DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0784-24**	**Applicant:**	**Anglia (UK) Ltd**
Proposal:	Change of use from residential annexe to self-contained dwelling - Retrospective		
Location:	Willowlea Barn Mill Green Road Pinchbeck		
Terminal Date:	11th November 2024		

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
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed and beautiful places

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the change of use from a residential annexe to a self-contained dwelling.

The application is retrospective, as according to the submitted application form, the building has been used as a separate dwelling since May 2007. Permission was originally granted for the annexe on 12 September 2001 under application H14-0908-01. Condition 2 of permission H14-0908-01 set out the following:

"02. The barn conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the adjacent dwelling located to the west.
Reason: To ensure the building is not used as a separate unit of accommodation."

Site Description

The application site comprises Willowlea Barn, located on Mill Green Road to the west of Spalding. Willowlea Barn comprises a single storey annexe located to the east of Willowlea Mill which is a residential dwelling. The site is located to the west of Spalding and is surrounded by agricultural fields.

Planning History

H14-0908-01: Alterations to outbuildings to form annexe accommodation - 2 Mill Green Road, Pinchbeck, Spalding - approved 12 September 2001

H14-0386-01: Extension and alterations to existing dwelling - 2 Mill Green Road, Pinchbeck, Spalding - approved 16 May 2001

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

Pinchbeck Parish Council: The proposal is in keeping with the area.

Welland and Deepings Internal Drainage Board: No comments.

Highways and SUDS Support: No objections. There is sufficient parking for each dwelling that is separate to one another. The accesses exist - the proposal will not have an impact on the public highway.

Ecology Officer: No response received.

Environmental Protection: No response received.

Cllr S A Slade: No response received.

Cllr J Avery: No response received.

Cllr E J Sneath: No response received.

Public Representations

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

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Impact on Amenity;
-Highway Safety and Parking; and
-Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site currently appears to be located within the countryside in character terms; however, the site is within the settlement boundary of Spalding when viewing the defined settlement shown within the accompanying Inset Maps. The site is surrounded by land which is allocated as Vernatts Sustainable Urban Extension under Policy 15. 4,000 dwellings are allocated under this policy under several phases. The site is surrounded by Phase 3 of the extension. The principle of development for a dwelling is therefore acceptable as the site is within an area which is identified for significant growth, and which has been identified as being sustainable for new development.

It is unclear when the original building was constructed; however, the principle of development for the conversion of the building to form an annexe was established through the approval of application H14-0908-01 on 12 September 2001. As set out above, condition 2 H14-0908-01 restricted the use of the building as an annexe rather than as a separate dwelling. The delegated assessment report for application H14-0908-01 does not expand as to why this condition was considered necessary, however, the description of development for the application was for an annexe rather than as a dwelling. Therefore, it is presumed the condition was included for clarity. It is not considered necessary to apply to vary condition 2 as the current application would grant full permission for the use of the building as a dwelling.

The principle of the use of the building as a separate dwelling is therefore acceptable, provided the

use is acceptable in terms of amenity, highways safety and flood risk.

Impact on Amenity

Paragraph 135 of the NPPF 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 Local Plan sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

No substantial operational development is proposed as part of the application, as the application, in reality, seeks only to remove the occupation condition. The proposal would therefore not result in a worsening of overlooking between the site and Willowlea Mill to the west, which is the nearest dwelling to the site.

The building features a bedroom, kitchen, lounge and a study room. There is sufficient living space within the building and there is sufficient outdoor amenity space at the rear of the property. This supports the principle that the building can be occupied as a separate dwelling as occupants would have sufficient living space.

The proposal would have an acceptable impact on the amenity of occupants and the neighbouring dwelling at Willowlea Mill. As such, the proposal accords with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the NPPF relates to 'Promoting sustainable transport'. Paragraph 115 of the NPPF 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".

Policy 2 of the Local Plan 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

There is an existing vehicular access and a driveway area for vehicles to park within the site. No changes to the access or driveway are proposed as part of the application. The proposed development is therefore acceptable in terms of highway safety and therefore accords with Policies 2, 3, 33 and 36 of the Local Plan and Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3 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 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.

The current application is for a change of use and Paragraph 174 of the NPPF sets out that change of use applications should not be subject to the sequential or exception tests. Developments should however still meet the requirements for site-specific flood risk assessments, as set out in footnote 59.

The application is accompanied by a Flood Risk Assessment (FRA). The site was granted consent as an annexe and therefore could be occupied for residential use. The current application proposes for the building to be occupied as a separate dwelling rather than an annexe and as such its residential use would be retained. No operational development is proposed, and the ground floor level will remain unchanged. The submitted FRA does not recommend any specific mitigation measures and as such it is not considered necessary to recommend any conditions to secure mitigation. Policy 4 of the Local Plan clarifies that "change of use of existing buildings will be supported providing they do not pose an increase in risk to people". The proposed development would not pose an increase in risk to people above the permitted use as an annexe. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in this regard.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or the amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of 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 1, 2, 3, 4 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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