DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-0195-22**	**Applicant:**	**S J Stanberry & Sons Ltd.**
Proposal:	Siting of 2 static caravans (retrospective) - re-submission of H21-0869-21		
Location:	Tretton Manor Barns Lowgate Tydd St Mary		
Terminal Date:	13th May 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
07	Improving South East Lincolnshire's Employment Land Portfolio
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural 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 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	0	0	0	1
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Retrospective planning permission is sought for the siting of 2 no. static caravans. The application is accompanied by information indicating why the static caravans are required.

Site Description

The site is part of premises owned by the applicant and is currently occupied by 2 no static caravans. High hedging is situated along the northern, eastern and southern boundaries. It is part of a site that has previously had consent for use as a touring caravan site (not permanent residential). Application H21-1031-02 refers.

Buildings associated with the applicant's business (S J Stanberry & Sons Ltd) are situated to the west and south-west. A barn conversion (Tretton Manor Barn) and detached properties are located beyond (Tretton Stables and Tretton Cottage).

Consultation Responses

Tydd St Mary Parish Council

Council sees no change in this application to the original H21-0869-21. Agrees with the SHDC refusal of that application to stand for this application.

LCC Highways

Does not wish to restrict the grant of permission.

North Level Internal Drainage Board

No comments.

Public

Objection received (summarised):
- Overdevelopment of the site within an open countryside area;
- Noise/disturbance;
- Light pollution (overall site);
- Access;
- Sets a precedent;
- Highway safety issues;
- Health and safety;
- Industrialisation on site harmful to wildlife;
- Previous refusal.

Information from Applicant's Agent

It is an essential necessity for the applicant to have these accommodations sited within the premises. Without these he would not have the round the clock security, maintenance and loading facilities that his business needs to function. These functions are carried out by the two employees who live in the accommodations.

To be sited elsewhere would be detrimental to the applicant's business. You mentioned in the previous application that the son (Sebastian) was only part-time, as stated the applicant is now retired and his sons are now running the business full time, so Sebastian is no longer a part-time employee, but an essential component to the business who needs to be on site full time to carry out his duties and responsibilities.

The applicant does indeed own a small number of cottages attached to his property, but these are all privately rented to tenants who have been there for several years and are under long rental agreements. Therefore, moving the employees into these accommodations is not possible as they are not available at this time.

If this application is not looking favourable, can we suggest, as a preferred worst case option, that these accommodations be deemed temporary and conditioned to be approved for a period of three years? This gives the opportunity for the employees to be moved into the cottages should they become available.

Relevant Site History

H21-0299-99 - Full - Proposed barn conversion to form two annexes - Granted 22 June 1999.

H21-1031-02 - Full - Proposed touring caravan and camping site - Granted 5 April 2004.

H21- 0681-03 - Full - Change of use from domestic garage to business use (office) - Granted 24 March 2004.

H21-0504-05 - Full - Retrospective application for change of use for storage/repair of portable buildings - Granted 8 August 2005.

H21-0902-13 - S191 - Use of annexe as two independent units of living accommodation - Approved 30 April 2014.

H21-0142-14 - Full - Steel portal framed workshop and store - Granted 17 April 2014.

H21-0869-21 - Full - Siting of 2 static caravans - retrospective - Refused 19 November 2021.

H21-0413-22 - Full - Erection of Storage Shed - Under consideration.

Planning Considerations

The main issues in this case are:
· Policy/whether the proposal constitutes sustainable development;
· Heritage issues;
· Amenity considerations;
· Highway safety;
· Other material considerations such as flood risk and drainage.

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 proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the SELLP 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.

In terms of part 1, Planning Practice Guidance was provided in July 2019 at paragraph 010 which indicates how the need for dwellings in the countryside for essential rural workers can be assessed. Although it technically refers to isolated homes in the countryside and land based rural enterprises the considerations referred to within paragraph 010 are nevertheless relevant to assess whether the development is necessary in this countryside location.

They include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a land based rural enterprise (for instance, where the enterprise requires on-site attention 24 hours a day for operational and security reasons and to deal with emergencies). It also refers to whether the need could be met through existing accommodation on the site, or improvements to create such accommodation.

Addressing the above, the applicant's website indicates that "SJ Stanberry & Sons Ltd was formed in 1980. A family run, unique business with a dedicated reliable workforce, ensuring all projects are finished to the highest standards.

Founded by Stephen Stanberry and working closely with his sons we have gained a good strong reputation for all of our services.

We have developed a strong knowledge base of portable buildings both modular and jack leg, the traditional 'stipple' effect and the increasingly popular plastisol. We also have vast experience of laying concrete floors and foundations having worked on agricultural and industrial sites over many years."

It goes on to stress that the services offered include the following:

- New and refurbished portable and modular buildings for sale or hire.
- Installations & Services.
- Foundations and groundworks.
- Refurbishment and relocation of client owned buildings.
- Provide steps, ramps, paths & patios.
- Concrete floor laying services.
- Landscaping.

Whilst there may be a preferred need for someone to be on site at all times for operational/security reasons the nature of the business is not considered to be such that an on site presence is essential 24 hours a day. There is no necessity for the unloading or loading of vehicles during anti-social hours in conjunction with the business operated by S J Stanberry & Sons Ltd and restrictions have previously been imposed relating to working hours. Concerning security, remote security systems can be installed which avoid the need for a 24/7 on site presence.

Consequently, it has not been demonstrated that there is an essential need for a residential unit in this location within the countryside as opposed to within a settlement limit, let alone two. Whilst the personal circumstances of the occupiers have been taken into account and are a material planning consideration, they carry limited weight and are not considered to be such as to outweigh established planning policy.

SELLP Policy 1 also indicates that development will be permitted if it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The relevant criteria are discussed below:

Economic - The proposal would contribute towards housing supply and future occupants would work locally, support local services and make a contribution to the local economy. However, this is minor and not such as to justify residential accommodation in this location.

Community/Social - The proposal is deliverable and would contribute to the supply of housing required to meet the needs of present and future generations. However, it is not closely related to an existing settlement and would not be readily accessible to existing services and facilities other than by motor vehicle. The proposal would not bring significant community benefits.

An Environmental Role - Notwithstanding existing boundary hedging, which could be removed, the proposed development would result in a further accumulation of residential development within the countryside, to the detriment of its intrinsic rural character.

The proposal is therefore contrary to Policy 2 (Development Management) of the SELLP and advice within the National Planning Policy Framework, 2021. Policy 2 indicates that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses. Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 124 and 130 indicate that new development should be sympathetic to and maintain an area's prevailing character.

Concluding, therefore, residential development is not considered necessary in this location and doesn't meet the sustainable development needs of the area in terms of community or environmental benefits. The proposal is not therefore in accordance with Policy 1 of the SELLP.

Heritage

Tretton Manor Barn is situated to the south-west and is a non-designated heritage asset. However, the separation distance between the two is such that the setting would not be affected.

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.

The proposed static caravans are situated well away from nearby residential property outside the applicant's control. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, noise and disturbance, etc.

The proposal therefore accords with Policies 2 and 3 of the SELLP in terms of amenity.

Issues have been raised concerning activity upon the premises generally. This is a separate matter from this particular application and relates more closely to another application currently under consideration (ref. H21-0413-22).

LCC Highways

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.

An existing access off Lowgate would be utilised, and there is ample parking on the site. LCC Highways have been consulted and consider that the development would not be expected to have an unacceptable impact upon highway safety. They have therefore raised no objections on highway grounds.

The proposal therefore accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Flood Risk

Policy 4 of SELLP is concerned on flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

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 East Lincolnshire SFRA indicates that the site is located within an area identified as Danger for Some. There are areas elsewhere within 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.

In terms of drainage, foul water would be disposed of via septic tanks and surface water via soakaways. This arrangement is considered sustainable.

Planning Balance

There is no necessity for the development in this countryside location. Moreover, the development is not closely related to an existing settlement and would not be readily accessible to existing services and facilities other than by motor vehicle. Moreover, notwithstanding existing boundary hedging, which could be removed, the proposed development would result in a further accumulation of residential development within the countryside, to the detriment of its intrinsic rural character. Taken together, these harmful effects of the scheme amount to adverse impacts which significantly and demonstrably outweigh the personal benefits that the proposed development would deliver. Consequently, the proposed development would not comprise sustainable development.

The proposal is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 1 indicates that 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. Policies 2 and 3 indicate that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Section 2 is geared towards the achievement of sustainable development. Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 124 and 130 indicate that new development should be sympathetic to and maintain an area's prevailing character.

Moreover, the South East Lincolnshire SFRA indicates that the site is located within an area identified as Danger for Some. There are areas elsewhere within 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.

Conclusion

The proposal is not considered to be sustainable for the reasons outlined above. It is therefore recommended that the application be refused 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.