DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0655-23**	**Applicant:**	**Mr R Wilkin**
Proposal:	Change of use of agricultural land to domestic garden		
Location:	Rear Of 45 Delph Road Long Sutton Spalding		
Terminal Date:	14th September 2023		

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

National Guidance

National Planning Policy Framework 2021

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the change of use of agricultural land to domestic garden to the rear of 45 Delph Road

Site Description

The site lies outside the settlement boundary of Long Sutton as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP) and is therefore classed as being in the open countryside. The application site comprises a detached two storey dwelling located on Delph Road in Long Sutton. The dwelling is buff brick built with white door/window frames. There is a single flat roofed garage to the side and a gravelled driveway to the front providing off-street parking provision for several vehicles. the front boundary is enclosed by heavy planting. To the north/north-west of the site is open countryside. The immediate area is primarily residential comprising dwellings of varying sizes and styles.

History

H11-0103-22 - Proposed extension to side & rear of dwelling - Approved

H11-0071-23 - Proposed side and rear extension - re-submission of H11-103-22 - Approved

H11-0126-23 - Proposed garage - Withdrawn

Consultation Responses

South Holland Internal Drainage Board

No comments, advised consent may be required under Byelaw 10.

Historic Places Team Lincolnshire County Council

No comments.

Planning Considerations

Policy/Principle

Section 38 (6) of the Town and Country Planning Act, amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted development plan, unless material considerations indicate otherwise.

Policy 1 of the South East Lincolnshire Local Plan, 2019 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 site is located outside any settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The scheme proposes to extend the residential curtilage of the existing dwelling, 45 Delph Road, however, no new unit would be created in the open countryside. As such, the principle of a development associated with an existing dwelling is considered acceptable.

The proposed site is not considered to encroach unacceptably upon the fields at the rear of the property which currently situates moveable greenhouses. The proposed change of use to domestic garden is not considered to be significantly out of character or detract from the landscape and setting, the proposal does not require any material works to land. It is a common theme for other houses in the area to have large domestic gardens such as the proposed and therefore will match the area. Should the proposed use cease then the land could return to agricultural use without any potential harm occurring during the time it remains as 'domestic use'.

Impact upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity

for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

No overshadowing disturbance will arise following the approval of this application as the site does not propose any structural work. The proposal will also mean there is no overbearing impact upon the adjacent neighbours.

There is not considered to be material impact on amenity from this extended rear garden, due to the size and location of the proposal, it therefore accords with relevant criteria of Policies 2 & 3 of the SELLP and Section 12 of the NPPF.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore in favour of the proposal. The proposal is considered to accord with Policies 1,2 & 3 of the SELLP and Section 12 of the NPPF.

Conclusion

The recommendation is for a delegated approval.

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.