DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0810-23**	**Applicant:**	**JWE Banks & Partners**
Proposal:	Construction of 3 dwellings and demolition of agricultural buildings		
Location:	Wisteria Farm North Gate West Pinchbeck		
Terminal Date:	11th 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
28	The Natural Environment

National Guidance

National Planning Policy Framework 2023

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	2
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	5	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for construction of 3 dwellings and demolition of agricultural buildings at Wisteria Farm, North Gate, West Pinchbeck. The proposal seeks to provide three betterment dwellings. This is a planning stance established by case law, that can be enacted following an approved Class Q application. Class Q conversion permission was granted under reference H14-0922-22.

The footprints of the proposed dwellings are in keeping with the existing agricultural building footprints. The design of the dwellings seek to retain an agricultural rural appearance. The site will be grassed and bordered by new trees and hedgerows.

Plot 1 is a two-storey dwelling to be sited in the north-west corner of the site and will replace an existing agricultural building. The ground floor contains a bedroom, en-suite, study, utility room, hall, lounge, wc and a combined kitchen/dining room. At first floor level four bedrooms, an en-suite and a bathroom will be provided.

Plot 2 is a two-storey dwelling to be sited in the north-east corner of the site and will replace an existing agricultural building. The ground floor contains a bedroom, en-suite, study, utility room, hall, lounge, wc and a combined kitchen/dining room. At first floor level four bedrooms, an en-suite and a bathroom will be provided. The layout is the same as that of Plot 1. Both plots are to be constructed from multi red brick, with moorland green standing seam cladding and roofing. Aluminium windows, doors and gutters are to be provided. Solar panels are to be sited on the south facing roof elevations.

Plot 3 is a two- storey dwelling to be sited towards the southern frontage of the site. The ground floor contains two bedrooms, a bathroom, wc, utility, living room and a combined kitchen/dining room. At first floor level a bedroom, en-suite, study and landing is to be provided. A void is to be sited adjacent to the first floor landing, above the combined kitchen/dining area. The dwelling is to be constructed from multi red brick in Flemish bond, with a clay pantile roof. Aluminium windows and doors are to be provided. Solar panels are to be sited on the south-east facing roof elevation.

The exact materials of construction for all three plots will be addressed via planning condition. Amendments have been made to the application to address finished floor levels and fenestration.

A site visit was conducted on Friday 22nd September 2023.

SITE DESCRIPTION

The site is located in open countryside on the northern side of North Gate. It is neighboured by the Wisteria House dwelling to the east, with the agricultural buildings served off a separate access.

A dwelling known as Alicern Cottage is located approximately 130 metres to the east of the site. Arable fields are located to the north, east, south and west with dwellings located 500 metres to the west. The site is partially in Environment Agency Flood Zone 3, and is subject to a "Danger for Some" hazard with a maximum flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels are to be set at 3.65 metres above ordnance datum which accords with Condition 4 of the Class Q application H14-0922-22.

RELEVANT HISTORY

H14-1053-91

Outline - Erection of bungalow in connection with business use - Refused - 24 January 1992.

H14-0922-22

Prior Approval - Change of use of agricultural buildings to form 3 dwellings and associated works - Approved - 21 November 2022.

CONSULTATION RESPONSES

Lincolnshire County Council - Historic Places Team

"This is the site of a former 19th century farm of which only the farmhouse now survives. The site of the former farm buildings is now occupied by modern sheds. These present and previous buildings will have also disturbed any archaeological remains on the site. No archaeological input is required."

Lincolnshire County Council - Highways & SUDS Officer

No objection. They request a standard utility informative.

"The Application Site is presently occupied by three relatively large agricultural buildings that would be demolished/disassembled to provide the space for the proposed three dwellings. The site has an existing, wide bellmouth entrance, that historically would have accommodated the movements of large agricultural vehicles and there is therefore no reason to conclude that this access would be unsuitable for use by private cars. The access has a sealed bituminous surface and the visibility in both directions is sufficient for drivers' safe egress from the site into the public highway."

"The Application Site is outside of the settlement boundary of Pinchbeck and is not connected to the village by a footway. However, its distance from the village would mean that it would be more likely that residents of the proposed dwellings and their visitors would choose to drive to and from the site, rather than walk along the unlit carriageway. 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 or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application."

South Holland District Council - Environmental Protection

10th October 2023 - *"I request a screening assessment form to be completed for this location. This can be found at: https://www.sholland.gov.uk/article/11653/Planning-application-consultations"*

07th November 2023 - Requests a standard land contamination condition.

Black Sluice Internal Drainage Board

Requests soakaway drainage details. Requires confirmation of foul water drainage. They also provide guidance if the adjacent watercourse to the eastern boundary is to be filled in or culverted.

Pinchbeck Parish Council

Objection - *"In open countryside."*

Lincolnshire Bat Group

"Thank you for sending the ecology report to Lincolnshire Bat Group. We would agree with the findings. Note comments for enhancement and the lifespan of the report."

Councillor Elizabeth Sneath

Requests that the application goes to Chairman's Panel. Concerns regarding proximity of Plot 3 to

access road. Overlooking and overshadowing.

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, nine letters of representation have been received. These can be summarised as:

Backland development.
Disturbance from movement of vehicles.
Impact on wildlife.
Poor visibility at site access point.
Impact on character of the area.
Parking provision.
Overlooking.
Overshadowing.
Light pollution.
Plot 3 dwelling is higher than existing building.

This application does not meet Class Q conversion criteria.
Setting a precedent.
People drive too quickly down Northgate.
No paths or street lighting in vicinity of site.
Distance from services.
Impact on services.
No public transport near site.
Orientation of Plot 3 not optimal for solar panels.

KEY PLANNING CONSIDERATIONS

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

Principle
Flood risk/drainage
Character/appearance
Amenity
Parking/Highway safety
Bioversity
Refuse collection

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 above.

The policies and provisions set out in the National Planning Policy Framework (updated September 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.

Principle

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 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 in terms of sustainability.

The site in this instance lies outside a settlement boundary, as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". This application site is therefore within an area regarded as countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

SELLP Policy 1 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.

Further, the supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". It is noted that the 'exceptions' detailed within this paragraph are not relevant and do not apply to this proposal.

Addressing the first element of the necessity, it has not been demonstrated that dwellings are necessary in this particular location; for example, in conjunction with agriculture or other rural based business. Moreover, the site is physically divorced from any settlement. In the absence of footways and given the distances involved to any settlement it would be difficult to access a settlement for the day to day needs of the occupants without use of a private car. Consequently, the proposal is not in accordance with Policy 1 of the SELLP and would not normally be considered a suitable site for new housing.

However, the site presently has prior approval for a change of use of the existing agricultural buildings into dwellings under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Case law has demonstrated that Class Q consents are a legitimate fallback position when considering alternative proposals for development of the same site.

The relevant legal principles relating to fallback were set out in R v Secretary of State for the Environment and Havering BC (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test:

"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is "yes", a comparison must be made between the proposed development and the fallback use."

The notion of the Class Q fallback position was also comprehensively dealt with at the landmark Court of Appeal case, Mansell vs Tonbridge and Malling Borough Council (2017). It established that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority. It stands to reason that, where the

alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could (and perhaps should) be allowed to proceed.

In this case, the application properties have a Class Q consent for three dwellings (ref. H14-0922-22). It seems likely that there is a clear desire by the landowner to develop and maximise the value of the site. Moreover, the scheme approved under Class Q is the conversion of a non-typical residential appearance agricultural building, into a dwelling. The current proposal is for detached houses that are in keeping with that of a vernacular Fenland rural building in terms of design, scale and setting.

The proposal would deliver some benefits to the appearance of the site compared to the fallback position. This carries weight in favour of the proposal. On balance, taking account of the above considerations, it is considered in this particular case that the benefits of the proposed development compared to the identified fallback position are a material consideration which outweighs the conflict with the development plan and is a justifiable material consideration in granting planning permission for the proposal.

Flood Risk/Drainage

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.

The site is partially in Environment Agency Flood Zone 3, and is subject to a "Danger for Some" hazard with a maximum flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels are to be set at 3.65 metres above ordnance datum which accords with Condition 4 of the Class Q application H14-0922-22. The Black Sluice Internal Drainage Board has requested further details of the efficacy of the proposed soakaways and confirmation of the method of foul water drainage.

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

Section 12 of the National Planning Policy Framework (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 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states 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.

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.

The scale and design of the proposed dwellings are considered to reflect the character and appearance of dwellings in the immediate vicinity and would be of a scale commensurate to that of the existing agricultural buildings on the site. Plots 1 and 2 are to be constructed from multi red brick, with moorland green standing seam cladding and roofing. Plot 3 is to be constructed from multi red brick in Flemish bond, with a clay pantile roof. The exact materials of construction for all three plots will be addressed via planning condition.

Overall, there is not considered to be a material impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Taking account of the above in respect of the design, scale and nature of the development, the

proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (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.

There is not considered to be an overdevelopment impact on the site. The buildings are on a very similar footprint to that of the existing agricultural buildings. There is not considered to be an overshadowing impact from the proposed dwellings. The finished floor levels of Plots 1, 2 and 3 are to be set at 3.65mAOD with the ground level at 3.2mAOD. Therefore the floor levels of each proposed dwelling are to be raised 0.45 metres above existing ground level. The dwellings are located to the north and north-west of Wisteria House. As the sun traverses the sky on an east to west southerly trajectory there is not considered to be an overshadowing impact. When right to light lines are drawn no parts of the dwelling at Wisteria House are impacted to an unacceptable degree.

The distance from Plot 1 to the property boundary with Wisteria House is 16 metres, and the nearest part of the dwelling 34 metres away. The distance from Plot 2 to the property boundary with Wisteria House is 17.1 metres, and the nearest part of the dwelling 39.6 metres away. The distance from Plot 3 to the property boundary with Wisteria House is 8.2 metres, and the nearest part of the dwelling 20.8 metres away.

Finished floor levels are set at 0.45 metres above ground level. This is not considered to have a material impact with regard to overlooking. Plot 1 is 34 metres away from Wisteria House. The current boundary treatment is trees and hedging, beyond which is the blank rear elevation wall of a curtilage building. There is not considered to be an overlooking impact from Plot 1.

Plot 2 is 39.6 metres away from Wisteria House. The current boundary treatment is trees and hedging, beyond which is the blank rear elevation wall of a curtilage building. There is not considered to be an overlooking impact from Plot 2.

Plot 3 is 20.8 metres away from Wisteria House. The current boundary treatment is trees and hedging, beyond which is the rear garden of Wisteria House. Due to the boundary treatment which is approximately 2.5 to 3 metres in height there is not considered to be an overlooking impact from the ground floor east facing windows which serve a hallway, a bathroom and a wc. Following consultation with the agent both of the first floor east elevation high level windows that serve a study and en-suite will be obscure glazed. This will be secured by condition. Due to the amendments to glazing, there is not considered to be an overlooking impact from Plot 3.

Because this application is for three dwellings, amenity impact on the other proposed dwellings must be considered. Plot 1 is located 7.7 metres from Plot 2 at the nearest point and 14.5 metres from Plot 3 at the nearest point. The separation distance between Plot 3 and Plot 2 is 25.8 metres at the nearest point so there is not considered to be a material overlooking or overshadowing impact between Plot 2 and Plot 3.

The boundary treatment between Plot 1 and Plot 2 is a 1.8 metre high timber fence with proposed new trees and hedges either side of the fencing. The ridge height of both properties is 11.283 metres. When right to light lines are drawn between the two properties, the line does not land more than halfway up any fenestration on the adjacent property. The east facing first floor window of Plot 1 predominately faces the open frontage of Plot 2, with the west facing window of Plot 2 facing the rear garden of Plot 1 but no windows. There is a degree of overlooking between the two rear gardens of Plot 1 and Plot 2 but no direct overlooking to other Plots from other first floor windows. The ground floor windows of Plots 1 and 2 will face fencing and hedging between the two plots, so there is not considered to be a material overlooking impact from any fenestration between Plots 1 and 2.

The fenestration of Plot 2 is not considered to impact the future occupants at Plot 3. The north-east facing ground floor window at Plot 3 serves Bedroom 2, with the first floor window serving Bedroom 3. However, there is not considered to be a material overlooking aspect from the windows at Plot 1. This is because the windows are at a 45 degree angle to Plot 3, and the site will be bordered by hedging preventing material overlooking to the rear garden and ground floor north-east facing bedroom window. The north-west facing rear elevation windows of Plot 3 are at a 45 degree angle to Plot 2, and coupled with the hedging boundary treatment and separation distances there is not considered to be an overlooking aspect between Plot 2 and Plot 3.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking/Highway Safety and Refuse

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (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.

Furthermore, 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.

With regard to refuse, a refuse collection point is located opposite the frontage of Plot 3. On refuse collection day refuse bags will be brought to the kerbside for collection. There is not considered to be a material noise impact from the proposal. The noise from occupants entering and exiting the site will be lower in volume than that of passing vehicles along North Gate. Concerns have been expressed with regard to visibility when exiting the site. However following an officer site visit, and photos taken, it can be confirmed that there is good visibility for vehicles wishing to enter and exit from North Gate. The County Highways & SUDS Officer has no objections to the submitted details.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Biodiversity

The submitted Protected Species Report shows that extensive surveys found no evidence of bats and owls on site. Additionally, there is negligible potential to support roosting bats or barn owls in any of the buildings. Lincolnshire Bat Group commented *"Thank you for sending the ecology report to Lincolnshire Bat Group. We would agree with the findings. Note comments for enhancement and the lifespan of the report."* Artificial bat roosts are to be incorporated into the site to aid biodiversity.

The site is largely covered in the centre by a concrete pad and compacted hardcore. Therefore once this area is replaced with grass, gravel and block paving there is considered to be a biodiversity uplift, as well as improved surface water drainage. Additionally the site is to be surrounded by hedge and tree planting, as well as hedging and tree planting denoting the boundary between properties. An ecological management condition will be recommended to be added to the decision notice to ensure that biodiversity measures are incorporated during the construction process.

The proposal is therefore considered to generate a biodiversity uplift of the site and be in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019, as well as Section 14 of

the National Planning Policy Framework, 2023, subject to appropriate detailing through conditions.

Refuse collection

The dwellings are served by a private driveway. Whilst a bin store is located on the opposite side of the private road to the frontage boundary of Plot 3, further details as to the means of storage and collection have not been addressed by this application. All three plots are more than 30 metres from the site entrance. Therefore refuse matters must be assessed against the Council's published "Private Drives - Waste Vehicle Collection Service - Guidance Notes" when further details are submitted.

A condition requesting full details of refuse storage and collection will be added to the decision notice. This condition will state "The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained."

Other Matters Raised

This application does not meet Class Q conversion criteria - This application is assessed under "betterment" dwelling criteria. Class Q approval was granted under reference H14-0922-22.

Setting a precedent - This application does not set a precedent. "Betterment" dwelling case law is established and is relevant to planning considerations across England and Wales. Other betterment dwellings have been approved in the district. Each application must be assessed on their individual merits.

People drive too quickly down North Gate - Given the fallback position of the Class Q position this is not considered to be unacceptable or of such a nature that it would warrant refusal of permission. The highway and access matters have been addressed within the report above.

No paths or street lighting in vicinity of site;

Distance from services;

Impact on services;

No public transport near site;

In respect of the four matters above, given the fallback position of the Class Q position this is not considered to be unacceptable or of such a nature that it would warrant refusal of permission.

Orientation of Plot 3 not optimal for solar panels - There is not a policy locally or nationally that solar panels must face due south. Amenity and character are greater concerns if the panels meet dimension and capacity limits. It is not considered that the solar panels cause an unacceptable impact 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.

While the proposed dwellings would be located outside the nearest settlement boundary and would contribute very little to the sustainable development needs of the area, it is noted that the site benefits from an extant prior approval for the conversion of existing agricultural buildings into three dwellings. On balance, it is considered that it would be unreasonable to refuse permission for the erection of three dwellings in this instance given the fallback position and the identified betterment of the proposal under consideration as outlined within this report. Furthermore, the proposal is considered acceptable in terms of design and layout, there are no highway impact concerns and sufficient parking spaces would be provided. It is also acceptable on flood risk and drainage grounds.

CONCLUSION

This application is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 28, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2023.

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

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