

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H09-1014-20	Applicant:	Mr T Smith
Proposal:	Detached Garage		
Location:	The Old Church House Barge Road Holbeach St Matthews		
Terminal Date:	7th January 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
29	The Historic Environment
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 12, 14 and 16.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for an open sided detached garage, with storage space above and access via an external staircase.

Site Description

The site is within the curtilage of a former church, which has recently been converted to a dwelling.

School Cottage is located approximately 40 metres to the south-east and Thimbleby House further to the north west set within spacious landscaped grounds.

Recent Planning History

H09-0255-16 - Full - Proposed conversion of redundant Church into residential dwelling - Granted 6 May 2016.

H09-0595-16 - S73 - Proposed conversion of redundant church into dwelling - approved under H09-0255-16. Modification of Condition 2 to allow amendments to previously approved plans - Granted 9 August 2016.

Consultation responses

Holbeach Parish Council - No objections.

South Holland Internal Drainage Board - Consent required if applicant intends to dispose of surface water to a watercourse.

LCC Archaeology - No input.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance and amenity;
- Highway issues;
- Flood Risk.

Policy/principle

Planning law requires that applications for planning permission be determined 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, 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, the proposal is for a domestic garage. Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019

Character/Appearance

The proposed garage would be constructed in clear treated softwood weatherboard on a brick plinth with a 45 degree roof pitch. It is traditional in terms of appearance and would not materially harm the character/appearance of the rural locality or setting of the converted former church or Thimbleby Hall.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

The proposal is for a domestic garage. There is some separation from nearby dwellings. It would not materially harm the amenity of nearby residents in terms of overbearing effect, overlooking, lack of privacy, noise and disturbance, etc.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

Ample car parking is available within the curtilage of the dwelling, as well as that proposed in conjunction with the detached garage. A drive and turning area are proposed. No objections are raised on highway safety grounds.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps and within an area classified as "Danger for All" within the SHDC Strategic Flood Risk Assessment. However, the proposal is classified as a minor development. Consequently, as indicated in paragraph 164 of the Framework, it is not subject to the sequential or exception tests. It would not introduce a more vulnerable use because the ground floor would be open on one side and used solely for garaging or possibly a domestic store.

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

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 garage does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 29 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

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