

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0895-23 **Applicant:** Mr H Brown
Proposal: Conversion and extension of rural building to form single dwelling
Location: The Chestnuts Reservoir Road Surfleet
Terminal Date: 12th February 2024

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

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

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

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application described as the 'Conversion and extension of rural building to form a single dwelling.' However, the proposal appears to represent more of a demolition and rebuild, although is located in the approximate footprint of the existing building on site. An existing access that currently serves the Chestnuts is proposed to be utilised: Amended plans have been received in order address County Highways comments with regard to the access road width, this also shows a refuse collection point at the entrance.

The application site is located to the rear of the Chestnuts (north) in an area where an existing single storey building is located.

SITE DESCRIPTION

The proposal is outside of defined settlement limits of Surfleet Seas-end and is therefore in planning terms located in the open countryside. The surrounding area is predominately rural and is characterised by linear frontage development along Reservoir Road. The application site contains an agricultural building. The western boundary down to the vehicular access is bordered by established trees. The south and east boundaries are bordered by a 1 metre high post and rail fence. The northern boundary is bordered by trees to the north-west section and a raised bank forming the boundary, beyond which is a drainage ditch.

There are no dwellings to the north, east or west of the site. The nearest dwelling are located to the south. The building is located in Environment Agency Flood Zone 1, however the surrounding land and access road is located in Flood Zone 3. The SFRA states that the building is in an area that is "Danger for Most" hazard area.

The existing building on site is a mixture of block, block and timber clad external walls with a corrugated asbestos cement roof covering. The application form states that the current use of the building is private storage. The Design and Access Statement states *"The buildings were originally used to house pigs. However for as long as it has been known to the current owner it has been unused. Currently it is being used as storage for personal belongings for the family that own the site.... The main barn walls are to be reinstated and increased in height with red/brown multi facing brick, with brick soldier course arch, to the main entrance and brick detailing above the other openings as is common in barns in the local area."*

RELEVANT HISTORY

H17-0135-76

Full - Piggery with provision of vehicular access and hardstanding - Approved - 14th April 1976.

H17-1119-79 - Permission for existing dwelling at The Chestnuts

Outline - Erection of dwelling and garage - Approved - 20th November 1979.

H17-0022-80 - Permission for existing dwelling at The Chestnuts

Reserved Matters - Erection of dwelling with garage - Approved - 07 January 1980.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 21st December 2023 and 14th January 2024)

South Holland District Council - Oliver Abrams - Environment Protection - 05 January 2024

No comments.

Lincolnshire County Council - Highways & SUDS - 11 January 2024

Additional Information Required - *"A shared access should measure a minimum of 4.1m wide and the access is to be upgraded to Lincolnshire County Council specification - a note should be added to the drawing detailing this information."*

Welland & Deepings Internal Drainage Board - 12 January 2024

No comments.

Responses Received following Re-consultation (Consultation period between 19th January 2024 to 29th January 2024)

South Holland District Council - Oliver Abrams - Environment Protection - 22 January 2024

No comments.

South Holland District Council - Oliver Abrams - Environment Protection - 23 January 2024

No comments.

Lincolnshire County Council - Highways & SUDS - 23 January 2024

No objections - *"The proposal is for the conversion and extension of a rural building to form single dwelling. The access exists but is in need of upgrading to Lincolnshire County Council standards. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."*

The Officer requests standard access and utility informatives.

South Holland Internal Drainage Board - 20 February 2024

"The Board's previous no comment still stands."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, two letters of representation have been received.

These can be summarised as:

Additional traffic

Potholes along Reservoir Road

Lack of pavements

No street lighting.

High water table in area.

Poor drainage in the area.

Setting a development precedent

Poor bus service to the area.

Strain on services.

Disturbance during works to host dwelling

Poor internet in the area

PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability

Layout, Design and Consideration of the Character and Appearance of the Area

Impact on Residential Amenity/Land Users

Parking / Highway Safety

Flooding Considerations / Drainage

Private Road & Refuse/Recycling

Biodiversity and landscaping

Assessment against Part 3, Class Q of the The Town and Country Planning (General Permitted Development) (England) Order 2015

Outstanding matters from representation

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is also able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

Policy 1 (Spatial Strategy) of the SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within 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 supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)".

The applicant states that the proposal is for a conversion and extension of an existing building. SELLP Policy 23 relates to 'The Reuse of Buildings in the Countryside for Residential Use' it states that *Proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:*

1. *the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;*
2. *the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;*
3. *the proposal is in keeping with its surroundings;*
4. *the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and*
5. *development leads to an enhancement of the immediate setting of the building*

Where permission is granted, Permitted Development Rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

The application site comprises land that currently contains a building described as 'storage' and is located within the open countryside. The proposal seeks a single storey dwelling located within the open countryside, located on land currently occupied by this storage building. Therefore whilst the proposal is contrary to the overarching spatial strategy set out under SELLP Policy 1 in that it does not meet any of the essential criteria for residential dwellings set out within that policy, the local plan does make allowances for the conversion/reuse of rural buildings in the open countryside under SELLP Policy 23. Therefore, subject to meeting the criteria of this policy a general principle for such proposals does exist.

The Reuse of Buildings in the Countryside for Residential Use

Given the applicant states that this proposal is for a 'conversion and extension' policy 23 of the SELLP needs to be applied.

SELLP Policy 23 under point 1 requires that *the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding*. Notwithstanding that the applicant has provided a structural report, the proposal in effect is a demolition of the existing building and the erection of a new dwelling.

On this basis the existing building would be completely lost and the scale of the proposal does not reflect what is currently located on the site. The proposal would therefore not meet with these parameters.

Point 2 (of SELLP Policy 23) states that *the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;* The building is dilapidated and has little to no historic merit and has not been demonstrated to be worth of retention, the proposal would therefore not meet with point 2 of SELLP Policy 23.

Point 3 states that *the proposal is in keeping with its surroundings;* whilst the existing building on site is dilapidated and offers little aesthetic value, a large dwelling in this location would be at odds with the existing settlement pattern that sees frontage development along Reservoir Road. The proposal due to its appearance and location would urbanise this part of the open countryside, and so would be out of keeping with its surroundings. The proposal then would fail to meet with point 3 of the policy.

Point 4 (of SELLP Policy 23) encourages that *the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction;* and point 5 states *development leads to an enhancement of the immediate setting of the building* the proposal is not sympathetic to the existing building nor would it enhance it as it is as it is being lost. On this basis the proposal would not accord with points 4 and 5.

Given the assessment within this section the proposal would not meet with the criteria set out under SELLP Policy 23.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords

with the provisions of section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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 *"While the proposed design is not sympathetic to the character of the original building. It is maintained that the proposed scheme not only reinforces the traditional styles and appearances of barn seen locally but also injects modern expectations sensitively."*

The existing site comprises an single storey agricultural building that is 3.10 metres high. The proposed development is a 6.8 metre high single storey dwelling and is relatively modern in design with a contemporary material palette of TBS Old Cottage Blend facing brick, natural cedar cladding and a clay terracotta pantile roof. The proposed building is not considered to reflect the agricultural and rural characteristics of the site.

The proposal due to its siting away from other residential properties, its increased scale and modern appearance would represent an incongruous feature that would fail to recognise the intrinsic beauty of this part of the open countries. Given its increase in scale and the open landscape which surrounds the application site there would be wider character impacts, which would have an urbanising impact across the landscape. The proposal then is considered to give rise to unacceptable character and landscape impacts.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is not considered to be acceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore not be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal is located a sufficient distance from all properties not to give rise to unacceptable impacts relating to overshadowing, overbearing and overlooking. The use of this area for a dwelling would also be unlikely to result in unacceptable impacts through noise and disturbance. The Chestnuts would suffer the most inconvenience with the access to the proposal site being close, however given the access would serve a single dwelling this is not considered to give rise to sufficient disturbance that would result in a refusal.

As detailed above, the scale and design of the proposal is considered to be such that there would be no unacceptable impacts on the residential amenities of the occupiers of adjacent properties or land users. As such the proposal in respect of residential amenity impacts is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

SELLP Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

SELLP Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposal layout seeks to utilise and upgrade an existing access off Reservoir Road. This access is to be shared with the adjacent dwelling named The Chestnuts. A total of four off road parking spaces are proposed with an additional two parking spaces within the detached garage building. There is ample manoeuvrability space on site to allow vehicles to exit the site in a forward gear. There is an acceptable level of visibility when entering and exiting the site. This is due to the straight section of Reservoir Road and no obstructions close to the highway. One amendment has been submitted address County Highways comments and amend the access width to a minimum of 4.1 metres wide. The County Highways & SUDS Officer has no objections to the submitted details and recommends standard access and utility informatives.

The proposal with regard to visibility and parking provision would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

The application site lies within Flood Zones 1 and 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The building is located in Environment Agency Flood Zone 1, however the surrounding land and access road is located in Flood Zone 3. The building is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 0.25 metres. The Flood Risk Assessment does not propose raised finished floor levels. As the predicted maximum flood depth is 0.25 metres a condition would be required that finished floor levels are set at a minimum of 0.3 metres above ground level. Surface water is to be addressed by a soakaway with foul sewage to be addressed by a septic tank.

The Flood Risk Assessment states *"The environment agency flood maps indicate that the building that is to be converted is located in flood zone 1. Therefore, the conversion of the building has very little risk of flooding or causing flooding to the local area. It could be contended that the conversion will reduce the risk if flooding as the surface water will be dealt with in a regulated manner. Opposed to the ad hoc nature that is currently being used."*

Part of the site is within Flood Zone 3. However, this is only the driveway and a portion of the garden area. The driveway will remain gravel and the garden will be predominately lawn. Apart from a section of patio, however, this will be in the flood zone 1 area. Therefore, the areas of the site that are within flood zone 3 will remain as is and not increase the risk of flooding to the site or the local area."

The Welland & Deepings Internal Drainage Board and the County Highways & SUDS Officer has no objections to the submitted details. It is considered that flood risk and drainage can be appropriately managed on site if appropriately conditioned to secure further details of levels, foul water and surface water drainage.

Biodiversity and Ecology

SELLP Policy 28 is concerned with the Natural Environment. The policy sets out the councils approach to protected species and bio-diversity amongst other things.

A Preliminary Ecological Appraisal has been submitted to support the application. The findings suggested that there would be no impact to bats or other protected species subject to 'precautionary measures and ecological enhancement'. The summary of the document states: *"Precautionary measures and ecological enhancements are required in order to ensure legal compliance and no net loss to biodiversity. These are as follows:*

- *Precautionary measures with regards to reptiles and great crested newts*
- *Precautionary measures with regard to bats and the agricultural building (old piggery)*
- *Appropriate timing with regards to nesting birds*
- *Provision of bird boxes - including a barn owl nest box*
- *Method Statement with respect to badger activity*
- *Use of native species and wildflowers in the landscaping scheme*
- *Appropriate landscaping"*

Lincolnshire Wildlife Trust were twice consulted on this application but have not returned a consultation response and therefore this information is taken as appropriate. Any permission would be linked to this document..

This application was submitted and validated prior to the introduction of mandatory BNG. Therefore only a policy requirement for a net gain is required. It is considered that a net gain could be achieved and recovered through appropriately worded conditions. On this basis the proposal is considered to accord with SELLP Policy 28.

PLANNING BALANCE

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents inappropriate development within the open countryside. The proposal would not meet with any of the criteria for supporting residential development within an open countryside location. Furthermore when assessed against SELLP Policy 23 the proposal would fail to meet with its requirements.

The development hereby proposed materially harms the character and appearance of the locality whilst not conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

The proposal is therefore not considered to be acceptable in principle and conflicts with Policies 1, 2, 3 and 23 of the South East Lincolnshire Local Plan (2019) and fails to accord with the provisions of the National Planning Policy Framework (December 2023), namely Paragraphs 84, 135 and 139.

The applicant contends that there is a potential fall-back for the building to be approved as a dwelling under Class Q of the GPDO. This application is beyond the parameters of such a prior approval given the scope of works involved, and given that no permission exists for such a development little weight can be applied to this argument.

In this instance therefore, there are material considerations that weigh against the proposal and as such, the planning balance is not in favour of the development.

CONCLUSION

This application is not considered to be in accordance with Policies 1, 2, 3, and 23 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, December 2023.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.

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.