

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H11-1007-19 **Applicant:** Mr R White
Proposal: Caravan park reception/office and manager's house
Location: Vicarage Lane Long Sutton Spalding
Terminal Date: 5th June 2020

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Paragraphs 7, 8 and 11 (Section 2. Achieving sustainable development)
 Paragraph 79 (Section 5. Delivering a sufficient supply of homes)
 Paragraphs 122, 127 (Section 11. Making effective use of land)
 Paragraph 170 (Section 15. Conserving and enhancing the natural environment)

Representations:

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

SHDC INTERNAL	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full planning permission for caravan park reception/office and manager's house off Vicarage Lane, Long Sutton, Spalding.

The proposed development is in connection with the caravan park for holiday makers extending to the rear of the curtilage of The Hamber (5 Vicarage Lane).

Site Description

The site is located approximately 1 km. to the south-east of the built-up area of Long Sutton. Vicarage Lane stems from Wisbech Road/A1101 to the east. The roundabout with A17 is roughly 140 metres to the north-east.

There is the highway access to McDonalds restaurant a few metres opposite Vicarage Lane. To the east, a bungalow with an addition to the front which appears to be used for commercial purposes. Further to the east, Long Sutton Barns is a large modern agricultural type outbuilding used as a crafts & gift shop with cafe.

The proposed site is heavily bounded by mature mixed hedge and bush to the north (front), west and south (rear). It is the domestic garden of the neighbouring bungalow. Further to the west, there is the curtilage of The Hamber (No. 5 Vicarage Lane) which is also heavily obscured by dense hedgerow. Vast paddock land is between the application site and The Hamber.

History

H11-1093-02 - Change of use from agricultural land to caravan site (up to 50 touring units) - Approved

H11-0080-08 - Details of landscaping and fencing on eastern boundary (Conditions 3 and 5 of H11/1093/02) - Approved

H11-0307-08 - Details of surfacing of site entrance, external lighting and drainage facilities (Conditions 6, 7 and 8 of H11/1093/02) - Approved

H11-0439-17 - Use of land as caravan site - Partially Approved & Refused

H11-0663-17 - Reinstatement of access from Vicarage Lane to serve existing caravan site to rear of The Hamber - Approved

Consultation Responses

Environment Agency

No objection.

Lincolnshire County Council as Highways and SUDS Authority

No objection.

Some concerns were initially raised about the drive layout in terms of highways safety. Revised plans were subsequently submitted and the comments were withdrawn.

South Holland IDB

No objection.

It is reminded that surface water management, foul disposal and alteration on the riparian watercourse must comply with Board's byelaws and the Land Drainage Act 1991.

Long Sutton Parish Council

No comments.

SHDC Environmental Health

No objection.

Planning Considerations

Principle of development

The site is within the countryside as per Policies Map of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the SELLP sets out the spatial strategy for new development across the district. A settlement hierarchy has been established in order to steer development to the most sustainable locations. The countryside is the least favourable location. Should development be intended in the countryside, this policy states that "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 explanatory text that accompanies this policy 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 needs of a settlement (see Policy 19: Rural Exceptions Sites). However, the proposed dwelling house is not for gypsy and travellers neither it is located adjacent to the defined boundaries of any urban settlement.

Therefore, Paragraph 79 of NPPF 2019 is paramount to ascertain whether the proposals are in principle acceptable in the countryside. This paragraph states planning policies and decisions should avoid the development of homes in the countryside unless there are special circumstances such as an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Albeit superseded, Para 3 of Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas provides much more detailed guidance to assess whether proposals for occupational dwellings in the countryside will be thoroughly justified or not in unsustainable locations.

Although the criteria below refers to agricultural businesses, Para 15 of the Annex states that proposed dwellings associated with other rural-based enterprises should be assessed against the same criteria and principles in paragraphs 3-13 of this Annex which in turn include the criteria below.

(i)"There is a clearly established existing functional need" - there is no physical evidence of the caravan park on site other than a vacant toilet/shower/laundry block and one hook-up point for water and electricity supply.

(ii)"The need relates to a full-time worker or one who is primarily employed in agriculture and does not relate to a part-time requirement" - no details have been submitted as to the amount of time or task complexity required to operate and manage effectively the caravan park and, as a result of that, neither any justification of the proposed total number of full-time workers.

(iii)"The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so" - only three hand-written receipts have been submitted as financial evidence of the caravan park operation which are clearly insufficient to demonstrate not only the

financial soundness of the business but also the existence of itself.

(iv)"The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerns" -no other existing alternatives have been identified to provide accommodation to the site manager.

(v)"Other planning requirements, e.g in relation to access, or impact on the countryside, are satisfied" - see below considerations of other planning issues. The proposal will be acceptable in other terms.

Concluding, therefore, there is no essential need for a site manager's dwelling and associated development (reception and office) as the tourism enterprise has not been demonstrably proved to exist on a long-term basis.

Whilst it is recognised that the intended dwellinghouse will contribute to prevent further crime and disorder in the area and enhance the rural business among other benefits, there is no caravan park and therefore no need to justify housing in the countryside.

In line with Section 2 of NPPF, Policy 1 establishes that new development in the countryside must either be either necessary to the location where it is proposed or achieve to deliver sustainable development. Paragraphs 7 to 10 of the National Planning Policy Framework (NPPF), 2019 set out the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways to achieve sustainable development. Should the rural business exist, below it is described how the proposal pursued sustainable development in each of the dimensions:

Economic

- The dwelling construction itself would entail employment opportunities albeit in small scale to building constructors and material suppliers.
- The provision of accommodation for site manager and works of the caravan park will contribute to sustain and enhance the tourism business.
- However, permission is sought for intended dwellinghouse and reception/office facilities in connection with the caravan park and such tourism business has not been proved to exist on a permanent basis, Therefore, the adverse impact of permitting new housing in an unsustainable location is unacceptable in the absence of any economic need.

Social

- The proposal will allow on-site surveillance so that crime and disorder on the caravan park will be prevented. A succession of events of trespass, vandalism and anti-social behaviour have occurred on the caravan park and its surroundings.
- The development will support a tourism business and, as a result of that, the arrival of visitors will create further opportunities to make the local community stronger and more vibrant.
- However, the development will not bring these benefits to the local community providing that the caravan park is not an established business.

Environmental

- No services and facilities will be available for the future occupiers of the dwellinghouse in order to meet the day-to-day needs. There is no public transport service within a reasonable walking distance. Thus, the future occupiers will use the car for day-to-day needs which will be contrary to the encouragement of using sustainable modes of transport.
- The development will constitute a modern house with domestic appearance and it would appear an intrusive element detrimental to the prevailing rural character of the countryside.
- The absence of a rural business in connection with the development does not contribute to compensate the detrimental impact of the proposals in terms of the environment.

On balance, no essential need has been demonstrated in order to grant permission for the proposed occupational dwelling and associated development with the caravan park. The proposal does fail to comply with the overarching objectives of sustainable development. Thus, the principle of development for the proposals as submitted is not acceptable.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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, among other considerations. Likewise, design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable in accordance with Policy 2 of the SELLP.

Paragraph 170 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 122 and 127 indicate that new development should be sympathetic to and maintain an area's prevailing character.

The footprint of the development shows that the property will have a L shape. The building will measure approximately at maximum 19.15 metres in depth, 15.1 metres in width and 8 metres in apex height. The eaves will be 4.75 metres high. The resulting scale and height will be significant excessive in view of a few low buildings in the area, The Hamber (west) and No. 59 (east).

From the front wall, the most protruding part will be a single-storey high pitched element but still subservient to the ridgeline of the house. It will accommodate the caravan park reception and office as well as double garage for the dwelling occupiers. Communal spaces will be located on the ground floor whereas 4 no. bedrooms will be on the first-floor level.

Facing brickwork and concrete interlocking tiles will be the prevailing features of the house appearance. The detailing will enhance the rural character of the development to blend it with the countryside scenery of the wider location.

In summary, the material schedule and detailing is acceptable but the building will constitute an intrusive element that would be detrimental to the prevailing rural character of the countryside. The development will be excessive in relation to the few existing buildings in the locality by reason of scale and height. The proposals therefore are contrary to the aforementioned policies about design, layout and character of the local area.

Residential amenity

The footprint of the dwellinghouse is set back 24 metres from the road in contrast with a 17 metre separation distance between the original adjacent bungalow (No. 59) with the same highway. Thus, the two-storey bulk of the proposed development does not oppose the side elevation of the bungalow. There is 6 metre of separation with the eastern boundary adjoining the curtilage of the bungalow. Such distance increases up to 10 metres with the western boundary.

Given such position of the development within the curtilage, the relationship of the proposal with the adjoining residential building is acceptable. No significant overbearing impact will be created neither any overlooking effect from first-floor windows to the adjacent plot.

Therefore, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Highway safety and parking provision

There were initial concerns about vehicular movements as visitors would enter the touring caravan site and would turn left towards the caravan park reception/office to book in. It was also raised that no sufficient turning facility was provided to allow vehicles and caravans to continue in to the site to their pitches. A revised block plan was submitted to amend accordingly the drive layout. After that, the County Highways Authority has confirmed no objection against the proposals.

Appendix 6 of SELLP sets out minimum requirements for parking provision. The proposed dwellinghouse has 4 no. bedrooms. At least 3 no. car parking spaces should be provided within the curtilage of dwellings with 4 or more bedrooms. Two cars can be parked in the double garage and the third one easily on the private drive. The proposals therefore will provide sufficient car park to prevent on-street parking in accordance with Appendix 6 of SELLP.

Flood risk and drainage

Whereas the site is located within the highest flood risk area (Flood Zone 3) according to the Environment Agency's Flood Map, the maximum flood hazard on the site is classified as 'Danger for Some' and predicted flood levels range between 0.25 and 0.5 metre as per South East Lincolnshire SFRA (March 2017).

The strategic flood risk assessment will provide the basis for applying the Sequential Test (Para 158 of NPPF, 2019). Given the relationship use of the proposed dwelling to the caravan park, the scope of alternative site is restricted in the area. No other alternative sites have been identified as land in the immediacy falls within higher flood hazard.

If it is not possible for development to be located in zones with a lower risk of flooding, the Exception test may have to be applied. Paragraph 160 states that "for the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The commitment of the proposals with sustainable development has been assessed in detail above and it has been proved acceptable. The site-specific FRA proposed mitigation measures comprising finished floor levels of the dwelling 500mm above typical ground level and 300mm of flood resilient construction above finished floor level. They accord with the Standing Advice contained in South East Lincolnshire SFRA. Therefore, the Exception Test is passed and it is considered that the development will be acceptable in terms of flood risk.

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

The proposed works comprise the installation of 3 no. soakaways for surface water runoff and a treatment plant for foul water. In doing so, the design of the development is appropriately resilient to the effects of surface water flood risk and overall climate change following Policy 4 of SELLP. No evidence of poor soil permeability is known in the locality. In any case, the suitability of a soakaway will be tested and subsequently approved at a later stage by SHDC Building Control.

Conclusion

It has been taken into consideration the intention of the applicant to obtain permission for the proposals in order to trigger the establishment of the caravan park but in fact it must be vice versa to ensure that new development in the countryside is in fact a rural exception and clearly responds to an essential need of the business. The principle of development for the proposal at such location is not acceptable. Furthermore, the proposals will harm the rural character of the local area.

In summary, the proposed development is contrary to Policies 1, 2 and 3 of SELLP, 2019 as well as Section 2 and Paragraph 79 of NPPF, 2019. It is accordingly recommended to refuse this application 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.