DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H17-0696-19**	**Applicant:**	**Ms Sylwia Lembicz**
Proposal:	Proposed caravan storage (retrospective)		
Location:	Orchard House 32 Gosberton Road Surfleet		
Terminal Date:	30th November 2019		

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

Section 6. Building a strong, competitive economy
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for proposed caravan storage

at Orchard House, 32 Gosberton Road, Surfleet.

The proposal is tantamount to small-scale commercial activity, involving the purchase of, repair, and sale of used caravans. No more than 6 caravans would be stored on the site at any one time.

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 an old 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. Vast 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.

History

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

Lincolnshire County Council as Highway and Lead Local Flood Authority

No objection.

Planning Considerations

Principle of development

The site lies in an area designated as countryside as shown in the South East Lincolnshire Local Plan (SELLP), 2019.

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 vast 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 site is vast and the caravans would be placed further away from Orchard House. 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 adjacent to the site. For these reasons, it is considered that the proposal would have no adverse effect on the residents of Orchard House by the 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.

Conclusion

In light of considerations above, the proposal complies with Policies 1, 2, 3, 4 and 7 of South East Lincolnshire Local Plan (SELLP), 2019 and Section 6, 12 and 14 of National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.