

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0768-22 **Applicant:** Mr & Mrs A Mason
Proposal: Change of use of outbuildings to create residential dwelling
Location: Horsemoor House Horsemoor Drove Sutton St James
Terminal Date: 19th October 2022

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
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 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	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a change of use of outbuildings to create a residential dwelling. It is a scaled down version of full planning permission ref. H20-0200-20 involving a reduced number of buildings.

Site Description

The site is located in open countryside on the southern side of Horsemoor Drove. It is part of a small historical complex of farm buildings, some of which have been used more recently for equestrian purposes, including a manege at the rear. It is served by an existing vehicular access. Tall Leylandii trees are situated along the frontage and also the eastern boundary.

Horsemoor House, which is currently associated with the buildings, is located immediately to the west. The nearest dwelling un-associated with the site is Ash Grove situated some 280 metres to the south-west. A solar farm is located some 500 metres to the east.

History

H20-0650-14 - Full - Change of use of barn/stables to residential - Granted 28 April 2015.

H20-0200-20 - Full - Change of use of outbuildings to create residential dwelling - Granted 22 May 2020.

Consultation Responses

Sutton St James Parish Council

No response.

LCC Highways

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

No comments.

Public

No comments received.

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 and ecology.

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 principle building adjacent Horsemoor Drove is a tradition two storey barn of brick construction with a comparatively new corrugated metal roof. The rear single storey element consists of brickwork, some of which has been rendered, plus timber cladding, with a profiled metal roof. The buildings appear to be structurally sound and the principal section in particular is of architectural/historic merit. The range of buildings are a non-designated heritage asset and are an important rural feature which should be preserved. This is a means of seeking their retention. The buildings would be converted in a sympathetic manner and some traditional features would be re-instated, including a new slate roof on the principal two storey building and a pantile pitched roof on the rear single storey element. The development is in accordance with Policy 23 of the South East Lincolnshire Local Plan, 2019.

The proposal is consistent with advice within the National Planning Policy Framework, 2021. Paragraph 80 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, which is considered to be the case.

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.

Horsemoor House, which is currently associated with the buildings, is located immediately to the west. A new 2 metre wall would be constructed along an open section of the western boundary between the two properties. The nearest dwelling un-associated with the site is Ash Grove situated some 280 metres to the south-west. A solar farm is located some 500 metres to the east. It is considered that the amenity of nearby residents 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

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.

The proposed development would utilise an existing vehicle access that has sufficient visibility to the left and right for drivers to be able to emerge safely from the application site into the public highway. Adequate parking has been provided and facility is to be made for turning around within the site. Although there are no footways in the vicinity of the site, the location, so far outside of the village, would mean that residents' journeys to services and facilities within the village and elsewhere would most likely be made by a motor vehicle.

Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and so does not wish to object to this planning application.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking

Flood Risk/Drainage

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.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they 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 East Lincolnshire 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 "Danger for Some". However, the Framework states at paragraph 167 that minor development and changes of use applications should not be subject to the sequential or exceptions tests, unless falling within certain types of development. 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.

The proposal is a more vulnerable development and peak depths are predicted at 0.25m-0.5m. In this case it is considered that the buildings could be adequately protected from flooding by means of flood protection measures. They should include finished floor levels of all ground floor accommodation being set 300mm above existing ground level, plus demountable defences within external openings to 500mm above finished floor level. It is also recommended that occupiers sign up to the local Flood Early Warning Scheme.

Foul water would be disposed of to a private package treatment plant and surface water to soakaways. The driveway would be of permeable construction (gravel or granite chippings). This arrangement is considered to be acceptable in this location. The proposal satisfactorily complies with Policy 2, 3 and 30 of the SELLP in this respect.

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

The characteristics and use of the buildings are such that they are unlikely to be inhabited by bats or Barn Owls. Nevertheless, Policy 28 indicates that development proposals should provide an overall net gain in biodiversity. The previous application (ref. H20-0200-20) stipulated that "at least one month before any work is commenced on the building a pole mounted Barn Owl nest box shall be erected on the site in accordance with details contained within the Ecology and Protected Species Survey accompanying the application". Such a condition should be re-imposed.

Archaeology

The proposed development involves the conversion of historic farm buildings, which are a non-designated heritage asset recorded in the Lincolnshire Historic Environment Records. Historic farmsteads such as this are an important feature in the fenland landscape but are increasingly under threat in a rapidly changing industry, with redundant structures facing demolition or unsympathetic conversion.

The proposed development will involve alteration and replacement of historic fabric. The applicant has therefore produced a photographic record of it prior to the loss of any evidential value.

Planning Balance

The buildings appear to be structurally sound and the principal section in particular is of architectural/historic merit. The range of buildings are a non-designated heritage asset and are an important rural feature which should be preserved. This is a means of seeking their retention. The buildings would be converted in a sympathetic manner and some traditional features would be re-instated, including a new slate roof on the principal two storey building and a pantile pitched roof on the rear single storey element.

There are no objections to the scheme of amenity, highway or other planning grounds. The development is in accordance with Policies 1, 2, 3, 4, 23, 28, 29 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework, 2021. There are no material considerations that outweigh factors in favour of the scheme

Conclusion

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

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.