DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0803-20**	**Applicant:**	**Hub Rural Ltd.**
Proposal:	Use of building as office		
Location:	The Crew Yard Hogs Gate Moulton		
Terminal Date:	17th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This application seeks the granting of a Lawful Development Certificate (LDC) for use of building as office at Pickwell House, The Crew Yard, Hogs Gate, Moulton, Spalding.

Site Description

The site lies on the open countryside approximately 900 metres south-east of Moulton and 1.60km south-west of Whaplode.

Pickwell House is a former farmstead. There is a two-storey detached dwellinghouse with a large extension to the rear that links with outbuildings. This subsequent development was approved under application ref. H13-0652-10. Agricultural open fields surround the full curtilage.

The existing office is within one of the barns to the rear of the dwellinghouse. The outbuilding is two storey, ground floor and loft space under the roof. A lobby, corridor, meeting room, kitchen and toilet are on the ground floor level whereas the office room will be on the first floor level.

History

H13-0825-08 - Proposed extensions, double carport, single garage with workshop and conversion of existing carport and boiler room to form additional bathroom and bedrooms - Approved

H13-0652-10 - Proposed garage/workshop - Approved

H13-0669-11 - Proposed garage/workshop - approved under H13-0652-10. Amendments to roof material - Approved

Planning Considerations

This is a legal determination and planning policy is not relevant to the determination as to whether the claimed use is indeed lawful. The decision is based upon the case officer's judgment as to the case being proven on the balance of probabilities.

This application seeks the granting of a Lawful Development Certificate (LDC) for use of building as an office. The building is part of the subsequent extension carried out to the rear of the dwelling.

The evidence submitted by the applicant is in the form of two sworn statements (Statutory Declarations) which are witnessed by a solicitor. This carries great weight in determining such as application.

The applicant has also submitted further evidence in support of the claim, including site location plan with the proposed building marked in red boundaries, photographs of the building (both internally and externally) and a certificate of private limited company dated 2007.

From the evidence submitted, which is sufficiently clear and unambiguous, on the balance of probabilities it has been proved that the office has been established as such in excess of ten years. Therefore, the use is lawful and immune from planning enforcement. No reasonable grounds exist to withhold the grant of a lawful development certificate.

Conclusion

A delegated approval on this occasion, granting the certificate as applied for, is considered appropriate in accordance with the application submitted and the supporting evidence.

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.