| DECISION DELEGATED TO HEAD OF PLANNING |
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| **Application No:** | **H13-0648-21** | **Applicant:** | **Elite Retirement Account Re: S Holbrook** |
| **Proposal:** | Implement Shed | | |
| **Location:** | Land Off Red Cow Drove Moulton Marsh Spalding | | |
| **Terminal Date:** | 8th September 2021 | | |

**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 2021**

NPPF 2021.

**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 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |

## CASE OFFICER ASSESSMENT

## PROPOSAL

The proposal seeks planning permission for a building measuring 12 metre x 18 metres and standing at 6.2 metres in height (5.2 metres to the eaves). It would be constructed from profiled metal sheeting in goosewing grey. The building is proposed to be used for machinery and tools associated with the applicant's industrial sites, paddocks and personal use.

## SITE DESCRIPTION

The site is a piece of agricultural land off Red Cow Drove in Moulton Marsh. It is outside any defined settlement boundary and within the open countryside. To the east of the site are two large buildings and further to the east is Westview Farm, which is a Grade II listed building. To the west of the site is a residential dwelling. The wider area is characterised by open fields.

## RELEVANT PLANNING HISTORY

None.

## CONSULTATION RESPONSES

### SHDC Environmental Protection

No comments or objections.

### Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

### South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4). Should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

## PLANNING CONSIDERATIONS

### Principle of development

Policy 1 of the South East Lincolnshire Local Plan, 2019 (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 site lies on land designated as open countryside as set out in the SELLP. The applicant has stated in the submitted supporting statement that the purpose of the development is to make provision for machinery and tools associated with the applicants industrial sites, paddocks and personal use.

However, it is known that the primary address of the applicant is over a mile away (Charity Farm,

Washway Road, Moulton Seas End, Spalding, PE12 6LP). No justification has been provided about whether the proposed development is essential in this location nor has any reference been made about how the proposal achieves sustainable development as required by Policy 1. Furthermore, no justification has been made within the context of this application on the extent to which the development proposals meet wider sustainability objectives. This is relevant to ascertain whether the change of use of mostly undeveloped land to storage can be supported or not when sequentially discarding alternative uses for the land.

As such the proposal contravenes Policy 1 of the South East Lincolnshire Local Plan (2019).

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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 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.

A 12 x 18 metre building constructed from profiled metal sheeting would be erected on the site to provide storage. It would stand at 6.2 metres in height (5.2 metres to the eaves). The resulting scale and footprint of the outbuilding would be suitable in relationship with the size of the full site. The building would have a goosewing grey finish and have one door on the southern elevation. The proposed building would be similar in appearance to the existing buildings to the east of the site therefore it is not considered to detract from the existing character of the area.

The access from Red Cow Drove would remain the same and no details have been provided with regards to any further hard surfacing.

As such on balance it would accord with Policies 2 and 3 of the SELLP, 2019 and Paragraph 130 of the NPPF, 2021.

Residential amenity

The closest residential dwelling to the proposed development is Ourholme located to the west of the application site. There would be a separation distance of at least 33 metres to this neighbour's boundary. This separation distance is considered sufficient as to not result in any unacceptable impact on the amenity of this neighbour.

The only other immediate neighbour is Westview Farm located to the east of the application site. This property is located some 74 metres from this neighbour which is considered a sufficient distance. In addition, the proposed building would be blocked by the existing buildings to the east.

There are no other residential dwellings in the immediate vicinity.

Furthermore Environmental Protection has not raised any issues with regards to noise implications.

As such the proposal would accord with Policies 2 and 3 of the SELLP and Paragraph 130 of the NPPF, 2021.

Highway implications

The Local Highways Authority has not raised any objections to the proposed development. The existing access off Red Cow Drove would be utilised therefore it is not considered that there would be any highway implications.

Flood risk and drainage

Policy 4 of the SELLP is concerned with 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).

South Holland Internal Drainage Board has not raised any objections to the scheme but has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4). Should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

Subject to the above advice the proposal is considered to be in accordance with Policies 2, 3 and 4 of the SELLP with regard to their provisions on flood risk and drainage.

Planning Balance

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 lies within the open countryside in accordance with the local spatial strategy. No evidence has been provided to demonstrate both the development is necessary to the proposed location neither no justification has been raised to demonstrate that the proposals meet wider sustainability objectives as required by Policy 1.

As such, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

## CONCLUSION

Taking into account the considerations above, the proposed development fails to comply with Policy 1 of the South East Lincolnshire Local Plan, 2019.

## 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

This application was considered by the Chairman's Panel on 17 September, and it was agreed that this application can be determined under the powers delegated to officers.

Delegated refusal.