

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-1171-19 **Applicant:** Mr & Mrs G Kitchen

Proposal: Proposed change of use, including extension and re-instatement of agricultural buildings to create single dwelling - re-submission of H14-0348-19

Location: Enderby Barns Leaveslake Drove West Pinchbeck

Terminal Date: 9th March 2020

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

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
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	1
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CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a proposed change of use, including an extension and re-instatement of agricultural buildings to create single dwelling at Enderby Barns, Leaveslake Drove, West Pinchbeck.

This application is a re-submission of H14-0348-19 and seeks to address the reasons for refusal. The previous proposal include a large two-storey extension which did not relate well to the original barn, was not subservient, and would unacceptably alter the character and integrity of the original building, contrary to criteria 4 of Local Plan policy 23 - Reuse of Buildings in the Countryside for Residential Use.

The revised application seeks to provide a four bedroom that respects the existing building footprint and is of a traditional agricultural design with a courtyard in the middle. The dwelling would also contain an en-suite, dressing room, store, bathroom, two water closets, snug, entrance hall, study, family room, and a kitchen / dining / breakfast area.

Site Description

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.

History

H14-0738-07

Electricity - Proposed 11,000 overhead line - No objections - 26 July 2007.

H14-1212-17

Full - Change of use of agricultural building to dwelling (Use Class C3) - Approved - 14 February 2018.

H14-0348-19

Full - Change of use , including extension of agricultural buildings to create new dwelling, including siting of temporary caravan for accommodation purposes during build - Refused - 20 May 2019

Consultation Responses

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection Officer

Requests unexpected contamination condition.

LCC - Historic Environment Officer

Requests the full archaeological conditions.

Pinchbeck Parish Council

Support.

Black Sluice Internal Drainage Board

Provides standard drainage advice.

Planning Considerations

The main issues in this case are:

- Policy/Principle;
- 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.

The proposed alterations are sympathetic and would 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).

It is considered that the proposal would not unacceptably change the character of the barn and would therefore be in accordance with 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. The proposed additions to the structure are considered to remain 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.

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, and is on a "Danger for Most" area with a maximum flood depth of 1 metre. However, the extant planning permission under H14-1212-17 is a material planning consideration and does not elapse until 14 February 2021. According to SHDC standing Advice, the change of use from less vulnerable (agricultural building) to more vulnerable (residential use) does not require further consultation with EA. The mitigation measures contained in the Flood Risk Assessment report are deemed to be appropriate in any flood event.

Ecology

An ecological survey has been carried out and submitted under the previous application of H14-0348-19. Lincolnshire Wildlife Trust found this to be appropriate.

Contamination

The Environmental Health Officer has requested an unexpected contamination condition and is satisfied with the submitted screening assessment.

Conclusion

The application is considered to have addressed the previous reasons for refusal under H14-0348-19 and in light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 23 and 28 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 4, 5, 12, 14, 15 and 16 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.