

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H19-0692-20 **Applicant:** Mr C Fear
Proposal: Conversion of existing agricultural barn to a single dwelling.
Location: Hollytree Farm Hall Gate Road Sutton St Edmund
Terminal Date: 12th January 2021

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 2019

Sections 2, 3, 4, 5, 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

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an existing barn to a three-bed dwelling. An application for prior approval was previously granted in 2017 (ref. H19-0652-17).

Site Description

The building is located in open countryside on the western side of Hall Gate Road and is served by an existing access. Holly Tree Farm is situated to the north. Dwellings are situated to the south and also opposite.

History

H19-0652-17 - PAA - Conversion of agricultural storage building into dwelling - Approved 30 August 2017.

Consultation Responses

Sutton St Edmund Parish Council - No response.

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

NLIDB - No comments.

Environmental Protection - No comments or objections.

LCC Archaeology - Would not recommend historic building recording prior to conversion.

Planning Considerations

The main issues in this case are:

- Policy;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage, ecology and archaeology.

Policy/Principle

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 located outside of a settlement limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 23 of the SELLP 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, the building is a historic barn of brick construction with a slate roof and timber lean-to. It is of historic/architectural interest and an important rural feature which should be preserved. This proposal is a means of seeking its retention and the conversion is considered to be sympathetic and in character with the existing building.

the structural report accompanying the application indicates that the building is structurally capable of conversion. Although it is recognised that some new structural elements would be required they are not considered to be significant enough under the circumstances to stipulate that the development is not permitted and to outweigh factors in favour of the scheme.

It is considered that the proposal satisfactorily complies with Policy 23 of the South East Lincolnshire Local Plan, 2019 and is consistent with advice within the National Planning Policy Framework, 2019. Paragraph 79 makes provision for the re-use of redundant or dis-used buildings where the development would enhance the immediate setting.

Amenity

Holly Tree Farm is situated to the north. Dwellings are situated to the south and also opposite.

The building is within landscaped grounds, including a frontage hedge. There is a degree of separation between it and neighbouring dwellings. It is considered that the amenity of occupiers of neighbouring properties would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

An existing vehicular access would be utilised. LCC Highways has raised no objections on highway safety grounds.

There is provision on site for the parking of two vehicles. The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking requirements.

Flood Risk

The building is partially located within Flood Zone 2 of the Environment Agency's Flood Maps. However, it is within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment (2017). Nevertheless, given that the proposal is a more vulnerable development it is recommended that the development be carried out in accordance with the recommendations within the flood risk assessment, including finished floor levels being set at 2.40m aOD as indicated on the submitted plans.

The proposal therefore satisfactorily complies with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2019.

Drainage

Foul water would be disposed of to a septic tank and surface water to soakaways.

Ecology

An ecological assessment was undertaken and the survey identified the presence of Brown Long-eared Bat and Common Pipistrelle day roosts and both active and historic bird nests associated with the barn.

The report includes details of a full ecological avoidance, mitigation and compensation strategy (including the requirement for a Natural England European Protected Species Licence). In addition, enhancements have been included which would increase the site's potential to support biodiversity in the future.

Providing all measures detailed within the report are implemented in full it is considered highly unlikely that the proposed development of the site would result in any adverse impacts to biodiversity. The proposal therefore satisfactorily complies with Policy 28 of the South East Lincolnshire Local Plan, 2019 in this respect.

Archaeology

LCC Archaeology have indicated that the proposed development involves conversion of a historic barn that is part of a farmstead recorded in the Lincolnshire Historic Environment Record; namely,

"Holly Tree Farm, Sutton St. Edmund. Redeveloped 19th century farmstead. Regular courtyard with L-plan range plus detached buildings to the third side of the yard. The farmhouse was detached from the main working complex. Located within a loose farmstead cluster."

However, it appears that the surviving historic barn has subsequently been altered and extended, and for this reason they do not recommend any requirement for historic building recording prior to conversion.

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.

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 proposal is considered to satisfactorily comply with Policies 1, 2, 3, 4, 23, 28, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.