

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H11-0931-20 **Applicant:** Mr J Heading
Proposal: Demolition of existing shed and replace with new brick shed
(retrospective)
Location: 4a Gimmels Gate Long Sutton Spalding
Terminal Date: 7th January 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 of 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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for demolition of existing shed and replace with new brick shed at 4 Gimmels Gate, Long Sutton, Spalding.

Site Description

The area has clusters of properties scattered along Gimmels Gate and adjacent roads. The wider location is rural characterised by flat agricultural fields, drains and dykes.

The residential property is a detached bungalow onto the southern lane. There is a hardstanding yard with outbuildings that belongs to the applicant. To the north, there is a former farmer yard with larger outbuildings for storage. Two residential properties are opposite the road towards east.

The application site is the yard forming part of the curtilage of 4 Gimmels Gate. The area is enclosed by 2 metre high timber fencing and a metal & timber opaque gate where access is made from the eastern lane. The outbuilding is in advanced state of construction. A caravan, trailer and three private vehicles were also at the yard by the time of the case officer's site inspection.

History

None.

Consultation Responses

South Holland IDB

No comments.

Reminds that any formal surface water discharge should comply with Board's byelaws.

LCC Highways/Authority

No objection.

Planning Considerations

Principle of development

The site lies on the countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of developing a new shed that is incidental to the enjoyment of a dwelling house is acceptable.

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. The key material considerations are addressed below.

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, Policy 2 of SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 of the SELLP states that 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.

The purpose of the outbuilding is for domestic storage. Therefore, the development is incidental to the enjoyment of a dwelling.

The shed is at the northern-west corner of the application site. It is positioned in parallel with the western boundary. The scale and height of the replacement shed are not excessive in relation to the neighbouring buildings in the vicinity.

The structure has currently timber trusses and concrete block walls. However, the proposals will entail the use of brick and subsequently feather edge cladding as outer layer on the walls. Roof tiles will be slate. The shed door will be a large UPVC door. Overall, the shed will be of good quality design with an appearance in keeping with the rural character of the wider location.

Residential amenity

The shed is separated approximately 21km from the main dwelling. The nearest residential properties are opposite the road. The shed is set back in the region of 17 metres from the carriageway to the east and 39 metres to the south. At such distance, the height of the outbuilding will not undermine the residential amenity of resident nearby.

Planning balance

The scale and height of the development is appropriate at such location. The form, use and appearance do not detract from the vicinity. The shed is not excessively high and greatly separated from dwellings, thereby no harm upon residential amenity occurs.

No adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

Conclusion

The development accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPPF), 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.