DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H19-0678-22**	**Applicant:**	**Mr P Cooper**
Proposal:	Conversion of barns 1 & 2 into 2 dwellings, including extension to barn 2 and conversion of barn 3 into domestic store - part retrospective		
Location:	Caravan 68 Broadgate Road Sutton St Edmund		
Terminal Date:	15th May 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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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 9. Promoting sustainable transport.
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.
Section 16. Conserving and enhancing the historic environment.

Representations:

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

HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert existing barns on site to the following:
Barn 1 - 3 bed 2 storey dwelling;
Barn 2 - 3 bed single storey dwelling;
Barn 3 - Domestic store/workshop.

The application is part retrospective because work has commenced on the domestic store/workshop and also Barn 1.

Site Description

The barns are situated on the eastern side of Broadgate within a former farmyard, which also includes a large Nissen style building. The buildings are predominantly of red brick construction and are served by an existing access. A static caravan is also presently situated on site.

A pair of semi-detached houses (Nos. 64 and 66 Broadgate) are situated immediately to the south of barns 1 and 2 and to the west of barn 3. Bay Lea House (no. 59) is situated approximately 100 metres to the south-west on the opposite side of Broadgate. A bungalow is located approximately 50 metres to the north-west (No. 71 Broadgate).

History

H19-1257-16 - PAA - Conversion of barns into dwellings - Withdrawn

H19-1108-18 - Full - Conversion of three barns into dwellings - Granted 27 December 2018

H23-1233-21 - Cond Comp - Details of existing & proposed site levels, elevational & cross sectional plans, materials for roof, external doors & windows, rainwater goods & guttering, foul water disposal, surface water disposal, scheme to deal with contamination, boundary treatment, barn owl box, bat boxes and external lighting (Conditions 4, 5, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 22, 23, 24, 25 and 26 of H19-1108-18) - Approved 3 March 2022.

Consultation Responses

Sutton St Edmund Parish Council

When consideration is given for approval a further level of detail to be provided to ensure Broadgate Road is kept clean, free from dirt/rubbish and contractors vehicles kept from parking on the road verges etc. In summary, safe use for all vehicles using Broadgate at all times with correct and proportionate traffic management protocols as part of the development/construction scheme.

LCC Highways/SUDs

No objections subject to conditions/informatives.

North Level Internal Drainage Board

No comments.

Environmental Protection

The site is immediately adjacent to an historic landfill. Request standard contaminated land condition at this location.

Public - Objections/Comments received from local residents (summarised):
- Contrary to Policy 23 of SELLP. Barns 1 and 2 not structurally sound and capable of conversion without significant extensions, alteration or rebuilding. Neither is it of architectural/historic merit or makes a positive contribution.
- Barn 3 already been converted into a workshop as opposed to a store, including workbenches, electric installations, uPVC windows, new breeze blocked front and commercial shutter doors. Nelson barn can be used for storage.
- Object to barn 3 being used for end-of-life vehicle storage, scrap metal storage, vehicle dismantling or commercial vehicle storage due to noise and disturbance
- Appearance of barn 3 detrimental to area. Looks like a commercial unit and should not be approved because it would lead to a deterioration of the rural environment.
- Hardstanding outside barn 3 directly in view and is an eyesore.
- Commercial floodlights cause nuisance and disturbance, especially at night
- Surface presently road planings and not gravel.
- Windows at roof level within barn 2 will overlook neighbouring property. Lack of privacy.
- Building adjoining barn 2 being used by neighbouring residents (no. 66 Broadgate) with the only access from No. 66.
- Cesspit associated with No. 66 located on site. Need to continue to have access to it.

Planning Considerations

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

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 proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that development in the Countryside will only 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.

Policy 23 of the SELLP is also of particular relevance. It 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.

Addressing the above, Barn 1 has been partially demolished, presumably in accordance with the recommendations within the structural report. It would therefore require significant rebuilding. Less work would be required in respect of Barn 2, which still retains its roof. However, a relatively large extension is proposed to provide acceptable living accommodation. Consequently, the proposal does not comply with criterion 1 of Policy 23.

However, barns 1 and 2 are traditional agricultural barns that are of historic and architectural merit. Barn 1 (probably late 19th Century) and to a lesser extent barn 2 are non-designated heritage assets that should be retained despite their present state. Policy 29 (The Historic Environment) of the SELLP indicates that proposals should mitigate the extent of harm to the significance of a non-designated heritage asset. Paragraph 203 of the National Planning Policy Framework, 2021 states that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this case, the submitted structural reports for barns 1 and 2 indicate that the existing structures can be retained and converted to form a dwelling with traditional barn characteristics. The proposal would prevent the total loss of existing non-designated assets and would be a means of retaining them and bringing them back into active use through a sympathetic conversion. This principle has been established through previous consents. Barn 3 is of less importance but nevertheless historically formed part of the agricultural holding and retains a functional appearance. The retention and re-use of the group of buildings therefore outweighs the conflict with Policy 23(1) in this case.

Paragraph 80 of the National Planning Policy Framework, 2021 indicates that planning decisions should avoid new isolated homes in the countryside unless there are exceptional circumstances. They include the re-use of redundant or dis-used buildings where the development would enhance the immediate setting. In this case, the proposal is a means of retaining redundant non-designated assets and bringing them back into active use, which constitutes an enhancement.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) 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.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

A pair of semi-detached houses (Nos. 64 and 66 Broadgate) are situated immediately to the south of barns 1 and 2 and to the west of barn 3. Bay Lea House (no. 59) is situated approximately 100 metres to the south-west on the opposite side of Broadgate. A bungalow is located approximately 50 metres to the north-west (No. 71 Broadgate).

Barn no. 1 is two storey and has bedroom windows and associated roof lights facing south However, it is approximately 20 metres from No. 66 to the south. Building no. 2 is single storey with high level roof lights associated with the kitchen and dining room. Building 3 is to be used as a domestic store/workshop and has openings on its western elevation. It is approximately 20 metres from the boundary with the neighbouring dwellings. Any noisy activity within the building should be carried out with the doors closed, plus appropriate flood lighting. It is considered that the amenity of the nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, light pollution, noise and disturbance, etc, subject to conditions.

Although it is appreciated that there may be some disturbance during the construction it is unavoidable and would be temporary in terms of duration. Any excessive noise/activity could be addressed through separate environmental legislation.

The proposal satisfactorily complies with policies 2, 3 and 30 of the SELLP, subject to conditions.

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. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

Satisfactory parking would be provided on site. Either a road planings or gravel surface would be acceptable for the driveway/parking areas. As with previous consents, it is proposed to utilise the existing vehicle access crossing that has presumably been used by large agricultural vehicles visiting the yard. The visibility at the point of egress is very good but the access itself is still an un-bound granular surface. LCC Highways has raised no objections subject to a condition that the entrance is brought up to the current highway authority specification for domestic vehicle access crossings.

The proposal satisfactorily complies with policies 2, 3 and 36 of the SELLP, subject to conditions.

Flood Risk

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site-specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

Barn 1 is within Flood Zone 3 of the Environment Agency's Flood Maps and the remainder of the site is within Flood Zone 2. However, the flood maps 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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area designated as no hazard. Moreover, the Framework states at paragraph 167 that minor development and changes of use applications such as this should not be subject to the sequential or exceptions tests. Given the nature of the scheme, neither the sequential or exception test is required in this case. However, paragraph 167 also stresses that proposals should still meet the requirements for site specific flood risk assessments. Given that the proposal is a more vulnerable development it is therefore recommended that the development be carried out in accordance with the submitted flood risk assessment.

Foul water would most likely be disposed of to septic tanks/package treatment plants and surface water to soakaways. These matters can be dealt with by means of a condition(s).

The proposal therefore satisfactorily complies with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2021.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

Paragraph 174 of the Framework states that planning policies and decisions should contribute to

and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

The application is accompanied by an ecological survey which indicates that barns 1-3 have negligible potential to support roosting bats. A previous survey recorded barn owl and little owl activity. Mitigation/bio-enhancement measures are therefore required to increase the site's potential to support biodiversity in the future, in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019. This can be addressed by means of conditions.

Other Matters

Blockage of view is not a material planning consideration.

It is understood that neighbouring residential properties have rights of way/easements over the site. This is a separate civil/legal matter between the respective parties. There is also disagreement over the use/ownership of an existing building adjoining barn 2. If the applicant does own the building in question the boundary wall will remain in situ and the remainder removed. Ultimately, this is also a separate civil/legal matter between the interested parties.

Planning Balance

Barn 1 has been partially demolished, presumably in accordance with the recommendations within the structural report. It would therefore require significant rebuilding. Less work would be required in respect of Barn 2, which still retains its roof. However, a relatively large extension is proposed to provide acceptable living accommodation. Consequently, the proposal does not comply with criterion 1 of Policy 23 of the SELLP.

However, barns 1 and 2 are traditional agricultural barns that are of historic and architectural merit. Barn 1 (probably late 19th Century) and to a lesser extent barn 2 are non-designated heritage assets that should be retained despite their present state. The submitted structural reports for barns 1 and 2 indicate that the existing structures can be retained and converted to form a dwelling with traditional barn characteristics. The proposal would prevent the total loss of existing non-designated assets and would be a means of retaining them and bringing them back into active use through a sympathetic conversion. This principle has been established through previous consents. Barn 3 is of less importance but nevertheless historically formed part of the agricultural holding and retains a functional appearance. The retention and re-use of the group of buildings therefore outweighs the conflict with Policy 23(1) in this case.

No objections are raised on amenity and highway grounds, subject to conditions. There are no flood risk issues in this case. Bio-diversity measures/enhancement can be addressed by means of conditions.

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.

Conclusion

The proposal generally accords with the aims and objectives of the development plan and advice within the National Planning Policy Framework, 2021 relating to non-designated heritage assets. There are no material considerations which outweigh factors in favour of the scheme.

Recommendation

That the application be approved under delegated powers.