.

Conclusion

The proposal satisfactorily complies with Policies 1, 2, 3, 4, 9, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning policy Framework, 2021. There are no material considerations that outweigh factors in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers, subject to conditions.