DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H20-0732-21**	**Applicant:**	**Mr & Mrs M Peace**
Proposal:	Proposed Zero-Carbon Self-Build Dwelling		
Location:	Land Off Draw Dyke Sutton St James Spalding		
Terminal Date:	1st September 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 3 - Plan Making;
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 8. Promoting healthy and safe communities.
Section 9 - Promoting Sustainable transport;
Section 11. Making effective use of land.
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	1	0	0	0

WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a new self-build, zero-carbon, two storey 3-bed house with detached garage block.

The architectural concepts behind the design are outlined within the Planning and Design and Access Statements and are summarised later in the report (see information from applicant). They state that the design of the building is based on the agricultural style of post second world war small agricultural holdings, which generally include steel framed barns and agricultural sheds. The proposed materials include red facing brickwork at the lower level, with grey pre-weathered zinc standing seam cladding at the upper level and roof.

Site Description

The application site is located in the countryside and is some 1.3km to the east of the centre of Sutton St James village. It is a plot of land of approximately 0.58 hectares and is the eastern part of a larger field owned by the Applicants. It is bounded by a tall, mature, mostly hawthorn hedge to the east. Draw Dyke Road is located to the south and open arable fields to the north and west. Further to the west another tall hedge sits at the boundary of the Applicants' land ownership.

A bungalow (Ponderosa) is located almost opposite. Other residential properties nearby include "The Oak Grove" approximately 200 metres to the south east on the opposite side of Drawdyke and "Birchwood" some 270 m to the west. Both are associated with agricultural/rural based businesses.

Recent History

None

Consultation Responses

Sutton St James Parish Council

It is outside the development area of the main village, in open countryside and doesn't blend in with the landscape. It brings no new employment to the village or help its sustainability. Not connected to

agriculture needs of the area. If the council is minded to approve, a contribution to the pre-school new building should be made.

LCC Highways/SUDs

No objections subject to highway informatives.

South Holland Internal Drainage Board

Note that the applicant intends to discharge surface water and treated foul water to a riparian watercourse to the North of the site. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Environment Agency

Proposal falls within Cell E8 of the local flood risk standing advice.

Public

Comments received (summarised):
Cannot see how proposal can be considered because the applicants are not involved in in agriculture.

Applicant's agent (summarised)

The new dwelling would be a zero-carbon, self-build home, designed specifically to the Applicants' requirements. It would be built as an exemplary example of a highly sustainable, self-sufficient family home. This would be a self-build home.

The application site lies close to but outside the settlement boundary of Sutton St James. Policy 1 of the South-East Lincolnshire Local Plan permits development in the countryside where it can be demonstrated that the proposals meet the sustainable development needs of the area. We demonstrate throughout this statement and the accompanying documents that the proposed development would meet the requirements of this policy.

The new house would be for the enjoyment of the Applicants and would be a self-build project. The Applicants are on the Council's Self-Build and Custom Housing Register, and the provision of this house would meet the Council's statutory duty to provide a plot for them. This is a material consideration which weighs heavily in favour of the application proposals.

The layout of the 3 buildings that form the dwelling has been designed to reflect and reference the local agricultural vernacular. The main house extends behind the separate annex and garage that both face the road. This creates a courtyard and an arrangement that references a traditional farmyard.

The house has been carefully designed to respect its rural location and surroundings. The design and appearance of the proposals seek to reflect the agricultural character of Sutton St James and the surrounding area. Influence has been taken from the agricultural style of post second world war small agricultural holdings, which generally include steel framed barns and agricultural sheds. The proposed materials include red facing brickwork at the lower level, with grey pre-weathered zinc standing seam cladding at the upper level and roof. These materials would enhance the look of the building and are popular choices for modern barn conversions. The proposals would respond positively to the agricultural character of the area, and fit in well within the local landscape.

The application proposals are accompanied by a Section 106 agreement that covenants the Applicants both to build a self-build home that meets the definition set out in the Self-Build and Custom Housebuilding Act 2015, and to build a zero-carbon home that would meet the definition as set out in the Zero Carbon Hub. The provisions of the S106 would ensure a highly sustainable development in terms of its energy consumption and environmental impact.

Planning Considerations

The main issues in this case are:

· Whether the site would be suitable for a self-build dwelling, having regard to policies for the location of new housing, accessibility to services and facilities, and the character and appearance of the area;
· Other material considerations such as amenity, highway safety, flood risk and ecology.

Housing Policy/Sustainability

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 a 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.

Addressing the first element, it has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with agriculture or other rural based business. Although a personal case has been put forward and the site is the applicants' own the land this should be given limited weight and is not considered to be sufficient justification.

Concerning the second element, the relevant factors are addressed below.

Economic - It is accepted that future occupants may work locally, support local services and therefore make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term. Overall, however, it is considered that there are no significant long term economic benefits resulting from the construction of a dwelling in this location.

Social/Community - The proposal would not make a significant contribution towards the supply of housing in the district required to meet the needs of present and future generations. Moreover, the site is physically divorced from Sutton St James and larger service settlements such as Long Sutton, Spalding and Wisbech. In the absence of footways and given the distances involved it would be difficult to access these settlements for the day to day needs of the occupants without use of a private car. In locational terms therefore, it is not considered to be appropriate for housing.

Environmental - The proposal would be a zero-carbon dwelling and would utilise various energy systems and measures such as photovoltaic modules, electricity battery storage, electric car charging point and high levels of insulation on a zero-carbon basis. Supporting information states that "it is envisaged that it would use less energy than it would generate".

However, supporting the continued growth of this form of development in a relatively unsustainable location is not presently considered to be environmentally sound. There is no necessity for the proposal in this location and it would generate the need for additional traffic movements to access local facilities, contrary to the requirements of the environmental role of planning (para 105 of the National Planning Policy Framework, 2021). It would also be contrary to core planning principles within paragraph 17 of the Framework.

Also, the site is located within the countryside and is currently grassed and undeveloped. It has a distinctly open and rural feel which contributes to the character of the countryside. The proposal would introduce a substantial amount of build mass to the site, thereby eroding the sense of openness. The proposal, if permitted, would constitute an intrusive element that would domesticate and materially change the present open and rural character of the site.

The proposal is not therefore in accordance 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.

Paragraphs 112 and 130 indicate that new development should respond to and be sympathetic to local character, whilst paragraph174 seeks to protect the intrinsic character of the countryside. Paragraph 105 indicates that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offer a genuine choice of transport modes

Paragraph 80 of the Framework states that planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply. They include the design being of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture. It should help raise standards of design more generally in rural areas; and should significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

In terms of the above, the supporting statements indicate that "the design and appearance of the proposals seek to reflect the agricultural character of Sutton St James and the surrounding area. Influence has been taken from the agricultural style of post second world war small agricultural holdings, which generally include steel framed barns and agricultural sheds. The proposed materials include red facing brickwork at the lower level, with grey pre-weathered zinc standing seam cladding at the upper level and roof. These materials would enhance the look of the building and are popular choices for modern barn conversions." It goes on to stress that "the house has been carefully designed to respect its rural location and surroundings. The proposals would respond positively to the agricultural character of the area, and fit in well within the local landscape".

Establishing whether or not a proposal is of truly outstanding design is invariably a subjective matter. It is accepted that the proposed dwelling is bespoke and of a relatively high standard in terms of architectural design. However, it is debateable whether it meets the relevant requirements in the sense that it is "truly outstanding". A scheme has to be of exceptional quality and possess features of exceptional design quality. The scheme incorporates basic well tested energy production technology.

The Framework also requires proposals to "significantly enhance" their immediate setting and "be sensitive to the defining characteristics of the local area." This is not considered to be the case for the reasons discussed earlier within the report.

With regards to self-build housing, the Applicants are on the Council's Self-Build and Custom Housing Register, and supporting information states that provision of this house would meet the Council's statutory duty to provide a plot for them. However, the supporting text for Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan sets out that there will be numerous opportunities for self-build and custom-build development within the defined settlement boundaries. In this case the site is in the countryside and not within a defined settlement limit.

Policy 17 (Providing a Mix of Housing) states that the Local Plan will seek to meet the needs of custom and self- builders as they come forward. The Council has therefore had regard to the provision of self-build housing in preparing its planning policies. On the basis that the Council can demonstrate a housing land supply in excess of 5-years, the presumption in favour of sustainable development in paragraph 11(d) of the Framework is not therefore engaged.

It is recognised that, under the Self Build and Custom Housebuilding Act, 2015, the Council has a 'duty to grant planning permission' and a 'duty as regards registers'. These duties are also emphasised in Footnote 28 of the Framework. With regards to registers, the Council has 73 entries on its self-build register, which is an indication of demand within the Council's area. This is a material consideration in respect of this proposal.

However, within the context of the Council's duties under the Self Build and Custom Housebuilding Act, 2015, the provision of a single self-build dwelling would be a modest contribution to the demand identified on the Council's register, and carries commensurate weight in favour of the proposal. Whilst the Authority has had regard to the personal and community benefits arising from the 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.

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).

A bungalow (Ponderosa) is located almost opposite. Other residential properties nearby include "The Oak Grove" approximately 200 metres to the south east on the opposite side of Drawdyke and "Birchwood" some 270 m to the west. Both are associated with rural based businesses.

The dwelling would be set back from Drawdyke and would be some 50 metres from Ponderosa. Its southern elevation would be blank. It would be used as a family home. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc.

The proposal therefore complies with Policies 2 and 3 on amenity grounds.

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.

An existing access would be utilised and would be upgraded. Ample car parking has been provided within the courtyard, including vehicular turning facilities. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

The proposal therefore complies with Policies 2, 3 and 36 in this respect.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The 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 South Holland SFRA indicates that the site is located within an area identified as "Danger for Some". It is possible for development of this nature to be delivered within areas of the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

Ecology

Policy 3 of the SELLP 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.

The proposal includes several ecology measures, including retention of the existing hedging, new tree and native hedge planting, a wildflower meadow and bird boxes.

The proposal satisfactorily complies with Policies 3 and 28 in terms of ecology.

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 a 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.

Addressing the first element, it has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with agricultural or other rural based business. Although a personal case has been put forward and the site is the applicants' own the land this should be given limited weight and is not considered to be sufficient justification.

Concerning the second element, the proposal would make a minimal contribution to the supply of housing required to meet the needs of present and future generations within the district and its design would have a "zero carbon" footprint. It may also bring small economic benefits to the area. However, these factors are outweighed by the harm that the proposal would cause in terms of other social and environmental factors such as the site's unsatisfactory relationship to local services and facilities, reliance upon the motor car and the development's effect upon the character and appearance of the countryside.

The site is located within the countryside and is currently grassed and undeveloped. It has a distinctly rural feel which contributes to the character of the countryside. The proposal would introduce a substantial amount of build mass to the site, thereby eroding the sense of openness. The proposal, if permitted, would consolidate existing development and would also domesticate and materially change the present rural character of the site.

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, 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. Paragraphs 112 and 130 indicate that new development should respond to and be sympathetic to local character, whilst paragraph174 seeks to protect the intrinsic character of the countryside. Paragraph 105 indicates that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offer a genuine choice of transport modes.

Paragraph 79 of the Framework exceptionally makes provision for isolated homes in the countryside where they are of exceptional design and the proposal would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. However, the design of the dwelling is not considered to be truly outstanding. Moreover, the proposal would harm the character of the immediate area for the reasons identified above.

With regards to self-build housing, the supporting text for Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan sets out that there will be numerous opportunities for self-build and custom-build development within the defined settlement boundaries. In this case the site is in the countryside and not within a defined settlement limit.

Within the context of the Council's duties under the Self Build and Custom Housebuilding Act, 2015, the provision of a single self-build dwelling would be a modest contribution to the demand identified on the Council's register, and carries commensurate weight in favour of the proposal. Whilst the Authority has had regard to the personal and community benefits arising from the 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.

Finally, the South Holland SFRA indicates that the site is located within an area identified as "Danger for Some". It is possible for development of this nature to be delivered within areas of the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test.

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.

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

In this case 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. It is therefore recommended that the application be refused under delegated powers.