

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0608-24 **Applicant:** Mrs S Still

Proposal: Erection of storage shed and change of use of land and existing buildings from agricultural to domestic - Retrospective

Location: Land & Buildings Adj 50 Leamlands Lane Lutton Marsh Spalding

Terminal Date: 29th November 2024

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
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy

National Guidance**National Planning Policy Framework 2023**

Section 11 - Making effective use of land
Section 12 - Achieving well-designed and Beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
---------------	---	---	---	---

CASE OFFICER ASSESSMENT

Proposal

Erection of storage shed and change of use of land and existing buildings from agricultural to domestic. The proposal is retrospective.

The dimensions of the storage shed are:

12.2m long, 7.75m wide, 4.2m high and 3m to the eaves.

Materials consist of grey metal sheeting akin to an agricultural building.

Site Description

The site is not near any settlement boundary and is east of Lutton by some considerable distance. The site is within the countryside.

The application site is adjacent to the domestic dwelling of 50 Leamlands Lane. Evidence has been submitted linking the site to the domestic use of 50 Leamlands Lane for domestic storage, including the storage of the family's private car collection

The land within the red line boundary of the site has long term use associated with domestic storage, which appears to have occurred from 2005 onwards.

The site 0.07 hectares in area and is located on land to the north of 50 Leamlands Lane, Lutton Marsh, Spalding, on the eastern side of Leamlands Lane. The land is used for the storage of vehicles. The site includes several storage buildings.

Environment Agency LIDAR data shows that ground levels within the site are typically +3.4m AOD. The carriageway level adjacent to the site is +4.0m AOD. The agricultural land to the east is 2.9m AOD and +3.1m AOD.

The site is in the South Holland Internal Drainage Board (IDB) District. Surface Water at the site would drain through soakaway. There is a riparian drain on the field boundary to the east of the site and an IDB Ordinary Watercourse on the Western side of Leamlands Lane.

The justification statement submitted with this application states that additional land was purchased in 2014 to be used as domestic storage, as a continuation of storage for some years previously (which was rented before).

A further domestic storage building within the red line boundary exists on site in addition.

History

H12-1076-02 - Extension to provide bedroom, shower room plus ramped access. Approved 26.11.02.

Planning History at 51 Leamlands Lane, Lutton Marsh - neighbouring property

H12-0411-19 - Use of former domestic shed for storage of tyres in relation to 'Tyre Service Business' - retrospective. Approved 10.07.2019

Consultation Responses

SHDC Environmental Protection

No observations.

LCC Historic Environment

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

LCC Highways

Response dated 3 September 2024

Additional Information Required.

A Design and Access statement is required.

Response dated 5 November 2024

Recommendation: No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments: The proposal is for the erection of a storage shed and change of use of land and existing buildings from agricultural to domestic - Retrospective. The storage shed is purely a replacement shed used to store cars that were there previously, along with other agricultural buildings changing to residential use. There will be no increase in vehicle movements to and from the site. There is no business operating from the premises. The proposal does not have an adverse impact on the public highway or surface water flood risk. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Response dated 12 November

This is a minor application, so it is for the LPA to assess/approve the drainage.

Environment Agency

No comments.

Internal Drainage Board

Response dated 16 August 2024

Byelaw 3 (Surface Water)

No drainage strategy is identified for the site. A drainage strategy is recommended. If the applicant proposes to discharge surface water to any watercourse, consent would be required under Byelaw 3. Please note that any discharges should be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDs), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Section 23, Land Drainage Act, 1991

There is a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to

the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

No Board maintained watercourse within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Response dated 4 November 2024

Site is within the internal Drainage District of South Holland Internal Drainage Board and the Board's Byelaw's apply.

Consent is not required under Section 23, Land Drainage Act 1991. Consent is not required under Byelaw 10.

Byelaw 3

Consent may be required

The application has indicated they intend to dispose of surface water via infiltration, but viability of this has not been evidenced. The IDB recommend ground investigation is carried out to determine infiltration potential, followed by BRE Digest 365 Testing if onsite material is considered favourable for infiltration. If infiltration is not feasible, following the drainage hierarchy, the IDB expect the application to propose to discharge surface water to a watercourse. In that case, consent would be required under Byelaw 3. Any discharge should be in line with the Non Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with WMS's Development Control Charges and fees.

Section 23, Land Drainage Act 1991

A watercourse is present which is not maintained by the Board (a riparian watercourse) adjacent to the eastern boundary. Should the applicant's proposal change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991.

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Environment Agency

No comments.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing

development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment. As at 31 March 2024 the 5 Year Housing Land Supply demonstrates a 6.4 years supply.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The application site in this instance is within the countryside, not near a settlement boundary. It is within the least sustainable location detailed by Policy 1. However, the site is closely associated with the domestic dwelling at 50 Leamlands Lane, Lutton March, as the proposal is for domestic storage. Evidence has been submitted to demonstrate that the land in question has been used for domestic storage over a long period of time. Whilst this application is not a Certificate of Lawfulness to establish if there is sufficient evidence to establish that the use is lawful (i.e. immune from enforcement action for over 10 years), the history of the site has to be taken into account when considering development in principle. In this case, the erection of the storage shed is specifically for domestic storage of vehicles associated with the domestic dwelling, and is under that ownership. As a result, since the principle of residential development with the blue line boundary of the site, it is not clearly established that in principle, the development is contrary to Policy 1 of the South East Lincolnshire Local Plan due to its association - this application is not establishing a new dwelling in the countryside, the building is clearly ancillary. Only if it is concluded that the structure is separate from the planning unit would the proposal be contrary to Policy 1 in principle.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal is for a replacement storage building that replaces an older structure in the same location. It is for the storage of vehicles which is a private collection and is not a commercial use. The site has been used for storage for many years. The structure does not adversely affect the external elevation of the property nor have a significant impact on the street scene. The design and materials are considered acceptable in this location. A design and access statement was submitted as part of the application.

Part of the land to which this application relates was rented to store the family's domestic belongings, including the family car collection. As this has been a use that has lasted more than 10 years, that is highly likely to be lawful in land use planning terms (which means immune from enforcement action as it has operated for more than 10 years). This storage is not used for a business. Storage on the site appears to go back as far as 2005.

In November 2014 the land was purchased (previously it was rented) and the land continued to be used as domestic storage. At that time extra parking and part of a garden was also purchased and incorporated into the curtilage of the site. The justification statement shows how it has evolved over time.

In 2024 one of the storage buildings on site was replaced because it was beyond repair. The replacement building is to continue to be for domestic storage. It was replacing a long term building there previously.

No one else other than the applicant's family have access to the application site or buildings. The domestic traffic movements are the same as before the shed was replaced.

Google images have been submitted from April 2005 to show the change in ownership and fencing around the buildings which have now become part of the domestic dwelling of 50 Leamlands Lane.

It is considered that as long as an appropriate condition is attached to any permission to ensure that the storage is ancillary to the main domestic use, the proposal is considered acceptable.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and

disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The position of the storage shed is at the other end of the plot to the neighbour. The neighbouring property would not suffer from loss of light or outline as a result of the shed.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The Local Highway Authority initially asked for a Design and Access Statement. Additional information was submitted to explain the circumstances of the application. Having established the facts, the Local Highway Authority raised no objections, and also commented that as a minor application, it was for the Local Planning Authority to decide matters relating to drainage. There are no adverse highway impacts in terms of effects on the network or highway safety.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Environment Agency Long Term Flood Risk maps show that:

- the site has a low risk of flooding from rivers or the sea (annual probability between 0.1% and 1%);
- the site has a very low risk of surface water flooding (annual probability less than 0.1%); and
- the site is not within an area at risk of reservoir flooding

The proposed development is covered by the description of buildings used for storage and is classified as 'Less Vulnerable'.

Table 3 of the PPG Flood Risk and Coastal Change sets out Flood Risk Vulnerability and flood zone 'compatibility'. The site is in Flood Zone 3 and the development is 'Less Vulnerable' therefore it is not necessary to complete the Exception Test.

The SFRA states that as it is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk breach information contained within the SFRA demonstrates that during the present day 0.5% tidal breach event, all of the surrounding area is in the Danger for All hazard area. Consequently, there would be no sites with a lower risk and the development is considered to pass the Sequential Test.

There are no specific recommendations associated with the storage building to reduce the risk of flooding to the development.

The site is in the South Holland Internal Drainage Board (IDB) District. Surface water at the site would naturally drain through soakaway and hence to the IDB drainage system. There is a riparian drain on the field boundary to the east of the site and an IDB Ordinary Watercourse on the western side of Leamlands Lane. The IDB raise no objections but have stated that should infiltration not be viable it may be necessary to obtain consent under Byelaw 3. This information can be added as an informative.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Impacts of Climate Change

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

There is nothing about the proposal that indicates climate change would be worsened as a result of the proposal.

Taking the above into account it is considered that given the details submitted and those required by suitably worded condition, the proposal is acceptable in this regard. The proposal would

therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents ancillary development within a residential curtilage that is lawful. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Subject to conditions, the proposal is considered acceptable.

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.

Recommendation

It is proposed that the application be approved under delegated authority.