

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0090-19 **Applicant:** Mr Parker

Proposal: Use of land for the stationing of log cabins, Manager's log cabin, welfare facility, equipped play area, lake and associated roads and parking, and parking area for 5 tourist motor homes - approved under H16-0874-11 - Modification of Condition 5 relating to the occupation of the log cabin and the role of site warden

Location: Windcatch Caravan Park Kellet Gate Low Fulney

Terminal Date: 6th June 2019

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 2019

Section 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application for the use of land for the stationing of log cabins, Manager's log cabin, welfare facility, equipped play area, lake and associated roads and parking, and parking area for 5 tourist motor homes - approved under H16-0874-11 - Modification of Condition 5 relating to the occupation of the log cabin and the role of site warden at Windcatch Caravan Park, Kellet Gate, Low Fulney. Section 5 of the application form explains "Cabin one was built for the site warden who took on the position but then due to poor health had to retire, he still resides in this cabin. The role of site warden is now undertaken by the site owner who lives in the property adjacent to the site, number 11 Kellett Gate."

Site Description

The proposal is outside of defined settlement limits and the surrounding area is characterised by caravans and buildings of varying ages and design.

History

H16-0874-11

Use of land for the stationing of log cabins, Manager's log cabin, welfare facility, equipped play area, lake and associated roads and parking, and parking area for 5 tourist motor homes - Approved - 13 July 2012.

Consultation Responses

None

Planning Considerations

Since the application was submitted, the South East Lincolnshire Local Plan (2019) (SELLP) has been adopted. However, this does not materially change the policy status of the site as it remains outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the SELLP states that development in the countryside will only 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.

It is not considered that the application has demonstrated that the use of a log cabin for permanent residential accommodation is essential in this location or meets a defined housing need. Since submission of the application, as of 31 March 2019 the Council can now claim a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6.07 years through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance.

Open market or permanent residential housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a 5 year housing land supply and a recently adopted up-to-date development plan with a spatial strategy setting out how the housing needs for the area will be met. Furthermore, public transport does not operate at any time along Kellet Gate. Consequently, access to services and facilities is unlikely to be convenient on a day to basis and there is likely to be some reliance on the private motor vehicle to access services and facilities. The location of the site does not therefore have attributes that make it sustainable for development for new market housing.

The proposed development would set a harmful development by positioning residential dwelling in a countryside location outside the main built-up area of Spalding. This would set a harmful precedent for further development outside the settlement boundary.

The proposal is contrary to policies 2 and 3 of the SELLP which amongst other things require proposals to have regard to the character and appearance of an area and stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Conclusion

Although sympathy is given to the circumstances of the occupier of this cabin, taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. No case of special circumstances has been put forward to support this application that would override the policy stance set out above. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019).

Refusal 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 to refuse permission 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 to refuse permission 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 neighbouring residents and businesses). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation to refuse permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.