

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0528-21 **Applicant:** Ms J Githiri
Proposal: Siting of caravan for use as bed and breakfast
Location: Chestnut House Broadgate Road Sutton St James
Terminal Date: 12th July 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

S192 LAWFUL USE CERTIFICATE application for the siting of a caravan for use as bed and breakfast.

SITE DESCRIPTION

The property is a detached dwelling on located on Broadgate Road in Sutton St James. The site is outside any settlement boundary and within the open countryside. The immediate area is mainly rural with a few buildings scattered along the road.

The application is supported by the following:

1. Planning statement
2. Site location plan

Within the planning statement the applicant states:

All facilities such as toilets and gas included in the caravan
The bed and breakfast will be operated seasonably from March to October on a part time basis
Between clients there will be a gap of at least 24 hours to allow the caravan to be cleaned

History

No relevant planning history.

Consultation Responses

Sutton St James Parish Council

Concerned that a temporary structure (caravan) doesn't match with the requested accommodation of a B&B. Also worried about access given visibility onto the road.

North Level Internal Drainage Board

No comments

Planning Considerations

This is a legal determination and planning policy is not relevant to the determination as to whether the claimed use is indeed lawful.

The provision of a caravan for business use, located outside the residential curtilage of the existing dwelling is not considered incidental to the existing residential use. Given its siting outside the residential curtilage of the dwelling and in the open countryside it would also constitute a material change of use of the land. As such an application for full planning permission is required. The use as a business is not incidental to the enjoyment of the dwellinghouse and therefore not in accordance with Class E of the Town and Country Planning (General Permitted Development) Order 2015.

Conclusion

The proposed use would not be incidental to the residential use of the planning unit and would constitute operational development for which a grant of planning permission would be required.

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.

RECOMMENDATION

The certificate of lawfulness is refused under delegated powers.