DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-1154-20**	**Applicant:**	**R K Wilson Builders Ltd.**
Proposal:	Change of Use of agricultural land to builders storage in association with existing trading business		
Location:	R K Wilson Builders Ltd. Sandpit Farm Wisbech Road		
Terminal Date:	11th February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Paragraph 127 (Section 12. Achieving well-designed places)

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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks permission for change of use of agricultural land to builders storage in association with existing trading business R K Wilson Builders Ltd at Sandpit Farm,

Wisbech Road, Long Sutton, Spalding.

Site Description

The site is approximately 1km to the south-east of Long Sutton built-up area. The site is on the eastern side of Wisbech Road. It is immediately surrounded by arable land and open views are further to the east.

Belvedere is a large residential plot around 160 metres to the north of the application site, and a large pond associated with the dwelling No. 80 Wisbech Road is around 50 metres to the south.

History

H11-0416-17 - Change of use of agricultural land to parking area at builders yard - Approved

Consultation Responses

LCC Highways/SUDS Authority

No objection.

SHDC Environmental Health

No objection.

Planning Considerations

Principle of development

The site is outside the settlement boundaries of Long Sutton as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside.

This policy states 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 proposed change of use is associated with the business growth of R K Wilson Builders Ltd. The current builders yard is immediately adjacent to the front (west) and further land is needed to increase the storage capacity. No sequential approach therefore should be applied in this case. Otherwise, alternative locations would entail further usage of conventional modes of transport which would be against the promotion of sustainable transport.

Subject to considerations below, the principle of proposing change of use is appropriate at such location.

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. Likewise, Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposals would entail the loss of agricultural land to enlarge the current builders yard eastwards. The amount of land to convert would represent approximately 32% of the existing site area used for storage. The development therefore would not be disproportionate with the site area

of the main use.

The proposed development footprint would not visually constitute a detrimental loss of agricultural land. Arable fields would remain largely available in such location. Furthermore, the proposed enlargement would not protrude eastwards further than the neighbouring plots. This feature of the proposals is especially relevant given the open views further to the east.

Planning balance

The principle of developing the proposal is acceptable at such location. The intended change of use is necessary at such location in light of its subservient use to the current building yard.

Any harm would be appropriate upon the predominately rural character of the area. The land to convert is not a significant enlargement of the existing site, would be in keeping with the nearest development footprints and therefore no encroachment would occur upon the open views further to the east of the site.

In summary, any adverse impact of grating permission to the proposal would significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Section 12 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning 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.