DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H21-0609-20**	**Applicant:**	**Mr & Mrs Tomkin**
Proposal:	Erection of mobile home log cabin, summerhouse, 2 garden sheds and decking.		
Location:	Tomkins Lowgate Tydd St Mary		
Terminal Date:	25th October 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
19	Rural Exception Sites
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks permission for erection of mobile home log cabin, summerhouse, 2 garden sheds and decking at Tomkins, Lowgate, Tydd St Mary, Spalding.

Retrospective planning permission was granted under H21-0226-20 for change of use of land to extend residential curtilage. Condition 2 has withdrawn permitted development rights for householder development in the interest of visual amenity and the character of the local area.

The mobile home will be used as an annexe to provide ancillary accommodation for applicant's relatives.

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

H21-0226-20 - Change of use of land to extend residential curtilage (retrospective) - Approved

Consultation Responses

North Level District IDB

No comments.

Planning Considerations

Principle of development

The site is out of the settlement boundaries for Tydd St Mary as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Therefore, it lies on land designated countryside. Irrespective of the local spatial strategy, the principle of erecting structures that are incidental to the enjoyment of a dwelling is acceptable.

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.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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; and 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, 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.

A mobile home will be sited on the eastern boundary of the site facing west. The unit will back onto an outbuilding also used as an annexe within the curtilage of the adjoining property The Farmers Den. The mobile home will have the appearance of a log cabin. It will measure 15.05 metres in

width, 6.50 metres in maximum depth and 3.29 metres in apex height (all approx.). The eaves will be 2.46 metres high.

The footprint of this outbuilding will be substantially large. Internally, 3 bedroom will be provided in conjunction with a toilet, bathroom, shared living area/garden room and a lobby/utility. Initially, there were some concerns about whether the mobile home was for a primary use or ancillary use to the main dwelling.

The large scale of the mobile home was considered excessive to the extent the amenity standards for the occupiers would be commensurate to those provided by an independent dwelling. Notwithstanding this, there will be only a sink and limited facilities on the shared living area/garden room for the preparation of hot drinks and snacks. No kitchen will be available and the future occupiers will have to move to the dwelling for meal preparation. Moreover, the future occupiers will have to pass through the existing vehicular access and driveway of Tomkins to the application site. It is physically unlikely to create an independent access to the mobile home unless significant works are made within or adjacent to the residential plot of Tomkins. On balance, the mobile home is deemed ancillary to the main dwelling and there will be no longer concerns in this regard.

A set of storage buildings have been so far on the site, a few of them in a state of disrepair. This application seeks to enhance the setting of the mobile home with the erection of a summerhouse, two garden sheds and decking for the mobile home. The scale and height of these elements will be appropriate in relation to the main buildings and their ancillary use to the householder needs. Timber will be the predominant material of the proposed outbuildings which will make the development well integrated with their semi-rural setting.

The stable block on the western boundary of the site will be removed and new topsoil will be laid to integrate the treated floor with the remainder of the grassed surface across the site. No alterations have been proposed to the existing boundary treatment. The hedge of mature tall trees will obscure significantly the views between the site and adjacent plots of Tomkins and The Farmers Den. Further soft landscaping will be on the northern and southern boundary. Overall, the footprint of the development will not encroach excessively onto the open fields to the west. The general appearance will be in keeping with the residential plots to the east as well as the frontage development onto Lowgate. The boundary treatment will contribute to restrict the visual impact of the development towards adjacent land without adversely harming the rural character to the west and south.

In summary, the development is of an acceptable scale and height. The appearance will be sympathetic with the neighbouring land uses. Therefore, the development proposal comply with the policies mentioned at the top of this section concerning design, layout and impact upon the character of the local area.

Residential amenity

The mobile home will be separated approximately 27 metres from Tomkins. This is clearly sufficient distance to ensure good standards of amenity between the occupiers of both residential units.

The shortest separation is 2.40 metres between the intended annexe and the existing one within the curtilage of The Farmers Den. Likewise, no impact upon the amenity standards of the occupiers of both annexes is anticipated especially taking into account the row of tall mature trees running between the elevations.

In summary, the development complies with 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).

Car parking provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for parking provision. The minimum number of car parking spaces depends upon the number of bedrooms in the dwelling.

2 no. car parking spaces should be provided within the curtilage of dwellings with up to 3 bedrooms. The mobile home/log cabin is not considered a dwelling as mentioned above. However, the proposed provision would comply with the standards based on the number of bedrooms it is to provide.

Therefore, the proposals will not contravene Appendix 6 of SELLP and sufficient provision for car parking is made for the mobile home occupiers.

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3 and 36 as well as Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Paragraph 127 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.