

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H19-0880-19 **Applicant:** Mrs S Infield
Proposal: Demolition of existing dwelling and erection of bungalow
Location: Tiddlerow Cottage Guanockgate Road Sutton St Edmund
Terminal Date: 4th 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
22	Replacement Dwellings in the Countryside

National Guidance

National Planning Policy Framework 2019

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

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

RESIDENTS	1	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for "demolition of existing dwelling and erection of bungalow".

Site Description

The site is located on the western side of Guanockgate Road and is currently grassed. An existing dilapidated building, currently overgrown, is located within its north-eastern section.

A bungalow is situated to the south and also further to the north.

History

No recent history

Consultation Responses

Sutton St Edmund Parish Council - Support.

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

North Level Internal Drainage Board.- No comments.

SHDC Environmental Protection - No observations.

LCC Archaeology - No archaeological input required.

Residents (summarised) -

Property not lived in for number of decades; Abandoned; Proposed property much larger; Agricultural dwelling would be more acceptable.

Planning Considerations

The main issue in this case is whether the proposal is in accordance with development plan policy.

As indicated in Paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside of a settlement limit as defined within the South East Lincolnshire Local Plan, 2019 (SELLP). It is therefore within an area regarded as countryside. SELLP Policy 22 indicates that proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than

40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

Addressing the above, the building is derelict and overgrown. No serious attempt has been made to retain its residential use. It is therefore considered that the residential use has been abandoned. As a consequence, the proposal conflicts with criterion 1 and 2 outlined above.

The above policy is consistent with advice within the National Planning Policy Framework, 2019. Paragraph 79 indicates that planning policies and decisions should avoid the development of isolated homes in the countryside unless, inter alia, the development would re-use redundant or disused buildings and enhance its immediate setting. The building on site, however, is dilapidated.

In terms of flood risk, the site is in Flood Zone 3 within the Environment Agency Flood Maps. However, it is within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment (2019). No objections are therefore raised on flood risk grounds.

Conclusion

The existing building upon the site is dilapidated and its residential use has been abandoned. The proposal is therefore contrary to Policy 22 of the South East Lincolnshire Local Plan, 2019.

The recommendation is therefore for a delegated refusal.

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.