

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H11-0702-24      **Applicant:** Compact Car Corner

**Proposal:** Barn/Storage building converted to living accommodation and proposed storage containers - Part Retrospective

**Location:** Compact Car Corner Wisbech Road Long Sutton

**Terminal Date:** 14th April 2025

### 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                                    |
| 23         | The Reuse of Buildings in the Countryside for Residential Use |
| 28         | The Natural Environment                                       |
| 29         | The Historic Environment                                      |
| 30         | Pollution                                                     |
| 33         | Delivering a More Sustainable Transport Network               |
| 36         | Vehicle and Cycle Parking                                     |
| APPENDIX 6 | Parking Standards                                             |

#### National Guidance

#### National Planning Policy Framework December 2024

#### National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development  
Section 4 - Decision-making  
Section 5 - Delivering a sufficient supply of homes  
Section 6 - Building a strong, competitive economy  
Section 11 - Making effective use of land  
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  
Section 16 - Conserving and enhancing the historic environment

#### National Guidance

### Representations:

|                                                        | Object | Support | No Obj. | Comments |
|--------------------------------------------------------|--------|---------|---------|----------|
| PARISH COUNCIL                                         | 0      | 0       | 0       | 0        |
| WARD MEMBER                                            | 0      | 0       | 0       | 0        |
| PLANNING LIAISON<br>OFFICER - FLOOD RISK<br>ASSESSMENT | 0      | 0       | 0       | 1        |
| HIGHWAYS & SUDS<br>SUPPORT                             | 0      | 0       | 0       | 1        |
| HISTORIC<br>ENVIRONMENT OFFICER                        | 0      | 0       | 0       | 1        |
| SOUTH HOLLAND<br>INTERNAL DRAINAGE<br>BOARD            | 0      | 0       | 0       | 1        |
| SHDC INTERNAL                                          | 0      | 0       | 0       | 1        |
| OTHER STATUTORY<br>BODIES                              | 0      | 0       | 0       | 1        |

## **CASE OFFICER ASSESSMENT**

### **Description of Proposal**

The application seeks full planning permission to convert an existing building to residential use. The description of development refers to this building as a 'barn/storage' building, however, as set out below the approved use for the site from permission H11-0092-14 was for a 'car sales area with log cabin for office use log cabin for office use'. The building is therefore an ancillary building which has consent to be used as part of the wider car sales use within the site. The application is part retrospective as the applicant sets out that they have lived within the building within the since 2014. The building is located within the eastern part of the site.

Consent is also sought to locate storage containers within the site. The containers are proposed to be located along the northern and southern edges of the site.

### **Site Description**

The site is located to the south-east of a roundabout which connects the A17, B1359 and Wisbech Road. The site features a car sales business. To the north, there is a storage business (A1 Storage Solutions) and there are agricultural buildings to the east. There is a dwelling called Belvedere (60 Wisbech Road) which is located approximately 90m to the south of the site beyond a field. To the west of the site, on the opposite side of Wisbech Road, there are a number of businesses such as Long Sutton Barns and a McDonald's restaurant. To the north-west of the roundabout, there is a hotel, restaurant, a petrol station and a ribbon of housing development which leads towards Long Sutton.

The site is outside of any defined settlement boundaries, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The site is therefore within the countryside in planning policy terms.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

### **Relevant Planning History**

The following applications relate to the application site:

H11-0092-14: (Full Application) Change of use from wasteland to car sales area with log cabin for office use and 2 metre high palisade fencing - approved 30 April 2014

H11-0498-14: (Discharge of Conditions) Details of layout of site, boundary treatment and external materials (conditions 3, 4 and 5 of H11-0092-14) - approved 09 September 2014

H11-0497-14: (Full Application) New vehicular access (retrospective) - approved 09 September 2014

H11-1144-17: (Full Application) Siting of mobile home for occupation in conjunction with Compact Car Corner (retrospective) - Refused 22 January 2018. Dismissed on appeal 15 January 2019

H11-1083-21: (Full Application) Proposed residential development - erection of dwelling to include business facilities - refused 15 December 2021. Dismissed on appeal 04 November 2022

The following applications partly overlap the northern part of the site:

H11-1253-87: (Outline Application) Erection of petrol filling station, restaurant & 'shop at junction of Wisbech Rd & new A17 by-pass' - approved 23 February 1988

H11-1373-88: Erection of petrol station: petrol pump islands, 'pumps & storage tanks, shop, office, toilets' - approved 08 November 1988

Land north of the site:

H11-1253-87: (Outline Application) Erection of petrol filling station, restaurant & 'shop at junction of Wisbech Rd & new A17 by-pass' - approved 23 February 1988

H11-1373-88: (Outline Application) Erection of petrol station: petrol pump islands, 'pumps & storage tanks, shop, office, toilets' - approved 08 November 1988

H11-0553-98: (Full Application) Installation of ATM within existing sales building - not determined

H11-1257-00: (Full Application) Change of use of existing garage site to vehicle sales - approved 21 June 2001

H11-0392-04: (Discharge of Conditions) Advisory road signs/road markings (not now required) (Condition 2 of H11/1257/00) - approved 29 April 2004

H11-0386-04: (Full Application) Erection of 2.1 metre high palisade fencing on boundary, including 2.5 metre high entrance posts (retrospective) - approved 14 May 2004

H11-0893-21: (Advertisement Consent) Erection of Signage - Retrospective - approved 22 December 2021

### **Consultation Responses**

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Crime Prevention Design Advisor (Police): No objections.

Environment Agency: The proposed development will only meet the National Planning Policy

Framework's requirements in relation to flood risk if a condition is included requiring the development to accord with the submitted Flood Risk Assessment.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via soakaway, likely utilising an existing system. I cannot see that the viability of this proposal has been evidenced and we therefore recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. I note that the applicant has not indicated how foul water from their site will be disposed of once it has been treated in the septic tank, however, I acknowledge that treated foul water will likely be disposed of in the same manner as that from the existing building. There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Highways and SUDS: The proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application. The site was previously used for caravan storage and car sales. The vehicle movements will be very similar to this proposal and therefore there will be no adverse impact on the public highway.

Long Sutton Parish Council: No response received.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Cllr D J Wilkinson: No response received.

Conservation Officer: No response received.

Ecology Officer: No response received.

Environmental Protection: No response received.

### Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

## **Key Planning Considerations**

### Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Visual Impact;
- Heritage Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity; and
- Flood Risk.

These matters are assessed in turn below.

### Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement limit and is therefore within the countryside in planning policy terms. Policy 1 sets out that within 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.

There are two elements to consider in terms of the principle of development. The first is whether the principle of converting the existing building within the site into a dwelling is acceptable. The second is whether it is acceptable to site storage containers within the site.

In terms of the proposed conversion of the building within the site to residential use, the most relevant policy from the Local Plan is Policy 23 'The Reuse of Buildings in the Countryside for Residential Use'. Policy 23 sets out that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that parts 1 to 5 are addressed:

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.

In terms of the above reference criteria, the existing building is considered to be structurally sound and no external alterations are proposed. Part 1 is therefore addressed. Part 4 is not relevant in this case as no external alterations are proposed to the building.

In terms of part 2 of the policy, the building is a single storey structure which features black wooden facades, a grey metal roof and UPVC windows and doors. The building is set back from the road frontage towards the eastern part of the site. The building was constructed relatively recently, after 2014. It is therefore not a historic building. The building is not considered to be of architectural or historic merit, nor does it make a positive contribution to the character of the landscape in order to justify its retention. The proposal therefore does not address the requirements of part 2.

In terms of part 3 of the policy, the site is located next to a busy road and there is an existing storage container site to the north and the site is used for commercial purposes. The proposed

residential use is therefore not considered to be in keeping with the site surroundings which largely comprises a mixtures of commercial and rural uses. The requirements of part 3 are therefore not addressed by the proposals.

Lastly in terms of part 4 of the policy, the proposed development is not be considered to lead to an enhancement of the immediate setting of the building. The site is currently used for car sales, and it is proposed to locate storage containers within the site. This is not considered to lead to an enhancement of the setting of the building as storage containers are relatively unsightly and the proposal does not propose any visual mitigation such as landscaping or planting.

The applicant sets out that they have lived within the site since 2014. Limited evidence has been submitted to support this and it appears from reviewing previous applications that the applicant previously claimed to have lived within the site since 2015. The council's planning enforcement team have also been involved with the site in recent years and as such the occupation of the site could not be considered to be continuous without enforcement action.

The principle of converting the building within the site to residential use is therefore not acceptable, as the proposed development does not accord with Policy 23 of the Local Plan.

In terms of the proposed storage containers, Policy 7 of the Local Plan sets out the new businesses outside of the allocated employment sites will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings. The containers are proposed on land that is previously developed. There is an existing storage container business to the north of the site. As such, the proposed containers would not be incongruous within the street scene. The proposed use of the site for storage containers would not generate any further employment. Notwithstanding this, there is support in principle for the proposed containers under Policy 7.

#### Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

No external changes are proposed to the building within the site. The proposed development therefore would not impact the visual appearance of the building.

The submitted site plan proposes 25 storage containers. The submitted plans do not confirm the height or finish of the containers. Over time, metal storage containers can deteriorate in appearance and become unsightly. Permission for storage containers is therefore usually only granted on a temporary basis as containers can look unkempt after a certain period of time and they are generally not regarded as suitable forms of permanent development. Notwithstanding this, it is recognised that there is a storage container site to the north of the site. It is unclear if or when permission was granted for storage containers on land to the north. It is considered that the storage containers to the north have negatively impacted the visual appearance of the area.

Notwithstanding this, even if there were no storage containers to the north, both sites have permission to be used for car sales. As such, vehicles can be stored on the land for the purposes of selling them and the open storage of vehicles is therefore already a characteristic of the area. The storage of containers is therefore similar to the storage of vehicles in terms of the visual impact. Whilst the proposed storage containers would result in some visual harm, this would not be considered to worsen the current visual impact of the site which feature the open storage of vehicles. On balance, the proposed development is therefore acceptable in terms of its visual impact and therefore accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

#### Heritage Impact

Policy 29 of the Local Plan requires proposals which would affect the significance of a heritage asset to be appropriately assessed and mitigated. Section 16 of the NPPF also sets out how proposals should be assessed which could affect the setting of listed buildings. There is a grade II listed milestone on the opposite side of Wisbech Road, to the west of the site. The council's conservation officer was consulted on the proposals, however, no response was received. It is however considered that the proposed development would not significantly impact the setting of the listed milestone. For example, there is a relatively busy road between the site and the milestone, and the site is also enclosed by boundary fencing. The proposed development is therefore considered to accord with Policy 29 of the Local Plan and Section 16 of the NPPF.

### Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed operating hours for the storage containers has not been clarified on the submitted application form, however, the applicant's agent has clarified within an email dated 06 March that the site is proposed to be open from 6am until 10pm each day. The proposed storage containers could therefore result in customers accessing the site between these hours. This could cause a degree of disturbance to any occupants within the dwelling as a result of customers visiting and leaving the site. It is not considered that this would significantly impact the amenity of occupants within the proposed dwelling within the site. For example, the storage containers would not generate significant levels of noise.

The proposed dwelling contains approximately 62sqm of internal floor space. This accords with the nationally described space standard for a one-bedroom dwelling. No outdoor amenity space is demarcated on the submitted plan. There is however likely to be room for a garden within the site.

It is considered that the proposed development would accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of the amenity impact on future occupants and the.

### Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The existing vehicular access from Wisbech Road to the west of the site is proposed to be used for the proposed containers and the dwelling. Lincolnshire County Council's highways team have set out that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network. The team considers that the vehicle movements that would result from the proposed containers would be similar existing car sales business. The highways team therefore has not objected to the application

Parking provision for customers and for the occupants of the proposed dwelling is not shown on the submitted site plan. Notwithstanding this, it is considered that there is room within the site for

parking and turning for both customers of the container business and the proposed dwelling.

The proposal would therefore have an acceptable impact in terms of highway safety and as such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

### Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The proposed development would not affect a priority habitat and it would not affect more than 25sqm of onsite habitat. The proposed development therefore falls within the de minimis exemption. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

### Flood Risk

The site is within Flood Zone 3, as identified within the Environment Agency's flood risk maps.

Paragraph 176 of the NPPF sets out that change of use applications should not be subject to the sequential or exception tests, however, applications should still meet the requirements for site-specific flood risk assessments. The proposed development is therefore not required to pass the sequential or exception tests.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. The site is within an area which is has a hazard rating of 'Low' according to the SFRA.

The Environment Agency have set out that the proposed will only meet the NPPF's requirements in relation to flood risk if a compliance condition is included requiring the development to be carried out in accordance with the measures outlined within the submitted Flood Risk Assessment. With the inclusion of this condition, the development would satisfactorily accord with Policy 4 in the Local Plan and Section 14 of the NPPF.

### **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 development in this instance would provide one dwelling, providing a very minor contribution to the supply of homes within the district. This is a minor contribution and is afforded little weight. No employment is proposed other than for the applicant and as such it is considered that the proposed development would provide limited economic benefits. The local planning authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment (6.4 years as of 31 March 2024). Therefore, full weight can be attributed to the policies in the South East Lincolnshire Local Plan 2019.

The proposed development does not accord with Policy 23 of the Local, specifically parts 2, 3 and 5 of the policy. The building that is proposed to be converted to residential use is not considered to be of architectural or historic merit, nor does it make a positive contribution to the character of the landscape in order to justify its retention. The proposed residential use of the site is not considered

to be in keeping with the surroundings of the site and the proposed development would not lead to an enhancement of the setting of the building. As such, the proposed development would not accord with Policy 23 of the Local Plan.

## **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**

Taking these factors into consideration, the proposal would not accord with Policy 23 of the Local Plan. There are no significant factors in this case that would outweigh the benefits of the proposal. Therefore, the planning balance is against the proposal.

## **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be refused under delegated authority.