DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H11-0828-19** | **Applicant:** | **Mr John Heading** |
| **Proposal:** | Use of land for siting of residential caravan/lodge | | |
| **Location:** | 4 Gimmels Gate Sutton Crosses Long Sutton | | |
| **Terminal Date:** | 2nd December 2019 | | |

**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 |

**National Guidance**

**National Planning Policy Framework 2019**

Section 2. Achieving sustainable development
Section 5. Delivering a sufficient supply of homes
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

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 1 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT | 1 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 1 | 0 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| SHDC INTERNAL | 0 | 0 | 1 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 1 | 0 |

## CASE OFFICER ASSESSMENT

### Proposal

This is a planning application that seeks full permission for change of use of land for the siting of residential caravan/lodge at 4 Gimmels Gate, Sutton Crosses, Long Sutton.

The applicant has confirmed that the mobile home would be used as permanent residential accommodation.

### Site Description

The part of Sutton Crosses in which the site is situated consists of a small cluster of properties at the junction of Gimmels Gate and Roman Bank.

The application site is a corner plot. It accommodates an existing dwelling with an access and drive facing the south-eastern boundary. The domestic garden is laid in lawn and stretches along the corner as well as to the rear. A spacious hardstanding area with storage buildings is at the north-east of the site where the caravan would be sited. A well maintained 1.5 metre high hedge borders the site around the corner and the hardstanding area is obscured with nearly 2 metre timber close board fencing between both the highway and domestic curtilage. The storage buildings were used for the applicant's business which has recently ceased. There are no residential properties immediately adjoining the application site.

### History

None.

### Consultation Responses

Environmental Agency

Objection. Permission should be refused on the basis that the proposed development falls within a flood risk vulnerability category which is inappropriate to the flood zone where the application site is located.

SHDC Environmental Protection

No objection.

Long Sutton Parish Council

No objection. It is reminded though that "a precedent has been set by the refusal of planning permission for a dwelling in close proximity to this site".

South Holland IDB

No objection. It is reminded of the need to comply with the Board's Byelaws and consent procedure, and that further details on surface water drainage and foul water disposal should be submitted.

Lincolnshire County Council as Local Highways and Lead Local Flood Authority

No objection.

SHDC Environmental Health

No objection.

## Planning Considerations

Principle of development

The site is not located within any settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019 and is therefore classed as being in the countryside in planning policy terms.

Policy 1 of the SELLP sets out 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 supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The proposal is not considered to meet the provisions of either of these policies.

It is important to note that the Council is capable of demonstrating a 5-year housing land supply (6.07 years as at 31st March 2019).

Paragraph 79 of the National Planning Policy Framework (2019) (NPPF) makes provision for new 'isolated' dwellings in the countryside in limited circumstances. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 79 should apply in this instance. There are residential properties in the vicinity, therefore the site cannot be described as remote or 'isolated'.

Given the above, the overriding consideration is whether the proposed development can be considered necessary to that location and/or whether the site can be considered to represent a sustainable form of development following Policy 1 (countryside section).

The proposal is to site a mobile home on the site for permanent residential use with a view to the applicants occupying that as opposed to their existing house elsewhere. It has not been demonstrated why permanent residential accommodation is necessary in that location.

In terms of the whether it can be considered a sustainable form of development in accordance with Policy 1, consideration will be made on the basis of the three dimensions of the sustainable development which are interdependent and need to be pursued in mutually supportive ways:

*Economic* - The provision of one residential unit would have only a minimal impact in terms of helping to sustain local services and facilities. Furthermore, the proposal would not entail further employment opportunities akin to that which would be involved with the construction of a permanent dwelling house.

*Social* - The council is capable of demonstrating a 5-year housing land supply (6.07 years as at 31st March 2019). Thus, the proposal has no merit in respect of the social need for further housing given that sufficiency has been achieved in terms of 5-year supply. The nearest services, facilities and amenities to meet the daily needs of the future occupants are in Long Sutton. The distance involved for a round trip to them, particularly by foot or cycle, is not insignificant. Moreover, the residents would have to negotiate A17 (subject to a 60mph speed limit), on foot or by cycle, to the detriment of pedestrian safety. It would be contrary to Policies 2 (Development Management) and 3 (Design of New Development) of the SELLP, as well as Paragraph 108 of the NPPF, which states that it should be ensured that safe and suitable access to the site can be achieved for all users, and Paragraph 110 which states that priority should be given to pedestrian movements and that the scope for conflict between pedestrians and vehicles should be minimised.

*Environmental* - In terms of character, the siting of a caravan would not have an immediate impact

on the wider street scene as it would be set back from the highway and fairly screened by the current boundary treatment. However, caravans used for permanent residential use are classified as highly vulnerable in National Planning Practice Guidance (NPPG). Furthermore, the site lies within Environment Agency Flood Zone 3, which the NPPG highlights is an inappropriate location for highly vulnerable uses. The Environment Agency have therefore objected in principle to the application on the basis that the proposal falls within a flood risk vulnerability category that is inappropriate to Flood Zone 3.

On balance, it is considered that the proposal is contrary to Policy 1 of the Local Plan and thus the principle of residential accommodation in this location is not acceptable.

Flood risk and drainage

As highlighted previously, the site falls within Flood Zone 3 as per the Environment Agency's Flood Map. This means the land has a 1 in 100 or greater annual probability of river flooding; or a 1 in 200 or greater annual probability of sea flooding. This is the highest flood risk probability ignoring the presence of defences.

The Environment Agency have objected to the application in principle on the basis that caravans used for permanent residential use are classified as highly vulnerable in National Planning Practice Guidance (NPPG) and the NPPG highlights that Flood Zone 3 is an inappropriate location for highly vulnerable uses.

The proposal is therefore contrary to Policy 4 of the Local Plan.

Design and layout

On the basis of the photographs provided, the scale and height of the caravan would be acceptable given the layout of the hardstanding area. The storage buildings are gathered at the northern part of the site providing plenty of space to accommodate the unit.

Notwithstanding this, the functional appearance of the mobile home would detract from the rural setting. Development in the area is very low density and properties have spacious curtilages. The few residential properties nearby, including 4 Gimmels Gate, consist of brick structures. For these reasons, the appearance of a standard mobile home used a dwelling would be unsympathetic with the character of the local area.

Impact upon residential amenity

Were the application be approved, the permission would be conditioned that the mitigation measures listed in the Flood Risk Assessment are implemented. The caravan therefore would be raised 400mm from the ground level. This would make the structure further visible. However, the development would not likely appear to be prominent from the residents of the main house. No other residential properties are immediately neighbouring to the application site. It is not anticipated any significant exacerbation of noise and disturbance from the additional car movements within and off the site because of the proposal.

## Conclusion

On balance, it is considered that the proposal is unacceptable on the basis that it would be contrary to Policies 1, 2, 3 and 4 of the Local Plan. It has not been demonstrated that the proposal is necessary to that location and there are clear disbenefits in terms of the social and environmental dimensions of sustainability. Furthermore, the proposal falls within a flood risk vulnerability category which is inappropriate to the flood zone where the application site is located, and thus the Environment Agency have objected. Given the above, it would also be contrary to Sections 2 and 14 of the National Planning Policy Framework (NPPF), 2019 which relate to achieving sustainable development and flooding.

It is therefore recommended that the application be refused 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.