DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H21-0226-20	**Applicant:**	Mr & Mrs Tomkin
Proposal:	Change of use of land to extend residential curtilage - retrospective		
Location:	Tomkins Lowgate Tydd St Mary		
Terminal Date:	4th July 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective planning permission for change of use of land to extend the residential curtilage of Tomkins, Lowgate, Spalding. The supporting statement states the land has been used as such for approximately 30 years. It is also proposed to plant additional boundary landscaping, with a future intention to relocate the mobile home on this land.

Site Description

The curtilage of Tomkins stretches between a drain to the south and the adjacent site of The Farmers Den to the north. It is rectangular with considerable width and depth. The application site backs onto the rear boundaries of both properties.

To the rear of the main property, there is an existing log cabin used as an annexe and a detached garage. A row of young tall trees bounds the residential plot of Tomkins with the proposed site extending beyond the hedgerow. The site currently accommodates 5 no. storage outbuildings, some of them fairly dilapidated. The adjoining land to the west and south and the wider area is countryside formed by open agricultural fields.

History

H23-0618-20 Lawful Development Certificate for siting of mobile home, within the curtilage of Tomkins granted 29/08/17.

Consultation Responses

None.

Planning Considerations

Principle of development

The site adjoins the settlement boundaries of Tydd St Mary as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The proposed change of use would technically entail the loss of agricultural land to extend the existing domestic curtilage of Tomkins. However the applicant has stated in the supporting statement, that the land has been used as residential curtilage since the bungalow was built 30 years ago and could have been subject to an application for a lawful development certificate, but have submitted a planning application instead.

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 key material considerations are addressed below.

Impact upon character of the local area

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

As it would effectively sit beyond the rear boundary of both residential properties, the proposed site is fairly well screened from public view from the highway by the existing features comprising the dwelling, large log cabin and poplar trees, and therefore has very little impact on the street scene.

Given their height, the current outbuildings on the extended area which will remain are potentially perceived from the road coming from the south. However, the proposal works also entail a landscaping strategy which contribute to supplement greatly the treatment of the southern boundary with further trees and hedges. The mitigation will be appropriate to prevent any disruptive impact upon the visual amenity of the area.

Although it falls behind the defined frontage along the western side of Lowgate, the proposed site is not considered to encroach unacceptably upon the open fields. There is previously developed land extending to the north-east of the site, to the rear of the properties Maresa, Glenorchy and The Conifers. On balance, the intended curtilage extension will not significantly detract from the landscape and setting.

In summary, the proposals are visually acceptable and do not appear at odds with the site features, pattern of development in the locality and overall the character of the local area. Thus, the proposed development complies with the aforementioned policies.

Residential amenity

There are currently two outbuildings within the application site which are in close proximity to a detached annexe in connection with the dwellinghouse of The Farmers Den.

It is anticipated that the grant of permission for the proposed change of use will not establish any permanent harm upon the amenity of the residents. No objection has been so far received during the neighbour consultation of this application.

The proposed site does not border any other residential plot than The Farmers Den. By reason of distance, neither the existing outbuildings nor any average-high building on the site could undermine the amenity standard of other properties.

For these reasons, the proposals ensure good residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via 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.