DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-1073-21**	**Applicant:**	**Mr M Melton**
Proposal:	Erection of Single Storey Dwelling		
Location:	Adj. 7 Station Road Tydd Gote Wisbech		
Terminal Date:	10th December 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic 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 3. Plan Making;
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting Sustainable transport;
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.
Section 16. Conserving and enhancing the historic 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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a single storey dwelling served off a private drive. All matters are reserved for subsequent approval.

The Planning Statement indicates that the proposed dwelling may potentially constitute a self-build dwelling in accordance with the legal definition.

Site Description

The proposed dwelling would be positioned on land within the curtilage of no. 7 Station Road to the north-west of a play area fronting Station Road. The site includes a lean-to storage building, which is currently in a poor state of repair and used for storage in association with the host dwelling. It is understood that a glass building previously existed on the site but subsequently collapsed, however the footings are still in place.

The site is accessed via a private roadway, which also provides access to Robin Hood Cottage, in addition to 11 Station Road near the entrance point which is immediately adjacent to the highway. Residential properties are situated to the south fronting Station Road and a church hall to the south-west. Residential properties are also situated to the west off Main Road (A1101).

Relevant Planning History

H21-0484-15 - Full - Proposed single detached dwelling - Refused. Allowed on appeal 17 February 2016 (ref. APP/A2525/W/15/313491).

H21-0316-16 - NMA - Proposed single detached dwelling - H21-0484-15 Allowed at Appeal (Reference APP/A2525/W/15/3134914)- Amendment to move dwelling and garage south on site - Approved 14 April 2016.

H21-0318-16 - C/C - Details of materials schedule (Condition 3 of H21-0484-15 Allowed on Appeal - Reference APP/A2525/W/15/3134914) - Approved 14 April 2016.

H21-1020-16 - NMA - Proposed detached dwelling - approved under H21-0484-15 appeal decision - Amendment to include rear extension - Approved 2 November 2016.

Consultation Responses

Tydd St Mary Parish Council

Council have concerns over the heavy use of Pitt Lane as access road. This tiny lane has the only access gate to the children's play area. The access to this lane onto Station Rd is impaired by parked vehicles on Station Rd.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

The applicant has not provided a drainage strategy for the site within their application. If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Request contaminated land condition.

Public

Objection received (summarised):
- Detrimental to highway safety. Object to further use of access lane. It is already used by 2 properties as well as delivery/service vehicles and for turning. Visibility restricted at entrance due to parked vehicles.
- Within Conservation Area.

Applicant's agent (summarised)

It is important to assess the proposal given the backdrop that the proposed dwelling may potentially constitute a self-build dwelling in accordance with the legal definition. It should however be recognised that despite the intention that the dwelling would be for a member of the family, the applicant would not agree to a planning condition which would limit occupancy and the sale of dwelling or site on the open market.

The LPA has a duty to grant planning permissions to meet the demand for self-build dwellings within its area. It is required by the provisions of Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended) to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the district which arises in each base period.

It is also asserted that custom build dwellings are financially less risky to construct as the builder does not have to rely on securing an end user (buyer). It is acknowledged that few homes within the UK are custom built compared with many other countries, although there is evidence of an increasing demand within the country for this type of housing in recent years.

The proposal would potentially provide an additional self-build plot within a sustainable location which would also contribute towards the LPA's general housing supply targets. The land identified for the new dwelling would potentially be made available for the development of a home to be occupied by a member of the applicant's family, but this is not guaranteed as circumstances may change.

Planning Considerations

The main issues in this case are:
· Housing policy/sustainability;
· Other material considerations such as amenity, highway safety, flood risk and ecology.

Housing 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 just outside Tydd Gote settlement boundary as defined in the South East Lincolnshire

Local Plan (SELLP), March 2019. The latter runs along the southern boundary of the site. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will be permitted 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 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, 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 and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings.

Policy 29 of the SELLP indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. Paragraph 199 of the Framework, 2021 states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Addressing the first element of Policy 1, it has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with agriculture or other rural based business. Although the site is the applicant's own, this should be given limited weight and is not considered to be sufficient justification.

Concerning the second element, the relevant factors are addressed below.

An Economic Role - It is accepted that the development would result in an economic benefit to the construction industry, although this would be temporary in nature. There may also be potential local employment opportunities associated with the construction.

It is also recognised that future occupants may work locally, support local services and therefore make a contribution to the local economy. Overall, however, it is considered that there are no significant long term economic benefits resulting from the construction of a dwelling in this location.

A Social/Community Role - The site is accessible to local services and facilities within the village. It is also recognised that the proposal would contribute to meeting the housing requirement in an area, and that small sites are often built out more quickly than larger sites. However, the contribution would not be significant, and the Authority presently has a supply of housing land exceeding 5 years (8.5 years).

It is understood that the applicant is intending to build the home for an elderly member of his family, and that a defined local need for the dwelling has therefore been identified. However, the Planning Statement indicates that the applicant would not wish to be constrained by the imposition of a planning condition which would restrict occupancy. It is considered that the proposed development would only provide a minor social gain.

An Environmental Role - The site presently forms part of the curtilage associated with No. 7 Station Road. It includes a lean-to storage building, which is currently in a poor state of repair and is used for storage in association with the host dwelling. It is arguable whether it is brownfield land.

In any case, with the exception of nos. 7 and 9 Station Road, which are situated on very large and spacious plots, existing residential development off Station Road is predominantly frontage. Whilst the site is not isolated, the proposal would nevertheless extend the existing built-up area of the settlement beyond the existing settlement into an area defined as countryside within the SELLP. The proposal would constitute an intrusive and inappropriate form of domestic development that would urbanise and significantly harm the rural character and appearance of the locality and Tydd Gote Conservation Area.

The applicant's agent has indicated that the proposed dwelling may potentially constitute a self-build dwelling in accordance with the legal definition. The provision of this property may therefore help meet the Council's statutory duty to provide self-build housing. However, the supporting text for Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan sets out that there will be numerous opportunities for self-build and custom-build development within the defined settlement boundaries. In this case the site is not within a defined settlement limit.

Policy 17 (Providing a Mix of Housing) states that the Local Plan will seek to meet the needs of custom and self- builders as they come forward. The Council has therefore had regard to the provision of self-build housing in preparing its planning policies. On the basis that the Council can demonstrate a housing land supply in excess of 5-years, the presumption in favour of sustainable development in paragraph 11(d) of the Framework is not therefore engaged.

It is recognised that, under the Self Build and Custom Housebuilding Act, 2015, the Council has a 'duty to grant planning permission' and a 'duty as regards registers'. These duties are also emphasised in Footnote 28 of the Framework. With regards to registers, the Council has 73 entries on its self-build register, which is an indication of demand within the Council's area. This is a material consideration in respect of this proposal.

However, within the context of the Council's duties under the Self Build and Custom Housebuilding Act, 2015, the provision of a single self-build dwelling would be a modest contribution to the demand identified on the Council's register and carries commensurate weight in favour of the proposal.

The proposal is therefore contrary to Policies 1, 2, 3 and 29 of the SELLP, 2019 and advice within the National Planning Policy Framework, 2021. Whilst the Authority has had regard to the personal and community benefits arising from the provision of self-build housing and the Council's duties in that regard, these matters are not of such weight as to outweigh the identified environmental harm and the conflict with development plan policies.

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).

The site is accessed via a private roadway, which also provides access to Robin Hood Cottage, in addition to 11 Station Road near the entrance point which is immediately adjacent to the highway. Residential properties are situated to the south fronting Station Road and a church hall to the south-west. Residential properties are also situated to the west off Main Road (A1101). Separation distances are such that a dwelling could be satisfactorily accommodated without materially harming the amenity of neighbouring residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc.

The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning applications involving waste collection. It is therefore a material consideration and is outlined within the Authority's guidance note entitled "Private Drives - Waste Vehicle Collection Service". It indicates that proposals should not be supported on design/amenity grounds where the carrying distance of household refuse/waste from a plot to a public highway along a private drive is greater than 30 metres. This is reflective of the Building Regulations Guidance on carrying distances for waste from households.

In this case the distance would exceed 30 metres. The proposal therefore constitutes poor design in accordance with Policies 2 and 3 of the SELLP. Policy 2 states that proposals requiring planning permission for development will be permitted where sustainable development considerations are met in relation to such matters as quality of design. Policy 3 indicates that all development should create distinctive places through the use of high-quality design and layout. Development proposals should demonstrate how the satisfactory provision of facilities for the storage and refuse/recycling should be secured, as well as satisfactory residential amenity.

The above policies are consistent with advice within the Framework. Paragraphs 8, 124, 126 and 130 indicate that planning policies and decisions should take into account the importance of securing well-designed, attractive and healthy places and that development should function well since good design is a key aspect of sustainable development. Paragraph 112(c) indicates that

schemes should create places that are safe, secure and attractive and which avoid unnecessary street clutter.

Highway Safety

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. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

An existing private roadway would be utilised to access the site. There is provision for ample car parking within the site, including vehicular turning facilities. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

The proposal therefore complies with Policies 2, 3 and 36 in this respect.

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 1 of the Environment Agency's Flood Maps and within an area identified as no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test.

In terms of drainage, the application form indicates that a sustainable drainage system would be utilised concerning surface water. Full details of drainage could be addressed my means of a condition(s) if permission was forthcoming.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

There are no significant trees upon the site worthy of retention. Ecological biodiversity could be addressed my means of a condition(s) if permission was forthcoming.

The proposal satisfactorily complies with Policies 3 and 28 in terms of ecology.

Planning Balance

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 outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will be permitted 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.

It has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with an agricultural or other rural based business. Although a personal case has been put forward and the site is the applicants' own land this should be given limited weight and is not

considered to be sufficient justification.

Concerning the second element, although there would be some economic and social benefits, they are outweighed by the environmental harm that the proposal would cause. With the exception of nos. 7 and 9 Station Road, which are situated on very large and spacious plots reflective of a countryside location, existing residential development off Station Road is predominantly frontage. The proposal, which is served off a long private drive, would extend the existing built-up area of the settlement beyond the existing settlement into an area defined as countryside within the SELLP. The proposal would constitute an unacceptable and intrusive form of domestic development that would urbanise and significantly harm the rural character and appearance of the locality and Tydd Gote Conservation Area.

The site is not therefore considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. It is not in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance with advice within the National Planning Policy Framework, 2021.

With regards to self-build housing, the supporting text for Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan sets out that there will be numerous opportunities for self-build and custom-build development within the defined settlement boundaries. In this case the site is in the countryside and not within a defined settlement limit.

Within the context of the Council's duties under the Self Build and Custom Housebuilding Act, 2015, the provision of a single self-build dwelling would be a modest contribution to the demand identified on the Council's register, and carries commensurate weight in favour of the proposal. Whilst the Authority has had regard to the personal and community benefits arising from the provision of self-build housing and the Council's duties in that regard, these matters are not of such weight as to outweigh the identified environmental harm and the conflict with development plan policies.

Summing up, therefore, the adverse impacts of granting permission would demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and National Planning Policy Framework taken as a whole.

Conclusion

In this case the adverse impacts of granting permission would demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and National Planning Policy Framework taken as a whole. 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.