DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-1114-21**	**Applicant:**	**Mr C Burdell**
Proposal:	Amendment to existing approved change of use scheme to reconfigure the fishing lake experience by replacing the 12 touring pitches with 6 shepherd huts located around re-designed lake - retrospective		
Location:	Crosskeys Farm Quadring Bank Quadring		
Terminal Date:	11th January 2022		

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
09	Promoting a Stronger Visitor Economy
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development
Section 4. Decision-making
Section 8. Promoting healthy and safe communities
Section 11. Making effective use of land
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change
Section 15. Conserving and enhancing the natural environment

Representations:

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

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	1	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

The application seeks full retrospective planning permission to replace the previously approved 12 touring pitches with 6 shepherd huts located around the re-designed lake. The proposed huts are 2.4 metres x 5.5 metres and the adjoining patio areas are 2.7 metres x 10 metres. Foul sewage is to be disposed of via a package treatment plant located towards the western boundary. The proposal also includes a redesigned lake, associated parking and landscaping.

SITE DESCRIPTION

The site is a located on Quadring Bank and is within the open countryside, outside any defined settlement boundary. The site is currently used for touring caravans. The site falls within Flood Zone 3. The site context is predominantly rural with scattered residential properties.

RELEVANT HISTORY

H15-1195-17 - Proposed change of use and expansion to an existing touring site, including new fishing lake and touring pitches - Approved

H15-0930-14 - Fishing lake for private use - Approved

H15-0371-12 - Erection of toilet/shower block for use by touring caravan/camping site (retrospective), and new vehicle accessway - Approved

H15-0441-08 - Proposed extension to form pool area and annexe - Approved

H15-1419-06 - Proposed wind turbine - Approved

H15-0195-05 - Proposed single-storey extension to provide swimming pool enclosure and associated accommodation - Approved

H15-0573-05 - Proposed swimming pool enclosure and associated accommodation - Approved

H15-0911-04 - Demolish existing farmhouse and associated farm buildings, erect replacement dwelling and detached triple garages - Approved

CONSULTATION RESPONSES

SHDC Environmental Protection

No objections.

Cllr J L King

Commented in support of the application and considers the shepherds huts to be very tasteful and in keeping with the area.

Cllr Bingham

Commented in support of the application.

LCC Highway and Lead Flood Authority

Does not wish to restrict the grant of permission.

Considers this to be a betterment from the reduction of vehicle numbers and trips and it does not have an impact on the Public Highway or Surface Water Flood Risk. Additionally, sufficient parking and turning facility has been made within the site.

Environment Agency

No objections to this application but would advise that applicant to produce a Flood Warning and Evacuation Plan and where possible, all short term units to be secured to the ground using an adequate mechanism such as chains and ground anchors and the finished floor level set at a minimum 300mm above ground level.

Public

One letter of support has been received advising the following:

·The site has been well managed
·The landscaping scheme implemented means there are only glimpsed views of the huts from the public realm
·The huts are tasteful in appearance
·There has not been a noticeable increase in traffic
·There have been no noise issues.

One letter of objection has been received siting the following concerns of loss of privacy due to the new footpath.

PLANNING CONSIDERATIONS

Principle of development

The principle of tourism on the site has already been established under the previous planning permission therefore there are no objections in principle subject to other planning considerations.

Design and impact on the character of the area

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The scale of the development is appropriate for the site and the proposals are considered to e an improvement to the previously approved scheme. The huts are sympathetically designed and sited and sit well with the surroundings. The landscaping scheme provides goof levels of screening and there are no prominent views of the huts from the public realm. It contributes greatly to conceal the site, mitigate any visual impact upon the open countryside and preserves the amenity of both site tourists and adjacent neighbours.

As such it is considered that the scheme would not materially harm the character or appearance of the locality and would therefore satisfactorily comply with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the NPPF in this respect.

Impact on amenity

One neighbour has raised concerns of overlooking from the new footpath. The concerns are noted, however, given the relationship with this neighbour and the nature of the development it is not considered that any unacceptable impact would result on this neighbour. The application site boundary is some 43 metres from this neighbour's residential curtilage. The proposed huts are located well within the site and located on lower ground. As such this separation distance is considered sufficient as to not result in any unacceptable overlooking or loss of privacy.

Parking/Highway implications

The Local Highway Authority has not raised any objections to the proposed scheme. The proposal is for an amendment to the existing approved change of use scheme to reconfigure the fishing lake experience by replacing 12 touring pitches with 6 shepherd huts located around re-designed lake. This is considered to result in a less intensified use of the site with a reduction of vehicle numbers and trips. Sufficient parking and turning is provided within the site. As such the proposed scheme is not considered to result n any unacceptable impact in terms of public highway safety.

Flood Risk

The site is located within flood zone 3. No flood risk assessment has been submitted, however, the applicant has advised that as with the previously approved scheme there is a Flood Risk Strategy in place for the site to ensure it is safely evacuated in case of any flood warnings.

The Environment Agency has not raised any objections to this application but has advised the applicant to produce a Flood Warning and Evacuation Plan and where possible, all short term units to be secured to the ground using an adequate mechanism such as chains and ground anchors and the finished floor level set at a minimum 300mm above ground level. An informative has been added to this effect.

Drainage

Foul sewage is to be disposed of via a package treatment plant located towards the western boundary. no details have been submitted with regards to how surface water would be discharged. A condition has been appended asking the applicant to submit details of this.

Planning Balance

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 principle of tourism use is already established on the site therefore the proposal is acceptable in principle. The proposed shepherds huts are sympathetically designed and do not detract from the character of the area. The landscaping scheme is also appropriate for the site and boundary treatment/planting ensures there huts are not overly prominent from the public realm.

There are no parking/highway safety issued and the proposed huts are considered to result in a less intensified use of the site than the previously approved 1 touring caravans.

The site is within flood zone 3, however, the Flood Risk Strategy prepared for the site would ensure safe evacuation.

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Taking into consideration the planning policies set out above the proposal is considered to comply with Policies 1, 2, 3, 4, 9, 19, 28, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

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

That the application be approved under delegated powers.