

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-1078-19 **Applicant:** Mr E McGowan
Proposal: Change of use of disused amenity building to dwelling - re-submission of H09-0663-19
Location: Lazy Acre Little Dog Drove Holbeach St Johns
Terminal Date: 23rd January 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
22	Replacement Dwellings in the Countryside
23	The Reuse of Buildings in the Countryside for Residential Use

National Guidance

National Planning Policy Framework 2019

National Planning Policy Framework

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an amenity building to a dwelling.

This is a full planning application that seeks permission for a change of a partially completed amenity building to dwelling (Use Class C3) - Lazy Acre Caravan Site, Little Dog Drove, Holbeach St Johns.

This application seeks to overcome the reasons for refusal set out in the decision referenced H09-0663-19, and additional information has been submitted.

Site Description

The site is located at Lazy Acre Caravan Site, Little Dog Drove, Holbeach St Johns.

The site is an unused building, built as an amenity building with planning permission, substantially finished but not fitted out or externally finished.

The overall site is quite overgrown and doesn't appear to have any camping/caravanning activity taking place.

The 'road' is a single track, narrow and in poor condition.

The site context is predominantly characterised by agricultural land and sporadic development, there is dispersed residential development in the surrounding area.

The site location is not contained within any defined settlement limit as set out in the South East Lincolnshire Local Plan 2019. The site is therefore open countryside.

Consultation Responses

Holbeach Parish Council - no response received

Lincolnshire County Council SUDs (Highways) - no observations

Representations

4 objections have been received from residents:

Contrary to policy

No architectural merit

Not in keeping with surroundings

No sustainable benefits

Highway matters and safety

Traffic damage to highway verges

Damage to road surface

There are no public/pulling in passing places on this road

Relevant History

H09-0663-19 Change of use of disused amenity building to dwelling REFUSED: 22-08-19.

H09-1127-18 Use of land as touring caravan site and associated tented camping. S191 LAWFUL USE CERT. Withdrawn Application: 18-02-19

H09-1276-16 Retention of change of use to touring caravan and camping site Refusal: 08-02-17

H09-0921-15 Retention of change of use to touring caravan and camping site. REFUSAL 05-02-16

H09-0566-15 Proposed utility/amenity building NON MAT AMENDMENT Approved: 21-09-15

H09-0336-14 Use of site for camping and caravanning - re-submission. S191 LAWFUL USE CERT REFUSAL: 11-08-14

H09-0929-13 Use of site for camping and caravanning. S191 LAWFUL USE CERT. REFUSAL: 10-02-14

H09-0751-13 Erection of 2 sheds, toilet facilities and timber gazebo. Approved: 17-12-13

H09-0114-13 Site manager's mobile accommodation. REFUSAL: 16-04-13

H09-0333-10. Proposed utility/amenity building. Approved: 10-06-10

Planning Considerations

Policy/Principle

The site is within the open countryside, and Policy 1 of the South East Lincolnshire Local Plan addresses development within the countryside as follows:

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.

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.

This application is effectively for a new dwelling within the countryside, for which no functional justification has been submitted, in accordance with Policy 1 of the plan.

As the building is incomplete with no internal fitting, exposed breeze block/concrete walls, exposed joists/no ceilings, the original intended use could never have been implemented. Therefore, having looked at this proposal in more detail, this scheme cannot on balance be considered favourably to be a change of use, however, for the sake of completeness the policy relevant to changes of use (Policy 23 of the South East Lincolnshire Local Plan) is discussed below.

Policy 23 of the South East Lincolnshire Local Plan, 2019 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.

Addressing the above, the building is of a solid brick construction with a traditional style.

The building is very new in construction and appears to have had no previous use, as discussed above.

The recent age and lack of architectural or historic merit means that the building cannot be considered to be of significant architectural/historic merit and recently permission was refused on

that basis. To support this submission the applicant has provided further information to inform the application, however officers consider that the information submitted does not overcome the previous reason for refusal, and indeed that there is a more fundamental matter to look at, which is the formation of an entirely new dwelling in the open countryside, as set out above.

The likely impact upon the amenity of nearby residents

It is considered that the amenity of nearby residents would not be materially harmed in terms of such matters as overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

Highway safety

The access road, Little Dog Drove, is very poor in quality and very narrow. However there have been no objections from the Highways Authority (Lincolnshire County Council) and a refusal on this issue would be hard to substantiate.

Recommendation

In the light of the above matters it is considered that the application is contrary to national and local policies. The proposed new dwelling would be in open countryside and not well related to facilities and would be an unsustainable form of development in conflict with the National Planning Policy Framework including paragraph 79.

Additional Considerations

Public Sector Equality Duty

In making a 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 of refusal 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. Of specific relevance are 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 of refusal 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 interest and the recommendation is considered to be a proportionate response to the submitted application

based on the considerations set out in this report.