DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0342-22**	**Applicant:**	**Ms S Lembicz**
Proposal:	Erection of garage for the storage of cars, trailers, quad bikes & lawnmower (retrospective)		
Location:	Orchard House 32 Gosberton Road Surfleet		
Terminal Date:	31st August 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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 9: Promoting sustainable transport
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

Planning Practice Guidance

Representations:

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

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

CASE OFFICER ASSESSMENT

Proposal

This application is for the erection of an outbuilding for the storage of cars, trailers, quad bikes and lawnmowers at Orchard House, 32 Gosberton Road, Surfleet. The application is retrospective with works having been completed on site 16th March 2022. The outbuilding is of a lean-to design, is 13.7m by 5.4m with a maximum height of 2.7m. The outbuilding is constructed of timber panels with white boarding exterior and steel roofing sheets.

The Local Planning Authority is also dealing with a separate application on the site for the creation of additional parking spaces including external lighting associated with the existing haulage part of the site (H17-00183-22).

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 site hosting of the proposed building is to the rear of the domestic curtilage of Orchard House, on an area of scrub land adjacent to the caravan storage area. Access to the building would be via the light haulage yard area.

History

H17-0021-18. Change of use to light haulage business (retrospective). Approved 18-04-18.

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 05-07-18.

H17-0696-19. Proposed caravan storage (retrospective). Approved 19-11-19.

H17-0139-20. Change of use to increase area for caravan storage and installation of lighting along existing entrance and exit. Approved 29-05-20.

H17-0687-20. Hardstanding for caravan storage - retrospective. Approved 26-11-20.

H17-0396-21. Erection of barn for the purpose of storage equipment for the purposes of minor maintenance in association with the use of the site as a light haulage business. Approved 19-10-21.

H17-0183-22. Create additional parking spaces including external lighting. Pending Consideration.

Consultation Responses

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
No objections.

South Holland District Council's Environmental Protection Team
No objections.

One letter of objection has been received raising concerns over the ongoing retrospective nature of applications, overdevelopment of the site and impacts on amenities.

Planning Considerations

Principle

The site is located outside any settlement boundary and is therefore classified as countryside land in accordance with Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019). Policy 1 goes on to state that development in the countryside 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.

As the application seeks permission for the erection of an outbuilding (albeit retrospectively) that would be used for ancillary purposes to an existing residential dwelling, it is considered to satisfy Policy of the adopted Local Plan. Given the dual uses on the site - residential and haulage yard, a condition would be imposed on any planning permission granted to ensure the outbuilding is to be ancillary to the residential dwelling only, given the proximity to the main dwellinghouse.

Scale, Design and Layout

The outbuilding in question is located east of the main dwellinghouse, to the rear of the property. The outbuilding is of a lean-to design, is 13.7m by 5.4m with a maximum height of 2.7m. The outbuilding is constructed of timber panels with white boarding exterior and steel roofing sheets.

Whilst the outbuilding is relatively large in scale, it is noted that its scale is commensurate to the site as a whole and is therefore considered to be acceptable and would not constitute overdevelopment of the site. The materials used in the construction of the outbuilding are considered to be acceptable and are typical of a building of this nature. Furthermore, given the hedgerow and tree planting along the southern, western and northern boundaries, the outbuilding in question would not be visually prominent from the public realm. As such, the proposal is considered to be acceptable in terms of its impacts on the main dwellinghouse and the character and appearance of the streetscene and surrounding area.

Overall, the proposal is considered to be in accordance with Policies 2 and 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (NPPF, 2021).

Flood Risk

The site is located within Flood Zone 3 and is identified as an area with no flood risk to people in accordance with the South East Lincolnshire Strategic Flood Risk Assessment (2017). Due to the low level of flood risk, there is not a requirement to raise finished floor levels.

Impact on Neighbouring Amenity

Given the proximity to the closest neighbouring residential properties on Clubhurn Lane are approximately 161m north and the nature of the proposed development (storage of vehicles and equipment), the proposal is not considered to result in any detrimental impacts to neighbouring amenity.

Highway Safety

The application seeks approval for the erection of an outbuilding to be used for the storage of equipment, including cars. The submitted site/block plan indicates that the outbuilding would be accessed via the existing access off Gosberton Road (directly north of the main dwellinghouse).

Whilst the proposed floor plan does not indicate internal arrangements, the proposal is not considered to impact existing off-street car parking arrangements and there is sufficient space within the boundary of the site to provide adequate off-street car parking for the dwellinghouse.

As such, the proposal is considered to be acceptable in terms of highway safety and would be in accordance with Policy 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (NPPF, 2021).

Other Matters

Whilst concerns were raised by a neighbouring property over the submission of retrospective planning applications on the site, the Local Planning Authority must determine each application on its own merits with the retrospective nature of an application not being a reason for refusal. Concerns regarding impacts on neighbouring amenities and overdevelopment of the site have been discussed in more detail above.

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 proposal represents an acceptable form of development in the countryside and is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan (SELLP, 2019) in this regard. Furthermore, the proposal is considered to be acceptable in terms of its impact on amenities and highway safety and all other planning matters.

Overall, the planning balance is considered to be in favour of the proposal.

Conclusion

Approve.

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.