

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H19-0266-23 **Applicant:** D Allen & Son Butchers Ltd

Proposal: Residential Development for up to 4 Dwellings

Location: Old Abattoir Site Highstock Lane Gedney Hill

Terminal Date: 1st June 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

SUPPORT				
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission for the erection of four dwellings, on Old Abattoir Site on Highstock Lane in Gedney Hill.

The proposal has been submitted with all matters reserved for later approval; however, an indicative proposed layout has been submitted illustrating that the potential form of development, comprising four detached dwellings on the land off Highstock Lane.

Site Description

The site is located off Highstock Lane in Gedney Hill. The site is outside any settlement boundary and within the open countryside. It currently forms part of the redundant abattoir site off Highstock Lane. There is open countryside to the east, south and west with neighbouring dwellings to the north and north east. The site is within the Environment Agency flood zone 1.

History

H19-0882-96 - Full - Proposed agricultural store - Approved November 1996

H19-0938-96 - Full - Proposed crop store plus concrete apron - Approved November 1996

Consultation Responses

North Level District Internal Drainage Board

No objections in principle to the above application. However, I should be obliged if further details could be provided in relation to the disposal of surface water as there is no flood risk assessment attached with the application.

South Holland Internal Drainage Board

Thank you for consulting South Holland Internal Drainage Board on application H19-0266-23. The

application lies outside the Board's District and within North Level District IDB's District. Therefore, the Board does not have any comments to make.

Historic Environment Officer

No archaeological impact

Environmental Protection Officer SHDC

I request a standard contaminated land condition to be applied at this location

Sutton St Edmund Parish Council

The Parish Council would like to note the impact of shade and perspective outlook of existing neighbouring properties which may be affected and ask for this to be considered further as part of the development submission allowing the Planning Authority to take a balanced consideration of this development and the surrounding area.

LCC Highways/SUDS

Recommendation: No objection

The principle of development is acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach, in order to support any further application.

Additionally, sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land.

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Following Amended Plans

Please be advised that Lincolnshire County Council as a Highway and Lead Local Flood Authority have no objections to Amendment 1 - Applicants name amended, as well as receiving a design & access statement, incorporating flood risk assessment and our comments dated 3rd April 2023 remain the same.

Residents

This application has been advertised in accordance with the Development Management Procedure Order and the Council's Statement of Community Involvement. One letter of representation has been received from neighbouring residents, their comments are summarised below:

- soakaway drains for neighbouring septic tank runs across this land
- there are two maintenance drain covers on this land also for which the neighbouring properties need access to

Planning Considerations

Principle of Development

The proposed development would be outside the Gedney Hill settlement boundary limit set within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as the open countryside.

Explanatory text accompanying Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan specifically refers to self-build & custom build dwellings and indicates at paragraph 5.3.5 that "within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met".

This latter point is particularly pertinent as it makes clear that permission should only be granted for such sites where there are no material considerations set out within the Local Plan that indicate otherwise.

Policy 1 of the SELLP sets out the spatial strategy for development within the District for the plan period, and clarifies 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.

The SELLP clarifies that there are types of development that require a Countryside location either because it is the location of an existing building or use of land. Housing needs may, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (Policy 19: Rural Exceptions Sites). However this proposal is not being justified by reason of these policies and so for the purposes of this report, can be set aside, as the development is proposed to be open market housing.

Policy 10 of the SELLP sets out the expectation for housing delivery over the plan period.

Policy 11 of the SELLP sets out a hierarchy of settlements for housing development and the SELLP acknowledges that incremental growth in housing supply will come about through infill and 'speculative' applications both within the settlements identified in Policy 11 and also within the Minor Service Centres and Settlements.

In looking at the distribution of housing within the District, the SELLP sets out at 5.3.5 that it is acknowledged that incremental growth in housing supply will also come about through infill and 'speculative' applications both within the settlements identified in Policy 11 and also within the Minor Service Centres and Settlements. Policy 1: Spatial Strategy is the main supporting policy through which to assess infill development opportunities (with reference to the relevant Inset Map). Within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met. Housing need may also be met through Policy 19: Rural Exception Sites, where appropriate.

Policy 17: Providing a Mix of Housing sets out that the provision of new houses will seek to meet the long term needs of the Plan area in order to maintain and provide mixed, inclusive and sustainable communities. Policy 17 also sets out that the Local Plan will also seeks to meet the housing needs of non travelling Gypsy and Traveller households and also open market housing as they may come forward.

Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the Council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply.

Paragraph 80 of the National Planning Policy Framework, 2021 (NPPF) sets out that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential dwelling; or
e) the design is of exceptional quality, in that it:
- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Returning to the requirements of Policy 1 of the SELLP, as previously mentioned, it has not been demonstrated that the development of an open market house is necessary to this location. In terms of the 3 dimensions of sustainable development, the following has been considered:

- An economic role:

The development may give limited support to the local economy through employment opportunities associated with some elements of construction and fitting out, and future occupants may work locally and support local services.

- A social role:

The proposal would make a contribution, albeit small, towards housing supply in the District. However, no explanation has been submitted why the development cannot be accommodated within an existing settlement boundary.

- An environmental role:

The environmental objective identifies the need to protect and enhance our natural, built, and historic environment. It has not been demonstrated that the development is necessary in this location and how it would protect/enhance the existing character of the area.

If permitted, the proposal would also encourage further applications of a similar nature in the open countryside which would then be hard to resist, contrary to the objectives of the Framework to pursue sustainable development and the aim to protect the character of the countryside.

The proposal would introduce new residential units in the countryside. It has not been demonstrated how the benefit of such a proposal would outweigh the impact upon the environment. Whilst other material planning considerations could be accepted, the principle of the development would not be considered acceptable given the site is in the open countryside.

The proposal therefore conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance with advice within the National Planning Policy Framework, 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 seeks to protect the character of the countryside.

Residential Amenity

Policies 2 and 3 of the SELLP set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

A residential property is situated directly to the north west of the site. However, the indicative plan shows satisfactory separation distances could be achieved between the existing properties and the proposed new development generally. It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise, and disturbance, etc.

It is accepted that there would be some disruption to local residents during the construction stage. However, this would be temporary and could be alleviated by means of a construction management plan if permission was forthcoming.

The proposal satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity.

Parking/Highway safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4+ bedrooms should be provided within the curtilage. It is not clear how many bedrooms the proposed bungalow would have. A maximum of 3no spaces would be required for the proposed dwelling.

The submitted indicative plan shows sufficient space to accommodate at least 3no vehicles for the proposed bungalow. As such, minimum parking standards could be ensured.

In addition, the Local Highway Authority has not raised any objections to the scheme subject to standard informatives regarding the formation of a new access.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in this respect.

Planning Balance

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 site is outside Gedney Hill settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside 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.

It has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with an agricultural or other rural based business.

Concerning the second element, although there would be some economic and social benefits, they are outweighed by the environmental harm that the proposal would cause. The proposal would introduce a dwelling onto the site and result in a significant encroachment into the countryside. The proposal would urbanise the character and appearance of the site and this increased urbanisation would significantly harm the rural character and appearance of the site and the surrounding area.

The site is not therefore considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. It is not in accordance with Policies 1 and 2 of the South East Lincolnshire Local Plan, 2019.

Whilst the Authority has had regard to the community benefits arising from the possible provision of self-build housing and the Council's duties in that regard, these matters are not of such weight as to outweigh the identified environmental harm and the conflict with development plan policies.

Summing up, therefore, the adverse impacts of granting permission would demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and National Planning Policy Framework taken as a whole.

Conclusion

The proposal is for residential development in the countryside. Such forms of development are generally unsustainable by definition and contrary to the provisions both of the Local Plan and of National Policy which seek to direct residential development to more sustainable locations and by so doing protect the countryside from harmful and inappropriate development. No special circumstances have been submitted to justify development in this location, and given that the Council can demonstrate a housing land supply far in excess of the 5 year threshold, there are no grounds on the basis of housing need to support development in this location.

On such basis the proposal would conflict with the provisions of the development plan for South East Lincolnshire and with national policy and planning permission should be refused.

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.