DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H18-0749-21**	**Applicant:**	**Mr P Karadia**
Proposal:	Replace existing play house		
Location:	Avenue Farm House Avenue Farm Road Sutton Bridge		
Terminal Date:	8th September 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

NPPF (2021)
Section 12. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission to replace the existing play house to the west of the house. It would be constructed from treated timber and cedar shingles.

SITE DESCRIPTION

The site comprises a residential dwelling and a converted barn, both of which are non-designated heritage assets. The barn and the main house appears C18 in design and are constructed of period brickwork. The area surrounding the property is largely completely rural and sits in open countryside. Only a small number of neighbouring properties exist to the East of the property and

some functioning agricultural buildings exist to the immediate North of the site. The curtilage is large and features period appropriate landscaping. Most of the property is shielded from outside view by a hedge/tree lined border.

RELEVANT PLANNING HISTORY

H18-0756-19 - Conversion of barn into additional accommodation including extension and outdoor swimming pool - Approved

H18-0237-17 - Details relating to archaeological investigation (Conditions 9, 10 and 11 of H18-0407-15) - Approved

H18-0407-15 - Conversion of barn, alterations and erection of swimming pool - Approved

H18-1769-06 - Change of use of agricultural field to paddock - Approved

REPRESENTATIONS

Sutton Bridge Parish Council

Support as the development is in keeping with the existing dwelling.

PLANNING CONSIDERATIONS

Principle of development

The site is outside any settlement boundary, however, the principle of development is considered acceptable given it would be associated with and within the curtilage of the existing dwelling.

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 key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (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; and 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, among other considerations. Likewise, Policy 2 of the SELLP states 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 proposed playhouse would be located well within the site and the site is well shieled by boundary trees/hedging therefore there would not be any prominent views from the public realm. In addition, the proposed structure would appear fairly minor in relation to the wider site.

As such the development on balance complies with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

The closest immediate neighbour is no.217 Avenue Farm Road located to the east of the application site. The proposed play house would be located a significant distance from the shared boundary with this neighbour (at least 50 metres). In addition it would be blocked by the applicants existing house. It is therefore not considered to result in any unacceptable impact on neighbouring amenity.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.