DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0952-20**	**Applicant:**	**Mr S Rutland**
Proposal:	Proposed change of use of part of agricultural building to furniture restoration.		
Location:	Adj. Poplar Cottage Holbeach Drove Gate Holbeach Drove		
Terminal Date:	8th February 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 2019

Paragraph 127 (Section 12. Achieving well-designed places)

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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission for proposed change of use of part of agricultural building to furniture restoration at land adjacent to Poplar Cottage, Holbeach Drove

Gate, Holbeach Drove, Spalding.

Site Description

The site lies on the open countryside characterised by flat agricultural land and an extensive network of drains.
There is a vehicular access on Holbeach Drove Gate, a 111-metre-long track with little hardcore and one large timber outbuilding at the end of it. The track runs in parallel with a drain. Poplar Cottage is approximately 115 metres to the south-west of the outbuilding.

History

H09-0812-15 - Proposed implement shed for storage - Approved

Consultation Responses

SHDC Environment Health Officer

No objection.

Holbeach Parish Council

Support.

LCC Highways/SUDS Authority

No objection.

Planning Considerations

Principle of development

Policy 1 of SELLP, 2019 is aimed to steer new development to the most sustainable locations. It defines a settlement hierarchy from which a sequential approach should be applied.

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. The nearest urban settlement is Whaplode Drove, approximately 2km to the south-west of the site. The site lies on land designated countryside as set out in South East Lincolnshire Local Plan (SELLP), 2019.

This policy states 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."

The form that accompanies this application contains a few details about the proposed use comprising hours of opening and car parking spaces. However, no justification has been made about whether the furniture restoration is essential at such rural location. Neither any reference has been made about how the proposal achieves sustainable development.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF) 2019 sets out that planning decision should ensure that new development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Echoing the Framework, Policy 2 and Policy 3 of the SELLP (2019) seek to ensure that new development respects the character and appearance of the area, the landscape character of the area, and the relationship to existing development and land uses.

The current outbuilding subject to the proposed change of use is a stand-alone structure on the open agricultural fields. The scale and height are such that the development is easily perceived from any point of the adjacent land and highway. There is no boundary treatment that would

potentially obscure views onto the unit.

The outbuilding obtained permission in 2015 (H09-0812-15) for agricultural storage. The approved used is clearly in keeping with the agricultural character of the area. However, the intended use for furniture restoration would be alien to it and would harm the rural character and appearance of the area.

In this regard, it is worthwhile taking into account the Inspector's judgement in the Appeal Decision Ref. PP/A2525/W/19/3224871. This appeal was submitted after the refusal of the application ref. Ref H23-0718-18 for change of use of land from paddock to builders yard (retrospective), erection of fencing and the installation of a septic tank. The case under Inspector's scrutiny shares similarities with the proposals of this application by reason of type of development and site context.

The appeal was dismissed on the grounds of the adverse effect of the development upon the character and appearance of the area, among other factors. In particular, the Inspector observed that "the area is predominantly agricultural in character" and "the introduction of a builders yard would have an unacceptable marked change in this character". It was acknowledged that "there are other commercial premises in the area" that "are generally occupying buildings/land which have been previously used for agricultural or horticultural purposes". However, most interestingly, it is concluded that "these sites do not justify further incursions into the countryside".

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.

No justification has been made about whether the furniture restoration is essential at such rural location. Neither any reference has been made about how the proposal achieves sustainable development.

The character of the area is visibly rural. Open agricultural fields extend largely themselves on the Fendlands landscape. A few development footprints have been only observed in the wider location of the site. The intended furniture restoration would be alien to the character of the area and existing development. Furthermore, the scale and height of the outbuilding at such location is an intrusion onto the open countryside without justification of the intended use.

In summary, any adverse impacts of grating permission to the proposal would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

Taking into account the considerations above, the proposed development fails to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.