

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-0344-22 **Applicant:** Mrs L Kenney
Proposal: Erection of agricultural barn (retrospective) - re-submission of H15-0809-16
Location: Lindum House New Road Quadring Eaudike
Terminal Date: 14th June 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective application for the erection of an agricultural barn at Lindum House, New Road, Quadring Eaudyke. The building is 16.5 metres in length and 10 metres in width. The south-eastern corner has an eaves height of 2.14 metres, 2.46 metres to the north-eastern corner, 2.51

metres to the north-western corner and 2.3 metres at the south-western corner. The ridge height is 3.7 metres. The walls are constructed from feather edge boarding, with a coroline black bitumen sheeting roof. The building is sited adjacent to a shared driveway from which access is gained. The states that the barn is currently primarily for storage of hay, straw, farm equipment, machinery, tools and a tractor. *"We may also, when required, bring livestock into the main barn for the purpose of maintaining high levels of animal welfare, similarly livestock may also occasionally be brought into the main barn for farrowing, all this during periods of excessively wet and prolonged bad weather."*

This application differs from the previously approved application under reference H15-0809-16 as the barn is larger in length than the previously approved 15 metres and the 4 metre long external sheltered area has been removed. Overall the footprint is smaller than that previously approved. The previous wall material was blockwork and it is now timber.

SITE DESCRIPTION

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by buildings of varying ages and designs. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H15-0809-16

Full - Proposed agricultural barn and ancillary buildings - Approved - 26 September 2016.

CONSULTATION RESPONSES

Environmental Protection

No objections.

Quadring Parish Council

"Clarification of purpose of building and intended usage required."

Member of the public - 1 - Objection

Entrance should be on the opposite side of the building
Smell from pigs
Loss of privacy

Applicant response to consultation comments

Given the proposal location whilst the objector has not been named for reasons of data protection it is obvious from which property the comments have originated.

"We confirm the main agricultural barn is currently primarily for storage of hay, straw, farm equipment, machinery, tools and tractor. We may also, when required, bring livestock into the main barn for the purpose of maintaining high levels of animal welfare, similarly livestock may also occasionally be brought into the main barn for farrowing, all this during periods of excessively wet and prolonged bad weather."

"Although this is not an exclusive list of intended usages, as circumstances evolve they may change but the purpose and usage of the main barn will always be focussed to serve the needs and requirements of the smallholding. We trust this clarifies our purpose and intended usage for the main agricultural barn, but if you have any further queries, or indeed would like to view the barn please do not hesitate to contact us to make an appointment. (Please note Bio Security is in place)."

Smell - *"The pens in the barn when being used for pigs are cleaned daily and the barn door is only open when entering or exiting the barn, it is fully closed when cleaning is taking place. The pens have all wet litter removed and the area washed down daily, prior to laying clean, dry straw. Our original consented planning application (H15-0695-17) allows for further ancillary buildings to be built; sheep shelter (built), main barn, (built), utility shed, hen house, duck house and also a*

farrowing house, which once this is done should negate the use of the barn for farrowing. Although extreme winter weather conditions may still require our animals to be housed in the barn when necessary."

Loss of privacy - "I attach photographs of the view out of our barn door, as well as views up and down the shared roadway (access covered by a Deed of Covenant, signed by both parties). (Photographs sent under separate emails due to size of files). We are not sure how the loss of privacy for the objector is being defined, but the objectors do have a series of three security cameras along the roadway on the barn walls, two on the dwelling at the front of the site (looking to the main road and down the access roadway) and one looking down directly outside our main barn door, which if the barn door is fully open can be easily seen from 10' back in our barn. We do know these cameras are recording. We are not sure 'loss of privacy can be determined, as we cannot overlook their property along the length of the roadway that they own and certainly not from our main barn door. Although without the fence I am certain that over the distance of c.50 yards there would be no loss of privacy."

PLANNING CONSIDERATIONS

Principle of development

The proposal is for agricultural development on agricultural land in a rural location. The principle of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

1. The size, scale and layout of the barn is considered to be acceptable. No trees have been removed to facilitate this proposal. Given the rural location and siting to the rear of the site there is not considered to be an impact on the character or appearance of the surrounding area.
2. The design is in keeping within a standard agricultural barn and the orientation best enables the movement of vehicles and transportation of goods via the shared driveway with Yew Tree Farm.
3. The walls are constructed from feather edge boarding, with a coroline black bitumen sheeting roof. The materials of construction are considered to be appropriate for the site.
4. The existing access is not being altered and there is not considered to be a material increase in traffic from this barn which is primarily for storage purposes.
5. The capacity of existing community services and infrastructure are not impacted by this proposal.
6. There is not considered to be a noise or disturbance impact from this traditional agricultural use. The Environmental Protection Officer has no odour concerns. With regard to visual intrusion the proposal is not considered to constitute overdevelopment in this large site. When right to light lines are drawn there is not a material loss of light to any habitable room. There is a 1.8 metre high boundary fence at the side boundary with Yew Tree Farm and given that the barn door is at ground floor there is not considered to be an overlooking aspect given the approximate 28 metre separation distance to the Yew Tree Farm which is not directly faced by the barn door.
7. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The barn is not for habitable use by humans and there is not a requirement to raise floor levels to address flood risk.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. A sense of place is not considered to be impacted by this proposal which is for a traditional agricultural barn at the rear of the site. The size, scale and layout of the barn is considered to be acceptable. No trees have been removed to facilitate this proposal. Given the rural location and siting to the rear of the site there is not considered to be an impact on the character or appearance of the surrounding area.

5. Bin and cycle storage, no off road parking provision are impacted by this barn.

11. There is not considered to be a noise or disturbance impact from this traditional agricultural use. The Environmental Protection Officer has no odour concerns. With regard to visual intrusion the proposal is not considered to constitute overdevelopment in this large site. When right to light lines are drawn there is not a material loss of light to any habitable room. There is a 1.8 metre high boundary fence at the side boundary with Yew Tree Farm and given that the barn door is at ground floor there is not considered to be an overlooking aspect given the approximate 28 metre separation distance to the Yew Tree Farm which is not directly faced by the barn door.

12. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The barn is not for habitable use by humans and there is not a requirement to raise floor levels to address flood risk.

This application accords with SELLP Policy 3.

PLANNING BALANCE

It is considered that the barn will help improve the storage needs of the applicant without materially impacting the character and amenity of the surrounding by virtue of the location at the rear of the site and the design of the building. This application accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.