DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H13-0877-23** | **Applicant:** | **S Barker** |
| **Proposal:** | Details of external materials (Condition 3 of H13-0741-23) | | |
| **Location:** | Laburnum House Loosegate Road Moulton Seas End | | |
| **Terminal Date:** | 28th November 2023 | | |

**Planning Policies**

| **South East Lincolnshire Local Plan - Adopted: March 2019** | |
|---|---|
| 02 | Development Management |
| 03 | Design of New Development |

**National Guidance**

**National Planning Policy Framework 2023**

Section 12 - Achieving Well Designed Places

**Representations:**

| | Object | Support | No Obj. | Comments |
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CASE OFFICER ASSESSMENT

**Proposal**

The proposal is to discharge condition 3 of H13-0741-23 (details of external materials)

**Site Description**

The site is located outside of any settlement boundary as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Thus, the site is considered part of the countryside. The locality is characterised by scattered development comprising rural cottages and farmhouses within agricultural holdings. The wider area consists of open agricultural fields. A rural track from Wood Lane further to the east is bordering the site to the south. Laburnum House is a two storey cottage that sits in close proximity to the junction between Loose Gate and Wood Lane. A range of outbuildings varied in design and scale are located to the south of the site. Paddock land extends further to the east.

**History**

H13-0969-18 - Extensions and alterations - Approved

H13-0804-19 - Proposed extension and alterations - Approved

H13-0741-23 - Extension and Alterations - Approved

## Consultation Responses

No consultation responses received.

## Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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

## Planning Considerations

### Planning Balance

The walls will be constructed of handmade bricks. The brick would match the existing house and the surrounding area and existing developments. The roof tiling will be brown to match the existing roof. The windows light oak UPVC again to match the existing dwelling. All of these aforementioned fixtures and designs would match the existing dwelling.

The proposed materials are in keeping with the dwelling itself and the character of the area and are therefore in line with Policies 2 and 3 of the South-East Lincolnshire Local Plan, 2019.

## Conclusion

The proposal is in accordance with Policies 2 and 3 of the SELLP and the relevant guidance within the NPPF. The planning balance is therefore in favour of the application.

## 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

The recommendation is that Condition 3 of H13-0741-23 can be discharged.