DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-1072-21**	**Applicant:**	**Mr T Wilson**
Proposal:	Change of use of short-term bed and breakfast accommodation to 1 residential dwelling		
Location:	The Beeches Bed & Breakfast - The Beeches Austendyke Road Weston Hills		
Terminal Date:	9th December 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
10	Meeting Assessed Housing Requirements
23	The Reuse of Buildings in the Countryside for Residential Use
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development
Section 4. Decision-making
Section 5. Delivering a sufficient supply of homes
Section 12. Achieving well-designed places

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

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission to change use of the building from short-term bed and breakfast accommodation to 1no residential dwelling. No external alterations are proposed.

Site Description

The site comprises a detached two storey building located on Austendyke Road in Weston Hill. The site is outside any settlement boundary and within the open countryside. The building is red brick built with white windows. it is accessed via a shared private drive off Austendyke Road. There is a hedge and high level trees along the front boundary. The immediate area is primarily open countryside with a number of residential dwellings scattered along the road. The site was converted from an agricultural building to six units of short-term bed and breakfast accommodation in 2004. The applicant owns the surrounding land and buildings including T H Hardy to the north-west of the application site and The Beeches to the south-east of the site

History

H13-1266-03 - Conversion of agricultural building to form 6 units of short term tourist accommodation - Approved

Consultation Responses

LCC Highways/SUDS Authority

Does not wish to restrict the grant of permission.

Planning Considerations

Principle of development

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan 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".

Policy 23 of the SELLP states that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building.

Where permission is granted, Permitted Development Rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Rural buildings can make a significant contribution to the character of an area and so there is a concern that they should not remain vacant, under-used or become derelict, detracting from the visual character and quality of the designated Countryside.

However, not all buildings in the Countryside are suitable for conversion as they may be of insubstantial construction, of poor design or not in keeping with their surroundings. Buildings to be

converted should be structurally sound and proposals which require significant extension, alteration or rebuilding will be not acceptable.

Addressing the above, the building in question appears to be structurally sound and no external alterations are proposed. The building is in a good condition, has the appearance of a residential dwelling and currently occupied as a bed and breakfast. The applicant has indicated that the bed and breakfast business associated with The Beeches is no longer being operated given the applicants are of retirement age.

The conversion details are considered to be acceptable and the retention and occupation of the building in its current form to use as a residential dwelling would bring an otherwise unoccupied building into use and ensure its upkeep as empty buildings have the potential to become derelict overtime.

It is recommended that the permitted development rights are removed via conditions, to prevent alterations and domestic paraphernalia in order to control further development within the open countryside.

Taking the above into account, on balance, it is considered that the proposal satisfactorily complies with Policy 23 to a sufficient extent and is acceptable in principle.

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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed development does not proposed any external changes therefore there would be no impact on the character or appearance of the area.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed change of use is considered to reduce the impact on neighbouring amenity in terms of noise and traffic as the proposed single dwelling would result in a less intensified use of the property.

No new door/window openings are proposed therefore no new overlooking would result.

As such the proposal is not considered to result in any unacceptable impact on neighbouring amenity therefore it complies with policies 2 and 3 of the SELLP.

Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Three spaces for dwellings with 4+ bedrooms should be provided within the curtilage.

The existing driveway to the front of the property has sufficient space to accommodate at least 3no vehicles. As such the proposals would ensure minimum parking standards are achieved.

In addition, the County Highways Authority has not raised any objections to the proposed scheme.

Flood Risk

The site is located within flood risk zone 3, however, as the building has already been converted and has been used as a bed and breakfast for a number of years no further flood risk measures are

considered necessary.

Planning balance

The principle of changing the use of the building to residential is acceptable under Policy 23 of the SELLP.

No external changes are proposed therefore the proposal does not materially harm the character or appearance of the locality.

The scheme would not harm the amenity of nearby residents as it would result in a less intensified use of the site and would reduce noise and traffic.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 23, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 4, 5 and 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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 application can be approved under delegated powers.