DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H20-1139-20**	**Applicant:**	**Mr D Dye**
Proposal:	Siting of temporary mobile home while dwelling is being constructed (retrospective)		
Location:	Wildacre Baulkins Drove Sutton St James		
Terminal Date:	26th February 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 8, 12, 14 and 15

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
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

REASON FOR PANEL CONSIDERATION

The proposal raises issues that warrant consideration by Chairman's Panel.

PROPOSAL

Retrospective planning permission is required for the siting of a temporary mobile home for occupation by the applicant when he re-commences work on a bungalow and garage on site approved by virtue of planning permission ref. H20-0984-02.

The bungalow and garage are currently at foundation level and Building Control records indicate that development was commenced in respect of the garage in September 2007 prior to the permission expiring. The permission is therefore extant.

SITE DESCRIPTION

The mobile home is on a small agricultural holding located on the western side of Baulkins Drove, Sutton St James. It is served by an existing access with high Leylandii hedging along the frontage. An agricultural building is under construction to the south approved by virtue of planning permission ref. H20-0790-14.

A residential gypsy site for one family is located to the south beyond a high Leylandii hedge and residential properties are situated opposite.

RELEVANT PLANNING HISTORY

H20-0565-96 - Temporary single unit mobile home - temporary 4 year permission granted 26/11/96 for Mr and Mrs D R Thomson only.

H20-1347-00 - Temporary mobile home renewal of H20-0565-96 - further 4 year permission granted with occupation limited to a person(s) solely or mainly employed, or last employed, locally in agriculture (or widow/er or dependent).

H20-0984-02 - 3 bed bungalow and detached double garage - Mr and Mrs Thomson - Granted 22/3/03 - occupation limited to a person solely or mainly employed, or last employed, locally in agriculture (or widow/er or dependent) and only by persons wholly or mainly employed or last employed on the holding which comprises the application site (or a dependent or widow/er of such a person). Building Control records show commencement of garage on 19 Sept 2007 prior to the permission expiring, and the permission is therefore extant.

H20-0344-05 - Temporary mobile home renewal of H20-1347-00 - not yet determined.

H20-0790-14 - Full - Erection of building for use as an agricultural machinery store - Granted 5/11/14.

REPRESENTATIONS

Sutton St James Parish Council - No response.

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

North Level Internal Drainage Board - No comments.

Environmental Protection - No comments or objections.

PLANNING CONSIDERATIONS

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- Amenity;
- Highway issues;
- Other material considerations such as flood risk and drainage.

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 proposed development is outside Sutton St James settlement limit within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan is therefore applicable. It states that development will be permitted in the countryside 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 above, the principle of a dwelling on the site has already been established by virtue of the planning permission for a bungalow and garage, which has been implemented. The mobile home would simply provide temporary accommodation for the applicant until such time as he completes the dwelling. Once the dwelling was occupied it would be removed.

Moreover, Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 indicates that the following is permitted development; namely, "the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land". This is subject to the building, structure, etc being removed when the operations have been carried out.

Taking the above matters into account, it is considered that there are no objections in principle to the proposal, subject to a temporary time period of 3 years.

Character/appearance

The mobile home is required on a temporary basis and is tucked in behind high Leylandii hedging along the site's frontage and also along the southern boundary. Planting is located along the northern boundary. Consequently, it is not readily open to public view.

It is considered that it would not materially harm the character/amenity of the rural locality/countryside. It therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

The principle of a dwelling has already been established on the site and the accommodation is solely required on a temporary basis until the dwelling is complete. It is separated by residential development opposite and to the south by high Leylandii hedging. It is considered that the amenity of nearby residents would not be harmed to a significantly greater degree in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

It is accepted that there would be some noise and disturbance on occasions whilst the dwelling was constructed. However, this would be a temporary situation and would occur whether or not permission was granted for the temporary mobile home.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Issues

The existing access would be utilized and there is ample space for parking on the site. The County Highways Authority has raised no objections on highway safety grounds.

The proposal therefore satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. However, the hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defences were to occur. The proposal therefore satisfies the sequential test. Concerning the exceptions test, it is recommended that finished floor levels be set no lower than 500mm above ground level and that the mobile home be securely fastened to the ground.

Drainage

Foul sewage would be disposed of to a septic tank, which would then be removed upon installation of a private treatment plant in conjunction with the new bungalow.

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 principle of a dwelling on the site has already been established by virtue of the planning permission for a bungalow and garage, which has been implemented. The mobile home would simply provide temporary accommodation for the applicant until such time as he completes the dwelling. Once the dwelling was occupied it would be removed. There are no objections to the proposal on visual or residential amenity grounds, or on grounds of highway safety. There are no significant flood risk issues.

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

CONCLUSION

The planning balance lies in favour of the proposal.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

That the application be approved under delegated powers for a temporary period of 3 years.