DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H21-0369-21**	**Applicant:**	**Mr & Mrs Hall**
Proposal:	Change of use of self-contained annexe to holiday accommodation		
Location:	Field View Lowgate Tydd St Mary		
Terminal Date:	30th July 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
09	Promoting a Stronger Visitor Economy
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development.
Section 3. Plan Making;
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 8. Promoting healthy and safe communities.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	6	1	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission is sought for a change of use of a detached self-contained annexe to holiday accommodation.

SITE DESCRIPTION

The site is located within an existing residential frontage on the eastern side of Lowgate. The detached building to which the application relates is currently an annexe and is located at the rear of Field View (5 bed house) in the south eastern corner.

A bungalow (Kenerlea) is located immediately to the south beyond a 2 metre high wall. A house (Red Lodge) is located to the north with closeboarded fencing along the common boundary. Agricultural buildings are located to the rear (east) and open land to the west on the opposite side of Lowgate.

HISTORY

H21-1232-07 - Full - Convert garage to granny annexe (part retrospective) - Refused 8 November 2007.

H21-1647-07 - Convert garage into granny annexe (part retrospective) - Refused 31 January 2008. Allowed on appeal 28 November 2008 subject to the following condition:

1. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Fieldview, Lowgate, Tydd St Mary, Wisbech, Cambridgeshire, PE13 SPF.

H21-0546-08 - Full - Conversion of garage to self-contained annexe (retrospective) - Refused 25 June 2008.

H21-0214-15 - S73A - Continuation without complying with Condition 1 of H21-1647-07 Appeal Decision APP/A2525/A/08/2074282 to allow use of the annexe as a holiday let - Refused 23 April 2015.

CONSULTATION RESPONSES

Tydd St Mary Parish Council

Supported.

LCC Highways/SUDs

Does not wish to restrict the grant of planning permission.

Environmental Protection (Contamination)

No comments or objections.

Public

Objections received (summarised)
Overlooking/lack of privacy; Balcony has clear as opposed to obscure glass; Increased activity in quiet residential area; Noise/disturbance; Too close to neighbours; No certainty that holiday makers will respect property/area; Increased crime; Roads inadequate for additional traffic; Extra pollution; Overlooks agricultural/horticultural business at rear - as an agricultural business there is a clear need to operate farm machinery which will conflict with paying guests wanting a quiet and peaceful environment.

Letter of support also received on grounds that the proposal would bring the building back into use and increase local tourism; accommodation is of a very high standard; would not impact upon neighbouring properties.

Information from Applicant's Agent (summarised)

The applicants have not recently had cause to use the annexe as an extension of their home and have, therefore, periodically allowed it to be used as short-term accommodation for holiday breaks and as accommodation for those working in the area. This use provides them with a modest income and also adds to the available accommodation in the area, which is generally in short supply.

The standard of accommodation is particularly high, and the applicants advertise the accommodation through reputable websites and word of mouth. Guests use the existing parking arrangements at the property and share the garden at the rear of the house with the applicants. The use of the annexe is inextricably linked with the use of the house and, accordingly, there is always the element of control. No children or pets (other than for assistance dogs) are allowed in the annexe, which would not be a restriction if the annexe were used by family members.

It is, therefore, proposed that the annexe be used infrequently for paying single guests or couples without children or pets (other than for assistance dogs) for short term accommodation, as opposed to full-time occupation by family members, who can use the accommodation and curtilage with impunity.

The use of the accommodation has an economic benefit to the area in that it provides much needed short-term accommodation for those wishing to holiday in the region or looking to stay locally while on business. This wider economic benefit is a material planning consideration, which also weighs in favour of granting planning permission.

Agent's Response to Additional Information Requested by Chairman's Panel

The council has already accepted that the occasional use of the annexe as bed and breakfast accommodation does not need planning permission and of course the annexe could be occupied all year round by a family member(s) and not breach the condition on the original grant of planning permission.

Our view from the very start of this process is that the character of the use we are now applying for is no different to that which can be carried out without the need for planning permission.

The control of the use stems from the fact that our clients occupy the host dwelling. In the unlikely event that the occupiers are noisy, Mr and Mrs Hall are on site to deal with any issues. I suspect this is less likely than were the annexe to be occupied by a noisy teenage son.

The issue of amenity is one of common sense. If Mr and Mrs Hall feel that their amenity is compromised then they have the option to stop operating the accommodation for holiday use either as bed and breakfast or as self-contained accommodation. The amenity of holiday makers is not one for the planning system to arbitrate on, as they are not permanent residents. The holiday makers would decide on whether to stay at the accommodation from the details provided by the owner of the accommodation, in the same way everyone else does when they choose a location for a holiday.

Ultimately, this planning application offers the opportunity to impose reasonable planning conditions to control the use, albeit that I am firmly of the belief that the use is already effectively policed having regard to its proximity to the host dwelling. The use of the annexe as a B&B or as accommodation for a family member offers no such opportunity.

The next door complainant has never wanted anyone to occupy the annexe and much of what has been alleged is aimed at preventing any type of occupation.

PLANNING CONSIDERATIONS

The main issues in this case are:
· Policy/sustainability;
· Character/appearance;
· The likely impact upon the amenity of nearby residents;
· 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 site is inside Tydd St Mary Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Minor Service Centres, including Tydd St Mary, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

SELLP Policy 9 specifically relates to the visitor economy. It promotes tourism and visitor development within defined settlement limits which benefits the local economy, visitors and local communities.

Section 6 of the National Planning Policy Framework, 2021, indicates that significant weight should be placed on the need to support local business needs. Paragraph 84 states that planning policies and decisions should promote the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings.

In this case the proposal involves the re-use of an existing building that is no longer required for its original use (domestic annexe). It is small scale and would provide short-term accommodation for those wishing to holiday in the region or looking to stay locally while on business. It is also within the defined settlement limit and is relatively close to facilities such as the local grocery store. It is a sustainable location for the proposed use.

The proposal therefore satisfactorily complies with Policies 1 and 9 of the SELLP in locational terms.

Character/appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The proposal involves no significant external alterations to the building, which is set well back on the plot and is subservient to the main house. When the previous appeal (ref. H21-1647-07) was considered the Inspector concluded that the building did not detract from the character of the host building or the general area. Accordingly, the development is not harmful to the character and appearance of the area and accords with Policies 2 and 3 of the SELLP in this respect.

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 supporting statement indicates that "the annexe would be used infrequently for paying single guests or couples without children or pets (other than for assistance dogs) for short term accommodation, as opposed to full-time occupation by family members, who can use the accommodation and curtilage with impunity".

The approved plans show a double bedroom, a bathroom, a kitchen which measures 12sqm and a lounge/diner. They are considered acceptable in terms of size. The access to the annexe is gained via a paved driveway, which also serves the principal dwelling. All services, parking and a garden area are shared with the principal dwelling. The applicant's agent has stated that this is the applicants preferred choice because it enables them to ensure that the use operates satisfactorily and without causing issues or problems. It could also be argued that if the two were separated there is a greater likelihood that there would be a detrimental impact on the neighbouring property through reduced supervision.

A bungalow (Kenerlea) is located immediately to the south. A house (Red Lodge) is located to the north with closeboarded fencing along the common boundary. Agricultural buildings are located to the rear (east) and open land to the west on the opposite side of Lowgate. Concerning the relationship of the building to the former, there is presently a 2 metre high garden wall along the common boundary which would provide adequate protection to the neighbours from a privacy and noise/disturbance point of view if visitors were sitting in the front patio area. The velux roof lights on the front elevation are some 1.6 metres above floor level. The height is considered to be satisfactory to protect the privacy of the neighbours. The building is some 14 metres from the boundary with Red Lodge. A first floor Juliette balcony window on the northern elevation is fixed shut and obscure glazed, as required by the previous appeal decision. Dormers on the rear elevation serving the bedroom and en-suite overlook agricultural premises as at present in association with the annexe.

When the previous appeal for conversion to an annexe (ref. H21-1647-07) was considered, the Inspector concluded that it would not have a material impact upon the amenity of neighbouring residents. The building can also be used as bed and breakfast accommodation without requiring a change of use. The proposal is not significantly different to the authorised uses. It is considered that the proposal would not harm the amenity of nearby residents to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, etc. The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in terms of residential amenity.

Concerns have been raised on grounds of possible anti-social behaviour. However, there is no real evidence that this would occur, especially taking into consideration the close relationship of the building to the existing dwelling. It has also been stated that occupiers of the building may complain about noise from the adjacent agricultural business. If there were noise issues, complaints would already have been received from existing residents, including the applicants.

Highway Safety

The property has two vehicular access points and parking is available at the front and side of the host dwelling. LCC Highways has been consulted and considers that the proposal would not result in an unacceptable impact on highway safety. The proposal is compliant with the SELLP Policies 2, 3 and 36.

Flooding/Drainage

The site is within Flood Zone 3 on the Environment Agency Flood Maps. However, it is within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test. Moreover, it is not a more vulnerable use and the bedroom is at first floor level. The proposal is considered satisfactory on flood risk grounds and in accordance with Policy 4 of the SELLP.

Foul drainage and surface water would be disposed of to the existing systems on site and would remain unaltered.

Planning Balance

The proposal involves the re-use of an existing building that is no longer required for its original use

(domestic annexe). It is small scale and would provide short-term accommodation for those wishing to holiday in the region or looking to stay locally while on business. It is also within the defined settlement limit and is relatively close to facilities such as the local grocery store. It is a sustainable location for the proposed use.

The proposal would not materially harm the character or appearance of the area. It would not harm the amenity of neighbouring residents to a significantly greater degree than at present and is acceptable on highway safety and flood risk grounds.

The proposal is in general accordance with the overall aims and objectives of Policies 1, 2, 3, 9, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework. There are no adverse factors in this case that would significantly and demonstrably outweigh the benefits.

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.

CONCLUSION

The planning balance as set out above is considered to lie in favour of the proposal, subject to a condition restricting occupation to holiday use only. It is therefore recommended that the application be approved under delegated powers.