DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0156-22**	**Applicant:**	**Mr & Mrs D Ford**
Proposal:	Conversion of loft space above garage, store & sunroom to create additional accommodation including alterations - retrospective		
Location:	Waites Farm Barns Seas End Road Moulton Seas End		
Terminal Date:	12th April 2022		

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 2021

Section 2. Achieving sustainable development.
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

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted in September 2015 for a change of use of 6 holiday lets to one single dwelling (ref. H13-0680-15). Condition 3 withdrew permitted development rights. This application is for conversion of loft space above the garage, store & sunroom to create additional accommodation including alterations (retrospective).

Site Description

The site is located on the western side of Seas End Road and is occupied by a range of converted barns. The nearest residential property is West View located approximately 70 metres to the south on the opposite side of Seas End Road. The neighbouring business premises to the south (D Brown Building Contractors Ltd et al) are presently associated with the site.

Relevant Planning History

H13-0299-15 - Full - Change of use of 6 holiday lets to one single dwelling - Granted 8 June 2015.

H13-0680-15 - S73 - Change of use of 6 holiday lets to one single dwelling. Modification of Condition 2 of H13-0299-15 to allow amendments to previously approved plans - Granted 18 September 2015.

H13-0553-18- Full - Single storey extension - Granted 24 July 2018.

Consultation Responses

Moulton Parish Council

No response received.

Public

No response received.

Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Other material considerations such as highway issues and flood risk.

Principle

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 site is a Settlement Boundary as defined within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the Local Plan 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".

In this case, the proposal is solely alterations to an existing dwelling. Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019

Character/appearance

Policies 2 and 3 of the 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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

The proposed external alterations include the addition of a glazed screen and Juliet balcony on the first floor on the south-western elevation, plus additional rooflights and some minor alterations to the fenestration. The alterations are considered acceptable in terms of design/appearance and would not materially harm the character/appearance of the existing buildings or rural locality. The proposal therefore accords with Policies 2 and 3 of the SELLP.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest residential property is West View located approximately 70 metres to the south on the opposite side of Seas End Road. The neighbouring business premises to the south (D Brown Building Contractors Ltd et al) are presently associated with the site. Neighbouring residents would not be materially affected in terms of overlooking, lack of privacy, noise and disturbance, etc.

Other matters

Highways/parking

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

In this case there is ample car parking available on site. No objections are raised to the scheme on highway safety grounds.

Flood risk

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site is within Flood Zone 3. However, the nature of the development is such that it is not subject to the sequential or exception tests. It should nevertheless still meet the requirements for site-specific flood risk assessments. In this case, the proposed alterations are mainly at first floor level and ground floor levels will remain unaltered.

Planning Balance

The proposal is considered acceptable in terms of design/appearance and would not materially harm the amenity of nearby residents. There are no significant parking/highway or flood risk issues in this case.

The proposed development is generally in accordance with Policies 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, 2021.

Conclusion

For the reasons outlined above the planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under 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.