DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0348-19**	**Applicant:**	**Mr & Mrs Kitchen**
Proposal:	Change of use , including extension of agricultural buildings to create new dwelling, including siting of temporary caravan for accommodation purposes during build		
Location:	Enderby Barns Leaves Lake Drove West Pinchbeck		
Terminal Date:	24th May 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment

National Guidance

National Planning Policy Framework 2019

National Planning Policy Framework (Feb. 2019)
Sections 2, 4, 5, 12, 14, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an agricultural building to a dwelling, including extensions.

This is a full planning application that seeks permission for a change of agricultural building to dwelling (Use Class C3) off Leaves Lake Drove, West Pinchbeck.

The proposals include a large two-storey extension which does not relate well to the original barn and is not subservient, this would unacceptably alter the character and integrity of the original building and is contrary to criteria 4 of Local Plan policy 23.

Site Description

The site is located at Enderby Barns, Leaves Lake Drove.

The site context is predominantly characterised by agricultural land. Residential development is further to the east around Six House Bank. Enderby Farm is the adjacent property which is located next to the road. A 176 metre long narrow driveway penetrates into the agricultural land where the barn and its outbuildings stand and provides access to road users.

The site location is not contained within any defined settlement limit as set out in the South Holland Local Plan 2006. The site is therefore open countryside.

Consultation Responses

Lincolnshire Wildlife Trust - Comments.

LCC Highways - Does not wish to restrict the grant of permission.

Environmental Protection - Request condition relating to contamination dependent upon information submitted through assessment by applicant.

LCC Archaeology - Requests the 3 standard Archaeology conditions and an Historic Building Recording (CBR).

"This office does not appear to have been consulted on the previous application on this site (H14-1212-17). We would support the reinstatement of the original crew yard form in the proposed designs, that has the potential to enhance the significance of the non-designated historic farmstead. We would however recommend that historic building recording is carried out prior to
conversion. Traditional farm buildings are increasingly becoming redundant in a rapidly changing industry. They play an integral part in giving the fenland landscape its sense of place and character. These vernacular buildings are now under threat from conversion or demolition and are a diminishing resource in our countryside. New uses such as this frequently alter the original fabric and character of the building, and it is beneficial to create a record of the structure before alteration or demolition. With this in mind I would recommend that, prior to conversion, the developer should be required to undertake historic building recording.
It is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)). This should be secured by South Holland District Councils Standard Conditions AR01, 02 and 03.
"They should .... require developers to record and advance
understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible" National Planning Policy Framework section 16,

paragraph 199."

Planning Considerations

The main issues in this case are:
- Policy/Principle;
- Relevant planning history;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage and ecology.

Policy/Principle

Policy 23 of the South East Lincolnshire Local Plan, 2019 indicates 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.

Addressing the above, the building is of brick construction with a traditional style and appears to be in good condition. The submitted structural assessment indicates that the building is structurally capable of conversion. The main elements of the building would be retained.

The building is of significant architectural/historic merit and, on balance, is considered worthy of retention and conversion.

However, the proposed alterations are not sympathetic and would not retain and enhance the buildings agricultural character. (It should be noted that Class Q allows the conversion of agricultural buildings such as this as permitted development, albeit with a reduced residential curtilage and where the building's 'envelope' is not breached).

The Case Officer is of the view that the proposal would unacceptably change the character of the barn and would therefore be in conflict with criteria 4 of Policy 23 of the South East Lincolnshire Local Plan.

It should be noted that there is an extant planning permission (H14-1212-17), which was granted for conversion of the barn demonstrates that the barn is capable of being converted without a large extension and without significant alteration.

A more sympathetic design along those lines would be acceptable. A small extension may be appropriate if much more subservient to the main building.

The proposal complies with Paragraph 79 of the National Planning Policy Framework, 2019, which indicates that planning decisions should avoid new isolated homes in the countryside, unless there are exceptional circumstances. They include the re-use of redundant or dis-used buildings where the development would enhance the immediate setting. It is therefore considered that the proposed development would amount to sustainable development when applying the Framework as a whole, the principle is not in dispute, just the design of this scheme.

The conversion of these agricultural buildings has already been approved in principle following the granting of planning permission under the previously submitted application H14-1212-17.

Relevant Planning History

H14-1212-17

Residential Amenity

It is considered that the amenity of nearby residents would not be materially harmed in terms of such matters as overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

Highway Safety

An existing vehicular access would be utilised. There are no highway safety or capacity issues.

Flood Risk

The site falls within Flood Zone 3 which it is the highest probability flood risk area. However, the extant planning permission is a material planning consideration and refusal on flood risk grounds could not be substantiated.

Ecology

An ecological survey has been carried out and Lincolnshire Wildlife Trust find this to be appropriate.

Contamination

Environmental Protection has recommended a condition relating to contamination unless a self-assessment form is provided by the developer, the form has been received but at this time there is no further commentary from Environmental Protection.

Additional Considerations

Conclusions

The proposed alterations are not sympathetic and would not retain and enhance the buildings agricultural character.

The Case Officer is of the view that the proposal would unacceptably change the character of the barn and would therefore be in conflict with criteria 4 of Policy 23 of the South East Lincolnshire Local Plan.

Recommendation: REFUSED.

Public Sector Equality Duty

In making a 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.Of specific relevance are 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.