

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-0546-21 **Applicant:** Mrs S Sutton

Proposal: Erection of wooden lean to for storage of wood/refuse and recycling (retrospective) and replace doors and cladding to front of existing adjacent structure/shed.

Location: Sunnylea Barn New Road Quadring Eaudike

Terminal Date: 15th July 2021

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

Sections 12 of the National Planning Policy Framework (2021)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the retrospective erection of a timber lean-to for storage purposes and for the recladding of the southwest elevation of the extant barn in stamped corrugated steel, with the replacement of the extant barn doors with roller shutter steel equivalents at Sunnylea Barn, New Road, Quadring Eaudike.

The proposed lean-to would be made of timber, open fronted and capped with rough hewn timber boarding, roofed with corrugated metal sheets, matching the corrugated roof of the adjoining barn. The dimensions would be 3.4m (D) x 9m (W) x 2.4m (H at lowest point of mono-pitch) / 2.7m (H at highest point of mono-pitch).

Site Description

The proposal site is a former agricultural site, now residential, set in the open countryside. The host property is a recently converted C19th vernacular barn. The Barn to the Northeast of the site and to which the proposals to re-clad, replace doors and construct a lean-to is related to, is mid-c20th in construction, making use of a half brick, half corrugated sheet construction.

The immediate surroundings can be described as open countryside and agricultural in nature, with the only nearby residential property being the adjacent Lindum House.

History

H15-0766-17

Change of use of agricultural building to dwelling. Approved on 02-10-17.

H15-0063-19

Details of Conditions 3, 4, 5, 6, 9, 11, 12, 13 and 17 of H15-0766-17. Approved on 27-03-19.

H15-0760-21

Approved on 07-09-21

Consultation Responses

Quadring Parish Council

Supports the application as a visual improvement to the property.

Local Resident

One letter of objection was received from the solicitor of a local resident. The resident wishes to object to the proposal on the grounds that the proposed lean-to would interfere/block an existing private right of way that is contained within the land title.

Additionally, the objection supposes that the application form has been incorrectly completed as the applicants contact address is supposedly no longer current to their residence, Panel 2 of the application has been filled out contrary to panel 12, and that despite the proposal being retrospective, the applicant did not confirm that works had been started without consent.

Planning Considerations

Resident Objections

The letter of objection received refers to a private right of access dispute. The local planning authority is unable to become involved in private right of way/access disputes. The applicant has indicated that they wholly own the property and as such, they are within their rights to apply for permission for any proposal and planning permission may or may (or may not) be granted regardless of an existing private dispute between two parties. A private right of way/access dispute is entirely a civil matter and the Local Planning Authority cannot consider that to be a material cause for rejection of any application.

Furthermore, the applicant is free to list whatever address they please as a contact address, provided that it is a genuine contact detail which will function for contact purposes - it does not have to be their current place of residence.

Panel 2 and Panel 12 of the application form are functionally unrelated. The applicant does not have

to be the same individual as the owner of the land as signed in Panel 12.

The retrospective description of this proposal may indicate that the applicant was aware that the structure was previously erected, and having identified the need for permission have removed the structure, so that in a technical sense, the works as will be approved have not been commenced.

Design

The Local Planning Authority seeks no amendment to the design or layout of the proposal. The proposed design of the lean-to is not out of keeping with the area, with timber construction and a style which is commensurate with the working, agricultural character of the site. With regards to the recladding and new doors on the extant barn. It is proposed to use green powder coated steel corrugated sheets - this is similar in form to the extant corrugated sheet construction. The extant timber doors are in a poor condition and the replacement roller shutter steel units are also commensurate with the agricultural nature of the site. Once combined the proposed works will lead to a barn which gives the appearance of a kind of agricultural structure which is common in the open countryside setting, with several of its type existing within visual range, particularly to the southwest of the site.

Residential Amenity

The only adjustment to scale, layout or massing proposed by this application is the proposed lean-to, which is not a liveable domestic space, and by virtue of its single storey, open air nature and the approx. 4.5m separation distance between the furthest extent of the lean-to and the neighbouring plot's boundary, no risk of overlooking or overshadowing is presented to any relevant nearby residential properties.

Conclusion

For the reasons listed above, this application is found to be in accordance 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). Therefore, 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.