DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0651-21**	**Applicant:**	**Mrs L Twell**
Proposal:	Outline application with all matters reserved for the erection of a dwelling ancillary to the existing dwelling ' Ringwood Lodge'.		
Location:	Adj. Ringwood Lodge Browns Gate Long Sutton		
Terminal Date:	10th September 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
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 8. Promoting healthy and safe communities.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for the erection of a dwelling ancillary to the existing dwelling 'Ringwood Lodge'. The application is accompanied by a site plan and Design and Access Statement indicating a chalet bungalow and detached garage.

The application is accompanied by supporting information indicating why the proposed development is required for personal reasons.

Site Description

The site is located on the eastern side of Brown's Gate to the south of Long Sutton, approximately 700 metres from the A17.

An associated house (Ringwood Lodge) and buildings are situated to the south and rear respectively. Commercial premises are located beyond and are currently occupied by Andersons's Transport. The latter collect locally grown horticultural products from farms and nurseries in the surrounding area, before sorting and assembling them into loads for delivery to retail outlets throughout the country. A bungalow is situated to the north.

Recent Planning History

H11-0816-11 - Full - Change of use of grass area to storage of caravans, motorhomes and horse boxes - Granted 12 December 2011.

Consultation Responses

Long Sutton Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Environment Agency

Proposal falls within Cell E8 of the local flood risk standing advice.

Public

No comments received.

Planning Considerations

The main issues in this case are:

- Policy/whether the proposal is a sustainable form of development;
- Other matters such as amenity, highways and flood risk.

Policy/sustainability

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 site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 directs developments within settlement boundaries. It defines Long Sutton as a "Main Service Centre" and states that development within the settlement boundary will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Policy 1 also indicates that development in the countryside 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.

Addressing the first element of Policy 1, it has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with agriculture or other rural based business. Although a personal case has been put forward and the site is the applicants' own land this should be given limited weight and is not considered to be sufficient justification.

Concerning the second element, the relevant factors are addressed below.

Economic - It is accepted that future occupants may support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term. Overall, however, it is considered that there are no significant long term economic benefits arising from a residential unit in this location.

Social/Community - The proposal is essentially tantamount to a new dwelling in the countryside. The site is physically divorced from the nearest service centre (Long Sutton). Occupiers would have to negotiate the busy A17. In the absence of footways, and given the distance involved it would be difficult to access service centres and facilities for the day to day needs of the occupants without use of a private car. In locational terms therefore, it is not considered to be sustainable location for housing, even if it were ancillary to the existing dwelling (Ringwood Lodge).

Environmental - The site is located within the countryside and is currently grassed and undeveloped. It is within an area where existing development is somewhat scattered and rural in character. The site has a distinctly open and rural feel which contributes to the character of the countryside. The proposal would consolidate existing development, thereby eroding the sense of openness. The proposal, if permitted, would constitute an intrusive element that would domesticate and materially change the present open and rural character of the site.

The proposal is not therefore in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance with advice within the National Planning Policy Framework, 2021. Paragraphs 112 and 130 indicate that new development should respond to and be sympathetic to local character, whilst paragraph 174 seeks to protect the intrinsic character of the countryside. Paragraph 105 indicates that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offer a genuine choice of transport modes

Other matters

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

An associated house (Ringwood Lodge) and buildings are situated to the south and rear respectively. Commercial premises are located beyond and are currently occupied by Andersons's Transport. The latter collect locally grown horticultural products from farms and nurseries in the surrounding area, before sorting and assembling them into loads for delivery to retail outlets throughout the country. A bungalow is situated to the north.

The indicative site plan indicates that it would be possible to accommodate a dwelling without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The development would also be an adequate distance from the nearby commercial premises to the south and further away than Ringwood.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the SELLP in terms of amenity.

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The access arrangements are considered suitable and sufficient parking could be accommodated. LCC Highways has raised no objections on highway safety grounds. The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Flood risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) indicates that the site is located within an area identified as "Danger for Some".

Policy 4 of the SELLP deals with the approach to be taken to flood risk in the plan area. It seeks to permit development in Flood Zones 2 and 3 where certain circumstances apply. In particular it requires that the Framework's sequential test is applied to development in these areas unless there is a specific need for the development in that location. It also sets out that the sequential test will be applied on a District wide search area. The proposed development would also need to demonstrate that the vulnerability of the proposed development is compatible with the Flood Zone within which it is located.

It is possible for development of this nature to be delivered within areas of the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policy 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

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 site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside 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.

Addressing the first element, it has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with agriculture or other rural based business. Although a personal case has been put forward and the site is the applicants' own land this should be given limited weight and is not considered to be sufficient justification

Concerning the second element, the proposal would make a very small contribution to the supply of housing required to meet the needs of present and future generations within the district. It may also bring limited economic benefits to the area. However, these factors are outweighed by the harm that the proposal would cause in terms of other social and environmental factors such as the site's unsatisfactory relationship to local services and facilities, reliance upon the motor car and the development's effect upon the character and appearance of the countryside.

The proposal is essentially tantamount to a new dwelling in the countryside. The site is physically divorced from the nearest service centre (Long Sutton) and occupiers would have to negotiate the busy A17. In the absence of footways, and given the distance involved, it would be difficult to access service centres and facilities for the day to day needs of the occupants without use of a private car. In locational terms therefore, it is not considered to be a sustainable location for housing, even if it were ancillary to the existing dwelling (Ringwood Lodge).

Moreover, the site is located within the countryside and is currently grassed and undeveloped. It is within an area where existing development is somewhat scattered and rural in character. The site has a distinctly open and rural feel which contributes to the character of the countryside. The proposal would consolidate existing development, thereby eroding the sense of openness. The proposal, if permitted, would constitute an intrusive element that would domesticate and materially change the present open and rural character of the site.

The proposal is not therefore in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance with advice within the National Planning Policy Framework, 2021. Paragraphs 112 and 130 indicate that new development should respond to and be sympathetic to local character, whilst paragraph 174 seeks to protect the intrinsic character of the countryside. Paragraph 105 indicates that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offer a genuine choice of transport modes.

Moreover, it is possible for development of this nature to be delivered within areas of the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policy 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

Summing up, therefore, the adverse impacts of granting permission would demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and National Planning Policy Framework taken as a whole.

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.

Conclusion

In this case the adverse impacts of granting permission would demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and National Planning Policy Framework taken as a whole. It is therefore recommended that the application be refused under delegated powers.