DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0393-22**	**Applicant:**	**Proctor Bros (Long Sutton) Ltd.**
Proposal:	Erection of a replacement grain drier and associated wet grain silo and overhead conveyors		
Location:	Kamarad Farm East Bank Sutton Bridge		
Terminal Date:	3rd June 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
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well designed places

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
KINGS LYNN INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks planning permission for the erection of a replacement grain drier and associated wet grain silo and overhead conveyors on existing hardstanding at Kamarad Farm.

Site Description

The site is located off East Bank in Sutton Bridge. The site is outside any settlement boundary and within the open countryside. It comprises various farm buildings associated with Kamarad Farm. The immediate area is primarily open countryside and there are 5no dwellings to the east/south-east of the application site.

History

No relevant planning history.

Consultation Responses

SHDC Environmental Protection

No objections.

Kings Lynn Internal Drainage Board

No comments as the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

Principle of Development

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.

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, March 2021 promotes sustainable economic growth. Paragraph 83 specifically indicates that planning polices and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

In accordance with the above policy and advice, therefore, no objections are raised in principle to agricultural development in the countryside. The development also relates to an existing enterprise and does not comprise the formation of a new enterprise at this site.

Design and layout

Paragraph 130 of 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; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2

and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed replacement grain drier and associated wet grain silo and overhead conveyors would be similar in appearance, size and scale to the existing units. The nature of the development is in keeping with the rural character of the site.

As such the proposed development is considered acceptable in terms of its appearance and impact on the rural character of the area.

Impact on neighbouring amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed development would be sited at a significant distance from the nearest dwellings to the east/south-east of the site therefore there are no neighbouring amenity concerns.

Given the nature of the agricultural enterprise and the fact the proposal would replace existing structures there are no new noise concerns.

As such the development would accord with the provisions of Policies 2, 3 and 30 of the SELLP and the intentions of the NPPF 2021.

Drainage and Flood Risk

The proposal does not include any sensitive uses, and the existing proposals would be sited on existing hardstanding. As such there are no flood risk concerns and the application is considered to accord with Policy 4 of the SELLP and the NPPF 2021.

Highway safety

The LCC Highway Authority has not raised any objections to the proposal. It is considered that the proposal would not have a detrimental impact on highway safety and is therefore in accordance with the provisions of Policies 2 and 3 of the SELLP and the intentions of the NPPF 2021.

Planning balance

It is considered that the proposal would support an existing agricultural enterprise, thus according with the spatial strategy, and on balance would not have any detrimental impact on the rural character of the area, the amenity of local residents, highway safety or flood risk issues.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4 and 30 of South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this 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.

RECOMMENDATION

The application can be approved under delegated powers.