

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0228-24 **Applicant:** Mrs D Shane

Proposal: Proposed prefabricated metal shed

Location: Roman Lodge Mill Lane Tydd St Mary

Terminal Date: 13th May 2024

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 2023

Sections 12 and 16 of the National Planning Policy Framework (December 2023)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for the erection of a prefabricated metal shed on the grounds of Roman Lodge, Mill Lane, Tydd St Mary.

The structure would have a footprint of 4.4m x 2.2m and would have a height at apex of 2m. The prefabricated unit is of untextured metal construction, finished in dark green powder coat.

Site Description

The site can be described as being a secluded plot at the end of a small single track lane which is populated by properties of various scales and architectural periods. Roman Lodge itself can be characterised as a large, Grade II listed, early 19th Century property, featuring a distinctive large late 19th Century conservatory.

The property sits on an expansive plot of gardens which is flanked mostly by open fields. To the north of the property sits the rest of the properties along Mill Lane and bordering to the North West sits several properties on Church Lane. Additionally, a short distance to the North West (but not bordering) is the historic St Mary's Church, which is Grade I listed. Views from within the property's curtilage outside (and vice versa) are largely blocked by the large trees which almost completely line the border. The property also sits within the Tydd St Mary Conservation Area.

History

H21-0653-19

Proposed alarm system and CCTV system. Approved on 22-08-19

H21-0864-09

Alterations and repairs to dwelling. Approved on 11-11-10

H21-0654-09

Details submitted relating to Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of H21-1007-08. Approved on 25-08-10

H21-0655-09

Details of rooflights, window frames and obscure glazing, external doors, external materials including brickwork panel, eaves, verges, railings to cellar steps and ventilators (Conditions 2,3,4,5,6,7,8,9 and 10 of H21-1006-08). Approved on 25-08-10.

H21-1006-08

Proposed conversion of outhouses and alterations to existing dwelling. Approved on 18-11-08

H21-1007-08

Proposed conversion of outhouses and alterations to existing dwelling. Approved on 18-11-08

H21-1181-97

Replacement of bay window with bay doors, replacement of kitchen window with french doors. Approved on 02-02-98

Consultation Responses

Tydd St Mary Parish Council

No objection provided the structure is located behind the existing hedge.

Lincolnshire County Council Historic Places Team

No archaeological input required.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections.

North Level Internal Drainage Board

No comment

SHDC Environmental Protection Team

No objections.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Heritage Considerations
- Impact on Neighbouring Residents/Land Users/Land Uses

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Local Planning Authorities are also required to be mindful of their duty in determining matters in respect of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to:

"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16)."

The objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Beyond this, where harm would be caused, there is a necessity to establish the extent of that harm, and consider this within the policy context.

Heritage Impact

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (December 2023) (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2023) states that "When considering the impact of a proposed development on the significance of a designated heritage

asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Finally, Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms that in order to respect South Holland's historical legacy all proposals shall conserve and enhance the character and appearance of designated heritage assets. Additionally, Section A of that policy confirms that proposals that affect the setting of a Listed Building will only be supported where they preserve or better reveal the significance of the Listed Building.

Taking the above into account, and assigning this site the appropriate assessment of significance, in this case, due to the minor scale and impermanent nature of the proposed structure, in conjunction with the distance and visual separation from the listed building, this application is deemed to conserve the historic environment by means of a lack of an appreciable material impact either positive or negative upon the heritage asset.

Therefore, the proposal satisfies Policy 29 of the SELLP, in addition to Section 16 of the NPPF. The impact upon the historic environment is, therefore, acceptable.

Impact on Neighbouring Residents/Land Users/Land Uses

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

In this application, permission is sought only for a single storey, small scale garden building situated far from any boundary and therefore, well distanced from any neighbours, curtailing any material risks of overlooking or overshadowing, which are otherwise minor regardless due to the design, scale and nature of the proposed building.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal does not represent a risk of harm to the historic environment and therefore passes the tests of Policy 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (December 2023). Additionally, the proposal does not place residential amenity of any nearby residential properties at risk, and therefore satisfies Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2023).

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, and 29 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that

would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.