

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H11-0934-20	Applicant:	Mr J Heading
Proposal:	Siting of touring caravan - retrospective		
Location:	4a Gimmels Gate Long Sutton Spalding		
Terminal Date:	8th January 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
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	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY				

BODIES	0	0	1	0
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CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for the siting of a touring caravan at 4A Gimmels Gate, Long Sutton, Sutton Crosses, Spalding.

There is no evidence that the street numbering of 4A Gimmels Gate has been registered yet. For avoidance of doubt, 4A Gimmels Gate relates to the yard adjacent to the bungalow at No. 4 Gimmels Gate and accessed from the western section of the road.

In view of the description of the proposal in the application form and enforcement notes on the file ref. ENF-269-20-E11, the applicants had been living in the bungalow at No. 4 until October 2019. Then, the applicants moved to the caravan for permanent residential use subject to this application which is sited in the adjacent yard.

Site Description

The site forms part of a small cluster of properties at the junction of Gimmels Gate and Roman Bank. Sutton Cross is a hamlet comprising residential and agricultural commercial sites which is located approximately 1.13 km to the south of the built-up area of Long Sutton. The wider location is rural characterised by flat agricultural fields, drains and dykes. The site is approximately.

The site is a hardstanding yard with access from the western section of Gimmels Gate. The land is enclosed by 2 metre high timber fencing and a metal & timber opaque gate. Three private vehicles and two containers were at the site by the time of the case officer's site inspection. A concrete building shed is being constructed that will be approved retrospectively under application ref. H11-0931-20. The nearest residential property is the bungalow at No. 4 which is roughly 33 metres to the south-west.

The caravan stands near the gate. It is not anchored to the ground so the unit is currently portable.

History

H11-0828-19 - Use of land for siting of residential caravan/lodge - Refused

H11-0931-20 - Demolition of existing shed and replace with new brick shed (retrospective) - Approved

Consultation Responses

LCC Highways/SUDS Authority

No objection

South Holland IDB

No comments.

Planning Considerations

A similar application was recently submitted and subsequently determined under ref. H11-0828-19 for use of land for siting of residential caravan/lodge. The caravan was identical to that of the current application and also located at the yard associated to the property at No. 4.

The application was refused on the following basis:

Reason 1

"The application site is located outside of any settlement boundary as outlined in the South East Lincolnshire Local Plan, 2019. As per Policy 1 of the Local Plan, the site is therefore classed as being in the 'Countryside' in planning policy terms. 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 the A17 (subject to a 60mph speed limit), on foot or by cycle, to the detriment of pedestrian safety. Furthermore, the site lies within Flood Zone 3, which National Planning Practice Guidance highlights is an inappropriate location for highly vulnerable uses - A category which includes caravans used as permanent residential accommodation.

The siting of a caravan for permanent residential use in this location is, therefore, considered to be inappropriate and would result in harm both in the context of Policies 2, 3 and 4 of the Local Plan, as well as in relation to the social and environmental objectives enshrined in Paragraph 8 of the National Planning Policy Framework, 2019 (NPPF). It would also be contrary to paragraphs 108 and 110 of the NPPF, which seek to ensure safe and suitable access and access by sustainable modes of transport (such as walking and cycling) and Section 12 in relation to flooding.

Given the location of the site, the proposal is in conflict with the spatial strategy outlined in Policy 1 of the Local Plan, as well as policies 10, 11 and 17 of the Local Plan, which underpin the delivery of housing within defined settlements. The proposal also does not comply with any of the exceptions for new dwellings in the countryside defined under policies 19, 20, 22 or 23 of the Local Plan.

For the reasons outlined above the proposal is in conflict with Local Plan, as well as the NPPF, including paragraph 12 which states that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed"

Reason 2

National Planning Practice Guidance classifies caravans used for permanent residential use as highly vulnerable and states that Flood Zone 3, in which the application site is located, is an inappropriate location for highly vulnerable uses. The proposal is therefore not acceptable on the basis that the proposed use falls within a flood risk vulnerability category which is inappropriate to the flood zone in which the application site is located. Furthermore, the Environment Agency have objected in principle to the proposal.

For this reason, the proposal is considered to be contrary to Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019; Section 14 of the National Planning Policy Framework, 2019; and National Planning Practice Guidance on Flood Risk and Coastal Change.

No alterations to the planning material considerations have occurred so far since the date of the previous refusal. Therefore, there is no merit to recommend approval to this current application.

Planning balance

The siting of the caravan for permanent residential use entails a new dwelling on the countryside which is broadly resisted by both local and national planning policies. Furthermore, the site is within Flood Zone 3 as per Environment Agency and caravans for such use are classed as highly vulnerable. No development shall be permitted in view of the high vulnerability of the development and high flood risk at such location.

Therefore, any adverse impact of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

The proposals contravene Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (SELLP),

2019; and Sections 2 and 14 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to refuse this planning application via delegated powers.

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.