DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-0194-23**	**Applicant:**	**Mr J Bateman**
Proposal:	Installation of photovoltaic cells to south east and south west elevations		
Location:	Dame Barn Common Way Tydd St Mary		
Terminal Date:	25th April 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent Application is for the installation of photovoltaic (PV) cells upon the south east and south west elevations of the property.

Site Description

Dame Barn is one of a number of outbuildings to the Grade II listed Tysdale manor. It is not listed in its own right, however it has historically been considered to be an integral part of the curtilage of the adjacent listed building. The property is situated within, but upon the boundary of the Tydd St

Mary Conservation Area (TSMCA).

History

H21-0358-08

Change of use of agricultural building to use as either B1 business/light industrial or as holiday accommodation. APPROVED on 01-06-09.

H21-0359-08

Change of use of agricultural building to use as either B1 business/light industrial or as holiday accommodation. APPROVED on 01-06-09.

H21-0794-10

Change of use of barn to form 2 dwellings including single-storey extension, demolition of 2 outbuildings and erection of 2 garage blocks. APPROVED on 19-01-11

H21-0306-17

Proposed development - 7 dwellings. REFUSED on 30-05-17, Appeal DISMISSED on 13-11-17.

Consultation Responses

Tydd St Mary Parish Council

Supports the application.

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider there to be any risk presented to the character or significance of the heritage asset. Whilst the building is technically listed and under normal circumstances, visible PV cells would not generally be considered to be acceptable, the building itself is not uniquely listed, merely listed via its connection to the specifically listed, Grade II Tysdale Manor. Furthermore, the section of the building which the application seeks permission to emplace PV cells is actually a modern extension, completed as part of the conversion of the building to residential use under the 2010 planning application. In recent times, the related barn conversion to the south has been permitted PV cells on elements of construction (albeit detached) approved under the same application and therefore dated to the same period as the extension upon which this application proposes to install PV cells.

The property also exists within the conservation area and similarly, it would not normally be permissible to erect PV cells in a way such that they were so visible from the ground. However, this site is set back substantially from any public realm views and shielded from the public realm by other structures, including a garage to the South. It is therefore not easily possible to view the effected elevations from any portion of the conservation area that would justify any claims that the proposal in any way harmed the wider conservation area setting.

Therefore, it is the opinion of the Local Planning Authority that in these very specific circumstances any perceivably negative impacts are mitigated against and/or outweighed by the positive elements of the proposal. As the proposed PV Cells would be situated on a section of this curtilage listed property which is modern in construction and which cannot be readily viewed within visual range of public areas, the proposal can be said to help to conserve the historic environment due to the lack of a perceivable impact upon the character of the associated designated heritage assets.

Residential Amenity

This proposal seeks no external dimensional alterations to the property, nor does it seek to propose the installation of any new windows or doors. It therefore cannot be said that this proposal creates any further risk of overlooking or overshadowing.

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3 and 29 of the SELLP as well as Sections 12 and 16 of the NPPF. Therefore, this application is recommended for approval.

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.