DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0416-22**	**Applicant:**	**The Henry Smith Charity**
Proposal:	Proposed Extension to Agricultural Building		
Location:	King John Farm 134 Avenue Farm Road Sutton Bridge		
Terminal Date:	9th 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 2. Achieving sustainable development.
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for an extension to the existing agricultural building on the site and would be used to store agricultural machinery. The extension would measure 24 metres x 12 metres and stand at 6.6 metres in height (5 metres to the eaves). It would be constructed using moorland green profiled metal cladding sitting under a cement fibre profiled sheeting roof.

Site Description

The site is located on Avenue Farm Road in Sutton Bridge. It is located outside any settlement boundary and within the open countryside. There are several agricultural buildings to the east of the site and an agricultural dwelling (King John Farm) further to the east. The remaining area is open countryside.

History

H18-0985-96 - Erection of steel portal framed building - Approved

H18-0434-95 - Erect timber framed general purpose building - Approved

H18-0333-95 - Erection of timber framed general purpose building - Not PD - permission needed

Consultation Responses

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Environmental Protection

No objections.

South Holland Internal Drainage Board

No objections subject to compliance with the Boards Bylaws.

Planning Considerations

Principle of development

The site is located in outside any settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy states 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".

In this case the building would be used for agricultural purposes associated with the existing King John Farm on the site. The proposal is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good

architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The extension would measure 24 metres x 12 metres and stand at 6.6 metres in height (5 metres to the eaves). It would be constructed using moorland green profiled metal cladding sitting under a cement fibre profiled sheeting roof.

The size/materials are what would be expected from an agricultural storage unit therefore there are no concerns regarding its size and appearance. The building would be visible from the open countryside to the north, south and west of the site. Given the location and nature of the development it is not considered to be out of keeping with the character of the area.

As such the extension would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

Given the remote location of the site there are no immediate neighbours therefore no unacceptable impact is considered to result on neighbouring amenity. The applicants own dwelling is also located a significant distance from the proposed development therefore no unacceptable impact would result on this.

As such the proposal is in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of neighbouring amenity.

Flood risk and drainage

The site is located within Flood Risk Zone 3, however, given the nature of the development it is not considered necessary to request a full flood risk assessment or flood risk measures.

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has requested further details regarding how the applicant intends to collect the surface water created by the new impermeable area of the extension to the agricultural building in water storage tanks. Further information is required to identify how the water storage tanks will be sized to cater for the surface water that is created on site, as well as additional rainfall events that will fall when the tanks are already at capacity from onsite water. It is not considered necessary to provide this information upfront and can be provided at a later stage.

The Board has also advised that should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). Whilst not currently proposed, should the applicant's proposals change to include works to alter the Board Maintained watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). An informative has been placed on the decision advising the applicant of the Boards Bylaws.

As such the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Highway implications

The Local Highway Authority has not raised any objections to the scheme as the access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Planning balance

The principle of developing a barn in this rural location is considered acceptable. On balance, it would achieve sustainable development without impeding other opportunities that would lead with greater benefits in this respect.

The scale, height and position of the barn would be proportionate with the rural character of the area. The external appearance would be standard of this type of development. In light of the separation distances between the barn and the nearest dwelling (King John Farm), no significant adverse impact is anticipated.

In summary, any adverse impact of grating permission to the proposals would significantly and demonstrably outweigh the benefits of doing so.

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 considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3, 4 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019; and Sections 2, 12 and 14 of the National Planning Policy Framework (NPFF), 2021.

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.

RECOMMENDATION

The application can be approved under delegated powers.