DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H18-0751-19**	**Applicant:**	**Mr & Mrs Hoyles**
Proposal:	Convert existing disused barn to provide four-bed two-storey dwelling with extension for daily management, operation and security of established agricultural facility - approved under H18-0886-18 - Modification of Conditions 9 and 19 to allow amendments to previously approved plans. Details submitted relating to Conditions 4, 5, 6, 8, 10, 11, 12, 14, 15, 16, 18, 20, 21, and 23 of H18-0886-18		
Location:	Barn: Land Adjacent Westmere Farm New Road Sutton Bridge		
Terminal Date:	11th 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
23	The Reuse of Buildings in the Countryside for Residential Use
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 9, 12, 14, 15 and 16

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted to convert an existing disused barn to provide a four bed two storey dwelling with extensions in November 2018 (ref H18-0886-18). This application is essentially to remove conditions 9 (timber windows) and 19 (Barn Owl loft).

The original application indicated that it was required for the daily management, operation and security requirements of the established agricultural facility. The dwelling would be occupied by the applicants and their family and the office, quality control room, etc would mainly be used by the applicants. The proposal would essentially re-establish the original barn footprint with flank extensions to the south section of the site both offering security and the benefit of southern sunlight.

A new access road would need to be constructed to link the building to the farm complex to the north, which is accessed off New Road.

Site Description

The barn is located in open countryside on the western side of New Road. It is part of but physically separate from the main farm. Dwellings are situated to the west and south-west.

History

H18-0886-18 - Convert existing disused barn to provide four-bed two-storey dwelling with extension for daily management, operation and security of established agricultural facility - Granted 14 November 2018.

Consultation Responses

Sutton Bridge Parish Council - No comments.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

SHDC Environmental Protection - Parts i) to iii) can be discharged.

LCC Archaeology - Relevant conditions can be discharged.

Public - No comments received.

Information from Applicant accompanying previous application (summarised):

Hoyles Farming Limited, wholly owned by the applicants Mr & Mrs Hoyles, has been farming at West Mere Farm since 2003. The business is an agricultural business mainly growing cereals but predominantly the main crop grown is potatoes. The potatoes are stored on site, graded and traded to retail/ bulk client for various further processing. The applicant farms 96.4 hectares of owned land and a further 60 -80 hectares on a lease basis depending on crop demand.

Business accounts, which are available on request, indicate that the business is sustainable and thus there is a genuine need for the location of the dwelling adjacent to the farmyard.

The current residential dwelling next to the farm is not within the ownership of the applicant and thus does not provide any security or surveillance over the farmyard. This property is not for sale and thus is not an option for providing the applicant with on site facilities.

The current farm yard facility does not, for example, provide for an office area to undertake the enterprise's associated administrative processes or reception area for deliveries, visitors or agricultural representatives (i.e. fertiliser, diesel etc), nor is it located in an easily identifiable position or one that naturally surveys the forecourt/yard area and agricultural buildings. This situation is far from ideal given the scale of the enterprise and does not alleviate the issue of security at the farmyard. At present the administration/finance and associated functions are undertaken at the applicants current dwelling at Bramley House, Hospital Drove, Lutton, some 5km from the farm.

One of the main issues with not having on site presence is with regards to thefts and damage to the farm.

Material Considerations

The main issues in this case are:
- Policy/Sustainability;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and ecology.

Policy 23 of the South East Lincolnshire Local Plan, 2019 indicates 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 above is in accordance with paragraph 79 of the National Planning Policy Framework, 2018. It promotes the re-use of redundant or dis-used buildings where the development would lead to an enhancement of the immediate setting.

Assessing the proposal against the above, the building is of historic interest and the proposal is a means of retaining it and bringing it back into active use. It is structurally capable of retention and re-use. The proposal includes significant extensions; however, they reflect the historical building form and would be sympathetic. The proposal would not materially harm the character of the countryside. The proposal is not considered to be contrary to the main objectives of Policy 23 and is in accordance with advice within the Framework.

It is noted that an agricultural case has been put forward arguing that the proposed dwelling is required for managerial, operational and security reasons. However, an occupational restriction is not necessary in this case because the proposal is satisfactory as a barn conversion without an agricultural justification.

The nearest residential dwelling is Westmere Farm House to the west, which is accessed via a long private roadway off Bridge Road. The proposal does not have any major windows on its western elevation and is not close to the common boundary with Westmere Farm House. Moreover, the common boundary with the latter is delineated with a high Leylandii hedge. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, light pollution, etc.

The applicant's agent has indicated that the office and quality control room would be used mainly by

the occupants, Mr & Mrs Hoyles, and that the employees would mostly be located at the main operational/storage buildings. The office itself is located on the eastern side of the building. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of noise/disturbance, etc. Although it is appreciated that there may be some disturbance during the construction phase it would be temporary.

A new access road would need to be constructed to link the development to the farm complex to the north, which is accessed off New Road. It is considered that this element should be constructed first because the existing private access road off Bridge Road is unsuitable for construction traffic.

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they do not take into account any flood defences. Also, large parts of the South Holland District 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 SFRA indicates that the site is within an area designed as "Danger for All". However, it is not possible, consistent with wider sustainability objectives, for the development to be located in a zone with a lower probability of flooding because it relates to an existing historic building. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

In terms of the first element, the proposal would provide wider sustainability benefits to the community that outweigh flood risk; namely the retention and re-use of a non-designated heritage asset, as promoted within the National Planning Policy Framework.

Concerning the second element, the Environment Agency has recommended that finished floor levels of all habitable rooms (living rooms, kitchens, bedrooms, etc) be set no lower than 4.13m aOD and that demountable defences be incorporated to 600mm above finished floor level. Safe refuge shall also be provided on the first floor and future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

An ecological survey accompanying the application indicates the presence of a day roost of a single common pipistrelle bat above a window in the external wall of the building- a roost of minor nature conservation significance. The future re-development of the barn could result in the loss and/or damage of this roost and would be unlawful under UK and EU wildlife legislation unless the work was implemented under the auspices of a Natural England licence.

Evidence that the barn is used by a roosting and hunting barn owl has also been recorded. Breeding use of the building by barn owl is unknown but is a possibility. Disturbance to barn owl during the nesting period would be unlawful under UK wildlife law. A pole mounted Barn Owl box is therefore recommended in this case as a mitigation measure.

Environmental Protection has reviewed the Ground Engineering Remediation Plan and considers it to be acceptable.

LCC Archaeology has examined the archaeological report accompanying the application and considers it to be acceptable.

Conclusion

The proposed modifications to the scheme are considered to be acceptable. There are no material change of circumstances to justify an alternative decision to that previously.

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.