

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0470-23 **Applicant:** Mr M Oko
Proposal: Proposed House & Garage
Location: Adj Lowfields House Fulney Drove Spalding
Terminal Date: 26th July 2023

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

5 - Delivering a sufficient supply of homes
6 - Building a strong, competitive economy
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	1
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CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline application with all matters reserved on land adjacent Lowfields House, Fulney Drove, Spalding for a proposed house and garage. The proposed dwelling is for management accommodation to serve proposed holiday accommodation at Lowfields House under reference H16-0474-23. The three week consultation period for this application commenced on the 19th of June 2023, and a site visit was undertaken on the 21st of June 2023.

SITE DESCRIPTION

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. Lowfields House is located to the north of the proposal site beyond a boundary hedge. The site is also bordered by established hedging to the east and south, as well as the western frontage of the site. Industrial units at Lowfields Industrial Estate are located beyond the southern boundary.

The dwelling is in Environment Agency Flood Zone 3, and in Danger for Most hazard area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. The submitted Flood Risk Assessment proposes finished floor levels of 0.5 metres. The Flood Risk agent states that the proposed dwelling will be sited in this area, however as the application is outline with all matters reserved the deepest depth within the red line boundary must be considered to be the minimum finished floor level height.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

Lincolnshire County Council - County Highways & SUDS Officer - 04/07/2023

No Objections - *"Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application."*

Lincolnshire County Council - Historic Environment Officer - 05/07/2023

"No archaeological input is required at this point."

South Holland District Council - Environmental Protection Officer - 11/07/2023

No comments.

South Holland Internal Drainage Board - 27/06/2023

Requests further details of soakaway and sewage treatment plant.

Councillor Ashby - 27/06/2023

Support.

MATERIAL CONSIDERATIONS

Principle

The proposal site is located outside of any settlement boundary and is therefore classed as being in the countryside. Policy 1 of the South East Lincolnshire Local Plan (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 development is essential in this location or meets a defined housing need. There are considered to be no economic benefits to the area positioning a dwelling in this location, save for short term construction employment. There are considered to be no community benefits to the area. The site does not sit in an established settlement, and there are no community facilities nearby. There is not considered to be an environmental benefit to the area. Whilst it is acknowledged that the adjacent management accommodation would not require the use of a vehicle to serve the adjacent holiday let, the new dwelling is not on a road served by public transport or a footpath, and therefore the new dwelling occupants would be solely reliant on private motor vehicle use to access goods and services.

As of 31 March 2022 the Council can now identify a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 5.9 years under the Liverpool Method 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 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 all along Fulney Drove. 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 a residential dwelling in a countryside location outside the main built-up area of a settlement. This would have an adverse impact on the character of the area and would set a harmful precedent for further development outside the settlement boundary.

The proposal therefore does not accord with Policy 1 of the SELLP which seeks to position residential development in sustainable locations.

Flood Risk / Site Levels

Policy 4 of the SELLP and Section 14 of the NPPF involve mitigating and adapting to flood risk as well as drainage issues.

The dwelling is in Environment Agency Flood Zone 3, and in Danger for Most hazard area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. The submitted Flood Risk Assessment proposes finished floor levels of 0.5 metres. The Flood Risk agent states that the proposed dwelling will be sited in this area, however as the application is outline with all matters reserved the deepest depth within the red line boundary must be considered to be the minimum finished floor level height. No drainage details were submitted at this stage of the application process.

The submitted Flood Risk Assessment does not accord with Policy 4 of the SELLP.

Character / Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall

quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The Design & Access Statement states: "The site is well screened and existing hedges and trees are set to remain." However, as this application is with all matters reserved, proposed landscaping could change. 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. An additional dwelling in the open countryside, in this location would detract from the rural appearance of the area by placing a dwelling in an unsustainable location. 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.

There is considered to be a material impact on character and appearance from this proposal which does not accord with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Amenity impact cannot be fully assessed at this stage of the application process. However, it is noted that the proposed dwelling would sit adjacent to the Lowfields Industrial Estate beyond the southern boundary. This may give rise to odour, noise and disturbance concerns should a dwelling be permitted in this location. Paragraph 187 of the NPPF is of importance in this instance. The Paragraph states:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

There are concerns that wherever the dwelling is placed on this site it could be impacted by the activities taking place in the established business next door.

Whilst an appropriate design could be brought forward at the reserved matters stage, there is not considered to be an appropriate scheme of mitigation that could ensure that a dwelling on this site would not be impacted by the operations of the adjacent industrial estate.

The proposal is not considered to accord with Policies 2 and 3 of SELLP which seek to protect residential amenity.

Housing Need

There is no housing need for unsustainable locations outside of defined settlement limits. The submitted details do not demonstrate that residential development is essential in this location.

Parking / Highway Safety

There is ample space on site to provide enough off road parking spaces to satisfy the relevant criteria under Appendix 6 of the SELLP. As this application is outline with all matters reserved, further details would have to be submitted at a reserved matters stage to check for compliance against Policy 36 of the SELLP and Paragraphs 110 to 112 of NPPF concerning parking, highway safety and potential for electric vehicle charging.

Proposed management accommodation

In the submitted Design & Access Statement under the title 'Dwelling Purpose', the following is stated:

"This proposal is connected to Lowfields House which there is a separate application for a 'Change of use' to a holiday accommodation. The intention therefore is for Lowfields House to be used solely as a Holiday accommodation and not to be permanently lived in."

"My client would then live in the new house on the proposed site so he can easily oversee the operation of the holiday accommodation."

"Therefore, there will be only one residential dwelling on the site as Lowfields house will become non-residential. My client is happy for condition to be included to restrict the separation of Lowfields House and the proposed dwelling."

No other management options have been suggested or evidenced as having been explored, therefore it is considered that it has not been demonstrated that an adjacent management dwelling is essential in this location. There are plenty of rental and holiday accommodation dwellings that operate in the open countryside of the district without immediately adjacent management accommodation.

PLANNING BALANCE

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, the protection of residential amenity and the protection of the countryside character of the area.

CONCLUSION

This application is contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 81, 110 to 112, 127, 187 and Sections 5, 6, 12 and 14 of the National Planning Policy Framework (2021).

RECOMMENDATION

This application is recommended for refusal.

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.