

DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	H18-0856-23	Applicant:	The Henry Smith Charity
Proposal:	Proposed open store dutch barn		
Location:	Rookery Farm Rookery Road Sutton Bridge		
Terminal Date:	23rd November 2023		

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
28	The Natural Environment
30	Pollution

National Guidance**National Planning Policy Framework 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The applicant proposes an open store Dutch barn for agricultural use and the storage of potatoes. The proposed barn is to be sited within a cluster of existing agricultural buildings associated with Rookery Farm. The proposed barn is to be steel framed open on all sides with cement fibre sheet roofing. The foot print proposed is 24m x 30m.

Site Description

Rookery Farm is located close to the Wash and north of Sutton Bridge and east of Long Sutton. The farm is located within the open countryside and outside of any defined settlement limits. The farmyard is located north of Rookery Road where a cluster of buildings currently exists, trees line the western boundary of this yard screening the site from the open countryside.

History

H18-0473-09 - Erection of general-purpose agricultural storage building. Approved 28-08-09

Consultation Responses

Environmental Protection - No comments

IDB - The site is located within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and the Board's Byelaws therefore apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Sutton Parish Council - Six responses were received from counsellors at the parish meeting, one with no comment and five in support.

Representations

A representation has been received in relation to the location of the proposed barn. Neutral comment.

Planning Considerations

This is an application for full planning permission for the erection of a Dutch Bar to be used in connection with Rookery Farm. The following issues are relevant to this assessment:

Principle of Development
Character and Landscape
Amenity
Flood Risk and Drainage
Highway Safety

Principle of Development

Policy 1 of the Southeast Lincolnshire Local Plan sets out overarching spatial strategy for the district. Part d is considered with developments that are located within the countryside, it states "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."

The proposal is for agricultural purposes and requires a countryside location. The proposed barn is also to be sited alongside other agricultural buildings that function as part of Rookery Farm. The proposal is therefore considered to align with policy 1 of the SELPP and is acceptable in Principle.

Character and Landscape

Paragraph 174 (of section 15) seeks to conserve and enhance the Natural Environment. Paragraph 'b' states that (proposals should contribute to and enhance the natural and local environment by) "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"

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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 of the SELLP sets out the 'Design of new development' in part it 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 barn is sited within an existing yard area where there are already a cluster of buildings. The proposal would largely be screened from Rookery Road as well as the nearest residential properties. To the west an existing tree row also screen the site. Views are limited looking back at the site from a northerly perspective, however any such opportunities would see the barn against the backdrop of existing agricultural buildings.

The scale of the proposed barn is commensurate with other buildings in the yard and the proposed palette of materials are considered acceptable. The proposal would not overly alter the existing character of the open countryside and the proposed development is considered through its sensitive approach to siting and design to be easily absorbed into this countryside setting.

It is therefore considered that subject to materials being linked to those proposed within the elevation plans that the proposal would accord with paragraph 174 of the National Planning Policy Framework as well as policies 2 & 3 of the South East Lincolnshire Local Plan.

Amenity

Policy 2 and of the 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.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The proposal is located to the north and west of existing buildings within the yard which would screen the proposal from the nearest residential properties. Furthermore the proposed use of this building which is for agricultural use and storage of potatoes is unlikely to give rise to significant polluting impacts (above how that site already operates) that would lead to the requirement of any formal mitigation.

The proposal given its location and ancillary use to the existing operations of Rookery Farm is therefore considered to accord with policies 2 & 3 of South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

Policy 4 of the South East Lincolnshire Local Plan sets out the districts approach to flood risk. The application site is located within flood Zone 3 in accordance with Environment Agencies Mapping

Systems. The proposal is to erect an ancillary building in relation to existing operations at Rookery Farm. The land is already classified as 'less vulnerable' within THE PPG flood risk vulnerability classification table (Annexe 3) and would remain so following the erection of a Dutch barn. In principle terms then the proposal given its requirement to be close to existing operations is considered acceptable.

The IDB have made comments which state "The applicant has indicated their intention to dispose of surface water from the new impermeable area onto existing agricultural land under the applicant's ownership. The viability of this proposal has not been evidenced explicitly within this application. The applicant must ensure that the fall of the proposed hardcore base and surrounding hardstanding areas is designed to encourage flows northwards away from the public highway. If ground conditions are unsuitable to receive surface water from the proposed building then following the drainage hierarchy we should expect the applicant to elect to discharge surface water to a watercourse for example, the private watercourse on the southern side of Rookery Road. Under this scenario consent would be required under Byelaw 3."

Given surface water drainage is a requirement under building regulations (approved document H) then there is no requirement to condition a surface water drainage strategy, especially given that the site forms part of an existing 'yard' much of which is already impermeable. Should the applicant not be able to control additional surface water within the site and therefore require discharge into a watercourse legislative mitigation is provided under Bye Law 3. (This will be attached as an informative).

It is therefore considered that the proposal would accord with policy 4 of the South East Lincolnshire Local Plan (2019).

Highway Safety

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy 2 of the Southeast Lincolnshire Local Plan 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. 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.

The proposal does not seek to alter the existing access arrangement to the yard nor would it result in the requirement for additional parking. The proposal is ancillary to the existing functioning of the farmyard and is considered acceptable in highway terms, especially policy 2 of the South East Lincolnshire Local Plan.

Conclusion

The proposal to erect a Dutch barn in this location is considered acceptable. The terms of the permission outline that the use is agricultural and would form part of the wider operation at Rookery Farm.

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.