

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-0139-20 **Applicant:** Sylwia Lembicz
Proposal: Change of use to increase area for caravan storage and installation of lighting along existing entrance and exit
Location: Orchard House 32 Gosberton Road Surfleet
Terminal Date: 8th June 2020

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
07	Improving South East Lincolnshire's Employment Land Portfolio

National Guidance

National Planning Policy Framework 2019

NPPF 2019

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Change of use to increase area for caravan storage on a discrete area of the site and installation of lighting along existing entrance and exit. This would increase the number of caravans on the site from 6, as controlled by the personal permission H17-0696-19, to an area of land that has the potential to stand up to 18 caravans in total on the site.

Site Description

The entire site approximately amounts to 1.49 hectares. It is bounded by Gosberton Road to the west, A152 to the south and the roundabout at the crossroads of both highways to the south-west. Orchard House is a cottage at the northern-west corner of the curtilage in close proximity to Gosberton Road. The driveway runs to the northern side of the property.

To the rear of Orchard House, there is a large semi-paved area which is bounded to the east by at least 3 metre high conifer hedgerow. Land extends to the south where a haulage business operates. A long outbuilding physically separate both spaces. The application site hosting three caravans is located beyond the aforementioned hedgerow and close to the northern boundary of the adjacent land.

Relevant History

H17-0696-19. Proposed caravan storage (retrospective). Approved

H17-0439-18 - Change of use to light haulage business (retrospective) - approved under H17-0021-18. Modification of Conditions 2 and 3 relating to vehicle type and numbers and access to development - Approved

H17-0021-18 - Change of use to light haulage business (retrospective) - Approved

H17-0125-15 - Demolition of existing outbuildings and erection of new purpose built dog boarding kennels, secure yard and client parking - Approved

Consultation Responses

Surfleet Parish Council

Objection - The caravans are not being stored in the current designated area, the plans show lorries accessing via Gosberton Road and not A152 as required by previous applications, there is no need for lighting on the scale indicated unless there are plans for further development.

LCC SUDS

No observations.

SHDC EHO

No objection.

Third Parties

One objection received raising the following planning and other matters:

- Site is being used illegally as no operators Licence is in place.
- No clarity of what is defined as "light haulage".
- Location of the site notice.

Planning Considerations

Principle of Development

The principle of using part of this site for the repair and storage of a limited number of caravans has

been accepted by the consent granted in 2019 (H17-0696-19 refers).

Policy 1 of the SELLP sets out the local spatial strategy and establishes that "in the countryside development will 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".

The applicant is responsible for repairing and selling used caravans and lives in Orchard House as primary address. The proposal could be located elsewhere although the storage of such caravans within the mixed-use curtilage would be a sustainable location.

Policy 7 of SELLP is concerned about the settlement of employment uses across the district. It defines a hierarchy from which new economic growth will be rolled out. For 'Other Employment Sites' such as the application site, "where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

The addition of the caravan storage on the site would not harm the existing uses within the adjacent land. Should the caravan store be located out of the application site, it would be highly likely that pollutant motor vehicles would be used to come and go to the storage place. The location of the caravans within the site would not harm the countryside character of the area. No significant biodiversity has been identified which might be affected by the presence of the caravans. The proposal would be necessary for the operation of the economic business; otherwise the repairing and buy-and-sell activity might unlikely continue albeit its very small scale. There is no evidence that the application site has been previously used for any use.

Having regard to the caravan storage, it is considered that the development complies with the above-mentioned criteria which echoed Para 84 of NPPF, 2019. Taking into account on balance the considerations above, the proposal commits to the overarching sustainability objectives as well as the local policies on employment uses. Thus, the principle of development for the proposal is acceptable.

Impact upon the local character of the area

The site is located within the Fenland landscape characterised by flat and open agricultural fields. There is no protection of the landscape under SELLP. No significant biodiversity has been identified on the site. The site is hosting a large commercial use (the haulage business) and the additional caravan storage area is small in scale and would not create any cumulative impact to the local area.

Residential amenity

The wider site is large and the caravans would be placed further away from Orchard House and other neighbouring residential uses. The aforementioned hedgerow in addition to the trees and planting along the northern boundary would conceal the development. The repairing tasks would not be frequent and minimal, therefore the proposal would lead to negligible nuisance and disturbance. No residential property under different ownership is immediately adjacent to the site. For these reasons, it is considered that the proposal would have no adverse effect on the residents of Orchard House or other properties by reason of overbearing and noise impact.

Flood Risk

The site lies in Flood Zone 1 as per Environment Agency's Flood Map and South East Lincolnshire Strategic Flood Risk Assessment (March 2017). This is the lowest flood hazard and, given the non-

residential use of the caravan, the development is negligibly vulnerable to flood risk.

Impact of lighting the access roadway

It is considered that the form and arrangement of the lighting would not have such an impact on adjoining land users or the wider area that permission could be refused. Sufficient details have been provided. The Council's Environmental Health Officer raises no objection.

The purpose of the lighting is for safety and security. The applicant advises that in May works commenced to install one of the lights due to a theft attempt, but no Police crime number has been provided for this, and none requested, as the works were at the applicant's risk in any event.

A condition is suggested to control the form of the lighting.

Objection has been raised to the use of the access on to Gosberton Road. Given that this application proposes improvement in the form of lighting to the new access road, and there will be an increase of use of this site, it is considered that it would be reasonable to restrict vehicular access for this development to the access point from the A152 Link Road and not from Gosberton Road. This will assist in preventing vehicles towing caravans from being delayed on the highway at the Gosberton Road access.

Other Matters

One point raised by the objector is the lack of clarity of "light haulage" on the wider site. This is covered by condition 2 of H17-0439-18, which links the types and numbers of vehicles to the O-licence on the site, which is set out in the design and access statement that covers this site. The objector considers the wider site does not have an O-licence in place, however this is a matter for the applicant to resolve if necessary, and does not impact on this application.

It has been raised that the caravans approved for the site (6) are not being stored in the correct area. The applicant advised the case officer on site that this was due to the land approved by H17-0696-19 being flooded.

An objection has been raised to the location of the site notice, which was displayed on a street pole close to the entrance to Orchard House from Gosberton Road. It is considered that the notice was appropriately displayed, and the fact that the objector has seen the notice and is aware of the contents is testament to this. In addition adjoining occupiers were specifically consulted in writing on the application.

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.

Conclusion

In the light of the above matters it is considered that the proposal accords with Policies 1, 2, 3 and 7 of the SELLP and the intentions of the NPPF and is recommended for approval, subject to conditions.