

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0817-24 **Applicant:** Nationwide Produce PLC

Proposal: Demolition of residential dwelling

Location: White House Farm Cowpers Gate (South) Long Sutton

Terminal Date: 28th October 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Schedule 2, Part 11, Class B of the Town and Country General Permitted Development Order 2015 (as amended)

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Description of Proposal

This application is made under Schedule 2, Part 11, Class B of the Town and Country Planning Act (General Permitted Development Order) 2015 (as amended) as to whether prior approval is required for the demolition of a dwelling at White House Farm, Cowpers Gate.

Site Description

The site is outside of any settlement boundary outlined within the South East Lincolnshire Local Plan, 2019. The dwelling is a grey clad two-storey building, which features two dormer windows facing the road. The site is in disrepair, although the dwelling appears to be largely structurally sound. The dwelling is listed within the English Heritage Farmsteads Project (ref ML1123960) and as such could be considered a non-designated heritage asset.

Relevant History

H11-1084-23 - Full. Proposed extensions to existing agricultural buildings including revised access arrangements and alterations to the concrete area to the south of the extensions. Approved 02/07/24.

Consultation Responses

No consultations were carried out as part of this prior approval process.

Public Representations

In accordance with Part 11, of Schedule 2 paragraphs 'iv' & 'v' the applicant has evidenced the display of a site notice by site display near the land on which the building to be demolished is sited. This site notices has been in place for at least 21 days in the period of 28.

These can be summarised as:

- The LPA know of no representations that have been received.

Key Planning Considerations

Schedule 2, Class B, Part 11

Class B of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 indicates that any building operation consisting of the demolition of a building would be considered permitted development, subject to conformity with the relevant limitations. Assessing the proposal against the Order, the following is considered:

"(a)the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;"

Despite being in a state of mild disrepair, the existing building is not unsafe and still appears to be structurally sound.

(b)the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)"

The proposal would not be considered relevant demolition due to its positioning outside of the conservation area.

*"(c)the building is used, or was last used, for a purpose falling within
(i)article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or
(ii)article 3(6)(q) (drinking establishments with expanded food provision) of that Order;*

The building has been used as a dwellinghouse

*"(d)the building is used, or was last used, for the purpose of
(i)a concert hall;
(ii)a venue for live music performance; or
(iii)a theatre"*

The building has been used a dwellinghouse

*"(e)the demolition relates to a statue, memorial or monument ("a commemorative structure") in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure
(i)that is a listed building;
(ii)that is a scheduled monument;
(iii)within a cemetery, on consecrated land, or within the curtilage of a place of public worship;
(iv)within the grounds of a museum or art gallery; or
(v)within the curtilage of a dwellinghouse"*

The demolition would not relate to a statue, memorial or monument.

The proposal therefore represents PD as it does not exceed any of the limitations set out under B.1.

Conditions

Section B.2 of Part 11 outlines the relevant conditions demolition must conform to in order to be permitted.

Paragraph b(i) requires a description of the demolition method. This information has been provided within the application form, stating that the demolition would occur "by mechanical means" with all debris being removed from site and any waste, such as asbestos, will be sent to a registered waste site using an approved contractor. While the information provided is limited, given the scale of the proposal, as well as the isolated position of the dwelling (away from other sensitive receptors) such a method is considered appropriate.

Paragraph b(iv) requires the applicant to display a site notice on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority.

It has been demonstrated that an appropriate notice has been put in place.

As such, it is considered that the proposal has conformed to the relevant conditions of this Class.

Other Matters

As referenced above, the dwelling is an identified non-designated heritage asset. An assessment of this matter is not covered within the provisions of the General Permitted Development Order, and as such, this matter cannot be considered within this application. Therefore, no weight can be given in favour of this matter at this stage.

Furthermore, the site is immediately adjacent to an area which the Historic Environment Record identifies as a potential area of importance. Previous approvals adjacent to the site (H11-1084-23) have required trial trenching and archaeological works as a result of this potential significance. However, under the provisions of the General Permitted Development Order, no weight can be given to this either.

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 is considered to comply with the provisions of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015, and as such is permitted development.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

Prior Approval is not required.