

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0067-23 **Applicant:** Mr D Beasley

Proposal: Change of use from agricultural land to commercial/storage for wood, household items, motorbike and car parts - retrospective

Location: West Acorns Farm 73 Six House Bank West Pinchbeck

Terminal Date: 31st March 2023

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

01 Spatial Strategy
02 Development Management
03 Design of New Development
30 Pollution

National Guidance**National Planning Policy Framework 2021**

Section 4- Decision Making

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	2
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	8	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a retrospective planning application, seeking permission for the part change of use from agricultural land to commercial and storage for wood, household items, motorbike and car parts, to the site at West Acorns Farm, 73 Six House Bank, West Pinchbeck.

Site Description

The dwelling at 73 Six House Bank is situated within the settlement boundary of Northgate and West Pinchbeck according to inset map no. 59 and Policy 1 in the South East Lincolnshire Local Plan, 2019. The detached dwelling is situated to the east of the main road, Six House Bank. The dwelling also comprises of a large square shape agricultural field, which also has another vehicular access between the two dwellings no. 75 and 79 Six House Bank.

Set directly to the rear of no. 75 and 79 Six House Bank, are several agricultural buildings that are used for storage of recovery vehicles, motorbikes, wood and other householder items. There also several recovery cars parked on the agricultural land. There is also a small holding of chickens which have been confirmed from by owner, that are for personal use.

To the rear of the larger agricultural building, there is a static caravan, which appears to be disused.

History

No planning history.

Consultation Responses

Public Comments (9 objections)

- Hear the noise from machinery
- Several times have seen black smoke form the site
- The small track was not designed for frequent use, damaging the boundaries
- Noise spoils the enjoyment of being in the garden throughout the summer months
- Noise is late at night
- Regular fires with toxic fumes, meaning having to close windows and doors
- Increased traffic and pedestrian safety, with parked vehicles and car transporters along the road
- Hazard to primary school children with visibility and safety passing the vehicles
- This is not an industrial area and is not in keeping with the semi rural location
- Rubbish seen from the road is detrimental to the look of the village
- Ongoing activity of the recovery business on Saturdays and Sundays
- Asbestos on the roof
- Huge risk of fires, due to a number of flammable items on site
- No sound insulations for the ongoing works within the metal shed.
- Invasion of privacy, as the business is close to neighbouring property and rear gardens.
- Work on vehicles carried out anytime of the day
- Floodlights directed into read windows and gardens of neighbouring properties
- No consideration of the number of cars parked for the business on the owners drive
- Outbuildings were never designed for commercial use
- Safety of horses which ride down Six House Bank and can be frightened from the large vehicles and loud engine noises.

Pinchbeck Parish Council

- The planning application does not correlate with the activities on site
- Resulting in an impact on the environment and loss in amenity for local residents
- Highways have overlooked the scale of the activities on site
- Bank involved a single tractor and an occasional small car to get to/from the farm.
- The business now operating at this site receives many daily deliveries from all types of vehicle, from vans to large vehicle transporters, even HGV's. The lane, and Six House Bank, being virtually 100% residential, are wholly unsuitable for this type and volume of vehicle movement.
- The log splitting business appears to be conducted using chainsaws as well as a generator powered log splitter at all times of the day, causing significant noise issues
- With regard to the furniture storage activities, this appears to involve deliveries to site of large

volumes of house clearance and waste, which is subsequently burned on site on bonfires in the open air.

- Significant issue for public and environmental health.

- There is also a vehicle breaking and recovery business conducted at this location. Scrap vehicles are delivered and broken up on site. Vehicles are delivered at all hours of the day and night by vehicles that are unsuitable for this lane/access. The ensuing noise of grinding, welding and hammering is causing harm to local residents' amenity

Councillor J Avery

The previous incumbent was a farmer operating a discrete agricultural business on land that was agricultural. The suggested activities within the planning application are clearly not agricultural, and are seemingly of a scale and nature wholly unsuitable in this location.

Residents comments were brought to a recent Parish Council meeting, which raised concerns of this business causing substantial and irreparable harm to the amenity of many residents in this location.

Should the Planning function believe that granting consent with conditions will control and regularise activities on this site, then SHDC may have to seriously consider what robust enforcement options may be appropriate if and when the applicant breaches such conditions.

Should the Officer's consider refusal, I would be comfortable with a delegated decision

Councillor E J Sneath

There are several areas on the application form that need far more explanation, for example it mentions 'storage' but what is actually happening on site is waste management and transfer.

Lorries arrive almost daily and deliver house clearance items which are broken up and then burnt on site or otherwise disposed of. Despite No 7 on the application form being marked that this is not happening and the boxes about recyclable waste are not filled in at all.

Vehicles are being broken up too, with components being burnt with other waste. Retrospective applications are always an issue and this one raises far more question than it answers.

Sir John Hayes MP

Local residents have provided evidence of the type of businesses that are operating on site and the impact this has on the neighbouring residential amenity.

The activity on site has caused a significant increase in the number of traffic movements, including heavy goods vehicles using the single track access lane to the site.

Very noising activities on site for the businesses, and may cause a detriment to the neighbouring homes.

Local Highway and Lead Local Flood Authority

No objection.

This storage facility is accessed by means of an existing vehicle access that has presumably been in use for a number of years for agricultural purposes and in use for just over a year in connection with the use of the buildings for storage. The access has good visibility in both directions and, in the absence of any evidence or reports to the contrary, it may reasonably be regarded as having proved itself to be safe and suitable for the purpose to which it is being put.

Planning Considerations

Principle

The site is situated within the countryside along the edge of Northgate and West Pinchbeck, according to Policy 1 in the South East Lincolnshire Local Plan, 2019.

Where changes to such buildings or land uses require planning permission, Policy 1 and other more detailed Local Plan policies will apply. Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan.

It is therefore considered, that the change of use from agricultural land to a commercial/storage business is not considered to comply with the land uses which would be considered appropriate within a countryside location. It is therefore, not considered to comply with Policy 1 in the SELLP, 2019 as it would not meet the sustainable objectives from a social, economic or environmental aspect.

Impact upon 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 existing business of car recovery parts, storage of wood and household items is situated directly to the rear of no. 75 and 79 Six House Bank. The site consists of a large corrugated steel shed which is used for storage, as well as various items stored outside on the site including car parts, logs and household items. The site has access from a single track in between both neighbouring properties, which would have been used previously for access for agricultural vehicles onto the field.

Given the rural location of the business and the several businesses that are ongoing on the site, it would appear to significantly impact upon the surrounding residential neighbouring amenity, given the proximity to the neighbouring dwellings to the west of the site. The business would include the use of loud machinery and the transportation of vehicles, including the use of HGV vehicles. The type of business in this location is considered to be out of keeping with the semi rural location, which predominantly serves for residential purposes only and a local primary school.

It is therefore, considered to have a detrimental impact upon the surrounding residential amenity and therefore, does not comply with Policy 2 and 3 in the SELLP, 2019.

Pollution

There have been a number of public concerns raised in regards to the evidence of on going burning activity on site, with unknown items being burnt given off toxic fumes. It has also been raised by Environmental Protection Department that several complaints have been received in regards to the large black smoke which has occasionally been witnessed by surrounding properties, which is alleged to be the burning of commercial waste.

It is therefore, considered due to the close proximity of residential dwelling all along Six House Bank, that the commercial activities are not considered to be appropriate for the location and have an unacceptable adverse impact upon the amenities of the area, noise and air quality.

It is therefore not considered to comply with Policy 30 in the SELLP, 2019.

Highway Safety

The Local Highway Authority have raised no objections and observe that the access has good visibility.

Given the above, the retrospective change of use is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and is in accordance of Section 12 in the NPPF, 2019 in terms of highway safety and is therefore deemed as acceptable.

Planning Balance

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.

The retrospective change of use from agricultural land to commercial/storage for wood, household items, motorbike and car parts is not considered to comply with Policies 2, 3 and 30 in the SELLP, 2019 and Section 4 in the NPPF, 2021.

Conclusion

Based on the reasons outlined above, the recommendation is therefore for a delegated refusal.

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 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 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.