DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H13-0666-24** | **Applicant:** | **Tawny Homes** |
| **Proposal:** | Conversion of part of office/store into self contained annexe and alterations/upgrades to remainder of building | | |
| **Location:** | Crown Hall Farm 60 Eaugate Road Moulton Eaugate | | |
| **Terminal Date:** | 9th October 2024 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 28 | The Natural Environment |
| 31 | Climate Change and Renewable and Low Carbon Energy |
| 33 | Delivering a More Sustainable Transport Network |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2023**

Section 9 - Promoting Sustainable Transport
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 |
| SHDC INTERNAL | 0 | 0 | 0 | 2 |

## CASE OFFICER ASSESSMENT

### Description of Proposal

The proposal seeks full planning permission for the conversion of part of an existing office/store into a self-contained annexe and alterations to the remainder of the building.

Internally, this would divide the existing outbuilding into two, an area for a staff room and office (to replace an existing agricultural storeroom) and an accommodation area associated with the host dwelling (to replace a store and office).

Externally, several alterations are proposed, including the installation of five windows (including one replacement window), the installation of two doors, and the removal of two doors.

### Site Description

The site is outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019. The property features an agricultural business, including farmyard and larger agricultural buildings, as well as an associated dwellinghouse. The building to which this application relates appears to sit primarily within the agricultural unit; however, the south-west corner of the building does display a strong relationship with the associated dwelling. The site is within Flood Zone 1.

### Relevant History

H13-0487-07 - Agricultural determination - Erection of dutch barn (1,620 square metres). Approved 04/05/07.

H13-0477-24 - S192 - Upgrade existing outbuilding to provide flexible auxiliary accommodation and home office. Refused 25/07/24.

### Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"No objection - The proposal is for Conversion of part of office/store into self contained annexe and alterations/upgrades to remainder of building which will utilise the existing access arrangements and sufficient parking and turning can be accommodated within the site, and it does not have an impact on the Public Highway or Surface Water Flood Risk."

Environmental Protection

"I request a precautionary land contamination condition be applied at this location as follows:
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised

prior to the commencement of works.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

**Key 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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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 site is outside of any defined settlement boundaries and as such is considered to be within the Countryside from a planning perspective. 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.

That being said, the building is currently in situ and is part of a larger existing developed unit. Therefore, the proposal would not result in increased development within the Countryside.

The proposal would, in effect, result in a formal realignment of the residential curtilage of Crown Hall Farm, creating a new delineation between the agricultural business on site and the dwellinghouse. As this agricultural unit is well developed, being entirely hardstanding rather than a field for instance, the impact of this realignment would not display a typical encroachment into the countryside. From the officer site visit, it would appear that functionally much of the land has already been used as a mixed agricultural/ domestic use prior to this application, and therefore, this formal realignment would not have a significant impact.

The proposed building to be used as an annexe does display some functional link with the existing dwelling on the site. Once the proposed works are considered, the sole entrance to the annexe would be within an enclosed parcel of land to the front of the dwellinghouse. This would create a clear functional link between the two, ensuring the subservience required for an annexe. While the annexe would contain a self-contained kitchenette and bedroom, the building would still be subservient to the host by virtue of its small scale and the aforementioned positioning within the

boundary wall of Crown Hall Farm.

In any event, the proposed uses necessitate this location. The annexe must be located near to the dwelling at Crown Hall Farm, while the office must be located in proximity to the business on the site. Alternative schemes on the site would equally conflict with Policy 1, while also creating development within the countryside. The proposed site is considered appropriate for this conversion.

Therefore, for the reasons outlined above, it is considered that the is acceptable in this instance, despite not wholly conforming to Policy 1 of the SELLP. This is subject to the assessment against site specific criteria; including (but not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn in the following sections.

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

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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 NPPF, 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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 site is well obscured from the road, reducing the potential impacts of the development. In any event, the proposed works are minor, preventing a significant character impact.

The use as an annexe would not be out of keeping with the area, where a residential use has been established via the dwelling. The use as an office would also not be out of keeping due to the commercial agricultural character of the wider site and existing building.

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 SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal would have no significant amenity impacts. The isolation of the site means that no overlooking or loss of privacy would occur. The proposal is for a conversion, without any additional extensions, ensuring that no overshadowing occurs.

While there would be some disturbance within the annexe from the relationship to the farm buildings, this is not considered to be overly significant or detrimental. As an annexe, occupation would be short term, and occupants would spend the vast majority of their time within the host residence.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

Parking for this site is located to the south of the building to which this application relates, on an area of hardstanding beyond the existing boundary wall. Adequate space is provided here for a minimum of three vehicles.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF 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'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system; while Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and

adaptation to the climate crisis is in place.

Schedule 7A of the Town and Country Planning Act 1990 (insert by the Environment Act 2021) requires all applications to produce a biodiversity net gain of 10%, with the exception of the exemptions outlined within Section 17 of Schedule 7A and The Biodiversity Gain Requirements (Exemptions) Regulations 2024. It is of note that these exemptions do not apply to requirement for net gain under Policy 28 of the SELLP.

The proposal would create no additional floor space, nor would it impact upon priority habitat. As such, the proposal is subject to the de minims exemption outlined in Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

## 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.

While the site is outside of the defined settlement boundaries, the resulting accommodation would be subservient to the host dwelling, with this being ensured through the imposition of an appropriately worded condition. The proposal would not result in any additional intrusion or development within the countryside. The proposed external changes are minor and would not be harmful to character of the area.

## 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.

## Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 28, 31, 33 and 36 of the SELLP, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

## Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.