DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0931-21**	**Applicant:**	**Mr Smeeth**
Proposal:	Erection of domestic garden shed		
Location:	Bank Farm Little Dog Drove Holbeach St Johns		
Terminal Date:	9th November 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking planning permission for a domestic shed located to the south of the main house. It would measure 5.2 metres x 16 metres and stand at 3.4 metres in height (2.2 metres to the eaves). Walling is to be composite panel finished in a light grey colour. Roof tiles are to match existing tennis court building. Doors and windows to be timber, finished in white.

SITE DESCRIPTION

The site comprises a large detached dwelling located on Little Dog Drove in Holbeach St Johns. The site is outside any settlement boundary and within the open countryside. The property sits on generous grounds and includes various outbuildings and a tennis court. The front of the site is

enclosed by boundary walls, hedges and trees.

RELEVANT PLANNING HISTORY

H09-1100-02 - Change of use of agricultural land to domestic incorporating two storey extension to existing dwelling - Approved

REPRESENTATIONS

Holbeach Parish Council

No objections.

PLANNING CONSIDERATIONS

Principle of development

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The proposed building would be located within the residential boundary of the existing dwelling. Given this and the fact the building would be incidental to the enjoyment of the existing dwellinghouse the proposed development is acceptable.

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 key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. Likewise, Policy 2 of the SELLP states 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.

It is accepted that the proposed outbuilding would have a large footprint, however, it is considered to be proportionate in context to the wider site. In addition, the proposed building would be well screen from public views given the high level boundary wall/hedge and trees along the sites boundaries. Furthermore the materials proposed are also considered acceptable as they are standard for such outbuildings. As such there would be very little impact on the street scene.

In summary, the proposals are visually acceptable within the locality and comply with Policy 2 of the SELLP and Section 130 of the NPPF.

Impacts upon Residential Amenity

Given the remote location of the property there are no immediate neighbours. As such no impact would result on neighbouring amenity and the proposal would therefore accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1,

2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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

The application can be approved under delegated powers.