DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0102-20**	**Applicant:**	**Mr Michael Neaverson**
Proposal:	Change of use from agricultural land to domestic garden		
Location:	130 St James Road Long Sutton Spalding		
Terminal Date:	2nd April 2020		

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

Section 12. Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks permission for change of use from agricultural land to domestic garden at 130 St James Road, Long Sutton, Spalding.

The aim of the proposal is to increase to the north the residential plot which is currently stretching along St James Road. The amount of land to convert is 0.40 hectares. Proposed extensions and alterations to the main property have been recently approved (see application ref. H11-1153-19). Should permission be granted for the change of land use, the existing rear boundary will be removed to accommodate the approved house extension to the rear.

Site Description

The site is arable land which is under applicant's ownership. The land borders the residential plot of 130 St James Road to the south. To the west, Burlies Gate. To the north, there is land with an outbuilding used for non-residential purposes that belongs to Onslow House. To the east, further agricultural land. The site lies in the countryside.

Spendlas Farm is a small holding comprising a large dwellinghouse and farmyward with agricultural buildings. It is opposite St James Road. Onslow House is approximately 325 metres to the east. Further farmhouses with associated agricultural use is about 430 metres to the west. A few cluster of buildings are scattered along James Road.

History

H11-1153-19 - Proposed extension and alterations - Approved

Consultation Responses

Long Sutton Parish Council

No objection.

Planning Considerations

Principle of development

The site lies in the countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The proposed change of use will entail the loss of agricultural land for the extension of the current domestic curtilage. 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 principle of the proposed change of land use is determined by the material considerations addressed below.

Impact upon character of the local area

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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. 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 as per Policy 2 of the SELLP.

The application site has hawthorn hedge along the western boundary onto Burlies Gate. There is mature mixed hedgerow on the remaining boundaries comprising trees and shrubs. In view of such boundary treatment, the site effectively forms part of an enclosed field, into which there are limited views.

The site should be read in conjunction with the wider area. Albeit the residential plot is currently restricted onto St James Road, there are examples nearby of properties with large residential curtilages - for example, Onslow House and 133 St James Road, as well as the property opposite (129 St James Road).

To ensure visual integrity and the rural character of the local area, it is recommended to add a planning condition to the permission if granted for removing planning permitted development rights for outbuildings and walls, fences or other means of enclosure.

Given the above, the proposed change of use is, on balance, considered acceptable.

Residential amenity

The use of the land as a domestic garden will not cause any detrimental impact upon the residents. No other residential property is adjacent to the proposed site.

The site benefits from existing boundary treatment which will obscure significantly any views from adjacent land to the intended garden.

For these reasons, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 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.