

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0932-23 **Applicant:** Mr P Savage

Proposal: Demolition of redundant stable block and replacement self-contained annexe

Location: The Plantation Hall Gate Moulton

Terminal Date: 28th December 2023

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
30	Pollution
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 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
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

Site Description

The site lies outside the defined settlement boundaries of Moulton as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The dwelling is made from bricks with a tiled roof and white uPVC windows and doors, the garden features the large redundant stable block with a large grass area. It backs onto a large field with one across the road also.

Proposal

This is a full application seeking permission to demolish a redundant stable block and replace it with a self-contained annexe at The Plantation, Hall Gate.

Planning History

H13-1184-85 - One dwelling on present domestic garden - Approved

H13-0274-86 - Residential development (1 plot) - Approved

H13-0690-91 - Extension to dwelling - Approved

H13-0328-97 - Proposed detached garage - Approved

H13-1087-03 - Extension to rear of bungalow - Approved

Consultation Responses

South Holland Internal Drainage Board

No comments.

Lincolnshire County Council Highways Authority

No objection -

It appears that the intention is to utilise the proposed development as a unit of ancillary residential accommodation for either family members or friends of the residents of the host dwelling, 'The Plantation'. The property curtilage is large enough to provide adequate off highway vehicle parking and manoeuvring space and the access to the host dwelling is suitable to provide safe access into the property and back out onto the public highway. In consideration of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

South Holland District Council Environmental Protection

No comments.

Public Representation

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

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Flood Risk Considerations

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 December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is also able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and

advises that sites of all sizes make a contribution to the housing requirement of an area.

The site is located outside Moulton Settlement Limit as defined within the SELLP. It is therefore regarded as being within the countryside in policy terms. Policy 1 (Spatial Strategy) of the SELLP indicates that development in the countryside 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.

Paragraph 84 of the NPPF makes provision for new 'isolated' dwellings in the countryside in limited circumstances, this proposal will be assessed against this requirement later in the report. Returning to the requirements of Policy 1 of the SELLP, as previously mentioned, it has not been demonstrated that residential development is necessary in this particular location; for example, in conjunction with agriculture, another rural based business or affordable housing. The relevant factors have therefore been addressed as follows -

An Economic Role - There is not considered to be any material benefit other than short term construction jobs for the demolition and replacement of the building, future occupants may work locally and support local services. This support/ increase would be very minor.

A Social Role - The proposal would make a contribution, albeit small, towards housing supply in the District. However, no explanation has been submitted why the development cannot be accommodated within an existing settlement boundary. It is also worth noting that the LPA can identify a 5-year housing land supply and is able to demonstrate a supply of deliverable sites.

An Environmental Role - The proposal site is over 700m outside of Moulton, the environmental objective identifies the need to protect and enhance our natural, built and historic environment. It has not been demonstrated that the development is necessary in this location and how it would protect/ enhance the existing character of the area.

If permitted, the proposal would also encourage further applications of a similar nature in the open countryside which would then be hard to resist, contrary to the objectives of the Framework to pursue sustainable development and the aim to protect the character of the countryside.

Due to the size, scale and location being outside of the domestic curtilage of the main dwelling the LPA are therefore assessing this application as a new dwelling despite being labelled as an annexe. Due to it being within its own curtilage and away from the host dwellings curtilage, this therefore not considered to be ancillary and cannot be classed as an annexe. It is tantamount to create a new planning unit/ dwelling which is something that is considered to be unacceptable in the area it is located in due to the reasons listed above and further stated below.

The proposal would introduce new residential units in the countryside. It has not been demonstrated how the benefit of such a proposal would outweigh the impact upon the environment. Whilst other material planning considerations could be accepted, the principle of the development would not be considered acceptable given the site is in the open countryside.

Paragraph 84 of the National Planning Policy Framework, December 2023 (NPPF) sets out that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

This proposal would is not considered to satisfy any of the above criteria. Prior advice given out for this site in regard to the demolition of the stable block and replace it with a single storey dwelling, the advice given from the LPA stated that a dwelling would not be favourable on site and the only

criteria it could be in accordance with under Paragraph 84 is part C if they re-used the stable rather than demolishing it. As such, the proposal is contrary to Paragraph 84 but the scheme may be more beneficial if they attempted to re-use the stable rather than demolishing it.

The proposal therefore conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance with advice within the National Planning Policy Framework, December 2023. Paragraph 135 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 seeks to protect the character of the countryside.

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details 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 National Planning Policy Framework (December 2023), 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.

Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it 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 National Planning Policy Framework 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 materials of the annexe are to be conditioned at a later date and therefore the LPA currently cannot comment on this feature.

It shall be around 14500mm in length with a total width of 4250mm, the eaves shall come up to 2600mm with a total height of 4200mm. The overall size of the annexe will not change a significant amount and therefore the building shall remain proportionate to the host dwelling in such a way that it does not result in any harm or issues.

The layout shall feature four separate entrances through the use of three bi-fold doors on the front elevation and one along the southern side elevation. Internally, there shall be a large open plan kitchen, dining, and lounge area (7899mm by 3661mm), this leads directly into the bedroom (4100mm by 3661mm) with an adjacent en-suite (1700mm by 3661mm). Within each room there will be windows to allow for natural light into the habitable rooms. A small canopy/ porch shall overhang from the front elevation.

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The nearest neighbour to the annexe is blocked by the main house and therefore any view this may have been not available due to this. Similarly, the nearest neighbour to the rear of the annexe is over 250m away and this boundary is covered by trees and hedges, the same thing occurs for the neighbours to the rear. Alongside this, this ensures that those who reside in the annexe have privacy and there is not an existing property that will have views into any habitable rooms. As such, no overlooking will occur following the demolition and replacement of the stable block. Any concerns regarding overlooking will face similar reductions due to the aforementioned distances to neighbours and trees and hedges blocking/ reducing any views or potential for overshadowing. Naturally, after the initial construction, which itself would take place over a short period, minimal additional noise pollution would be caused as a result of the development.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

The proposed annexe features one bedroom, as such it would be most suitable for one parking space to be provided within the curtilage, the drive to the front of the property adjacent to the house and garage provide adequate vehicle parking for the residents and as such mean they won't have to park along the highway and result in an unacceptable impact to the highway. The proposal is therefore in accordance with Policy 36 and Appendix 6 of the SELLP.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the

future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

In this case, the site is located within Flood Risk 1 on the Environment Agency Maps. The hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore satisfies the sequential test. In terms of the exceptions test, the finished floor level of the proposed dwelling should be 300mm above existing ground levels.

South Holland Internal Drainage Board have no comments to make on the scheme, they are proposing to dispose of foul sewage with the existing features and surface water with a soakaway. This is considered to be acceptable also.

Overall, when considering the development on balance, it is considered that the location within flood zone 1 and an area of no hazard alongside the recommended finished floor levels, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Planning Balance

As detailed above, 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.

The proposal represents inappropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. However, it directly conflicts with Policy 1 of the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework and therefore this is a significant conflict that is a material consideration that weighs against the proposal and as such, the planning balance is against the development.

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 the above considerations into account, the proposal is considered to be in accordance with Policies 2 and 3 in terms of its design and impact on resident amenity as well as 4, and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019). It is however in direct conflict with Policy 1, 2 and 3 due to it being outside the settlement boundary and therefore harmful to the countryside in this aspect as well the relevant sections within the NPPF. These are considered to be significant factors in this case that indicate against the proposal and outweigh the consideration against the proposal and the policies.

It is recommended that the application is refused.

Recommendation

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