

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H21-1167-20 **Applicant:** Mr J Butler

Proposal: Proposed conversion of existing redundant agricultural buildings into new dwelling - approved under H21-0550-19. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Buttercup Barn Parsonage Lane Tydd St Mary

Terminal Date: 16th February 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
11	Distribution of New Housing
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 6, 12, 14 and 16.

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted to convert existing redundant agricultural barns to a 4 bedroom dwelling, including a bedroom on the first floor, in November 2017 (ref. H21-0873-17). An application was subsequently submitted to revise the scheme, including alterations of external openings and extensions within the courtyard area including a corridor, enlargement of the hallway and the addition of a "chill" (ref.H21-0550-19).

This application is to regularise work carried out, as described below by the applicant:

1. Alterations to the external wall on the southern boundary. Originally the fence wall was supposed to be used to support the roof. However, it collapsed before work started so we stepped back by about 400mm and built a completely new wall, hence the overhang. Roof line is same as originally proposed, there is no overhang to the neighbour.
2. The back wall is rendered as it isn't the original one, which collapsed. We used only original reclaim bricks on site and there was none left to construct that wall, hence we used block and render. The wall is stepped back by the thickness of the original fence wall so if in future someone wishes to put this wall back in bricks it is possible. The reason why we chose this wall to be non-brick is that you cannot see it from the road and next to that wall the neighbour has built a high level fence so no one can actually see it.
3. Formation of a low level 600mm bank along the northern boundary, which will act as a boundary fence. Site levels fundamentally unchanged except for the newly formed bank. The new owner wants to keep the original look of the barn without building any fences, hence the idea of a low level bank.

Site Description

The site is located in open countryside on the western side of Parsonage Lane. It is occupied by a range of barns that are currently undergoing conversion. A high privet hedge presently runs along the site's frontage. A bungalow is situated to the south.

Relevant Planning History

H21-0873-17 - Full - Proposed conversion of existing redundant agricultural buildings into new dwelling - Granted 10 November 2017.

H21-0450-19 - C/C - Details relating to archaeology investigation and works (Conditions 10, 11, 12 of H21-0873-17) - Approved 29 May 2019.

H21-0550-19 - Full - Proposed conversion of existing redundant agricultural buildings into new dwelling - Granted 25 July 2019.

Consultation Responses

Tydd St Mary Parish Council

Supported.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Public

Resident objection received (summarised):

Pea shingle used for gravel drive is transgressing onto the lane; Top soil, plus rubble and other re-positioned soils have now raised the grounds around the front, back and right side of the barn. All

have been contoured to encourage all surface water to flow onto all adjoining land and the lane itself; Of far greater concern is the lowering and contouring of the ground within the courtyard area of the site. This area of my land is still swamp like and if left contoured as it is now, will soon become unusable; Fascia and guttering crossing boundary line and unsympathetic; New walls render and breeze blocks instead of bricks with no foundations - weak construction; need to be made structurally sound to prevent nuisance; Bank erected - should be a fence due to neighbouring dog breeders.

Planning Considerations

The main issues in this case are whether the proposed alterations are acceptable in terms of:

- Policy, including whether they are sympathetic to the character and appearance of the building and whether they are in keeping;
- Their effect upon the amenity of neighbouring residents;
- Highway safety;
- Flood risk/drainage.

Policy

Policy 23 of the South East Lincolnshire Local Plan, 2019 indicates that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building.

Where permission is granted, permitted development rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Criterion 2 has previously been addressed as part of previous applications. The alterations to the building are mainly on the southern elevation and the rear. They are considered relatively minor in terms of the overall scheme and do not constitute a significant alteration or re-build. The relevant sections of the building are not readily visible, other than from neighbouring land or at a distance. The new earth bank is not of significant height. It is considered, on balance, that the proposed alterations do not materially harm the historic character or appearance of the buildings or rural locality.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Amenity

There is no material change of circumstance concerning the effect of the development upon neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. Concerns raised in relation to a dog breeders premises to the north are noted. However, the original condition included no close boarded fencing along the northern boundary because of the separation distances involved and the fact that . There has been no change of circumstance to insist upon such fencing at this stage.

Issues have been raised over the position of the boundary and whether part of the development overhangs neighbouring land. The applicant maintains that this is not the case. It is therefore a separate civil matter. Structural issues fall within the remit of the building regulations.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

The driveway and parking area have been constructed in pea gravel and are considered satisfactory. Concerns have been raised over transfer of the latter onto the highway. LCC Highways have been consulted and have raised no objections on highway safety grounds. They have indicated that a hard-surfaced strip at the site's entrance should go some way towards reducing the transfer of gravel onto the highway.

The proposal therefore satisfactorily complies with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk/Drainage

The site is within Flood Zone 3 on the Environment Agency Flood Maps and designated as "Danger to Some" within the South East Lincolnshire Strategic Flood Risk Assessment. However, the NPPF indicates that the sequential test does not need to be applied in respect of conversions.

The Environment Agency has previously objected in the absence of an acceptable flood risk assessment. They have stipulated that finished floor levels should be raised a minimum of 0.7m above ground levels with flood resilient construction to a minimum of 300mm above FFL to address flood risk.

However, they have also acknowledged that as this proposal is for a change of use it may not be possible to achieve the above. In this case the raising of floor levels by this amount would not be possible without harming the historic fabric and character of the building. It is considered in this case that conservation issues take precedence over flood risk and that permission should be granted subject to flood mitigation measures appropriate to the building.

Concerns have been raised over localised surface water run-off onto neighbouring property due to raised site levels. However, historic photographs seem to indicate that the site has not been raised significantly, with the exception of the earth bank, which is close to the northern boundary and away from neighbouring residential property. The southern boundary is delineated by an existing wall and new fencing. The applicant has submitted a drainage plan indicating that surface water would be disposed of to a soakaway and foul water to a treatment plan, both of which would be situated on the northern side of the building away from neighbouring residential property. It is considered that the proposal would not exacerbate any issues presently existing relating to localised flooding on neighbouring land.

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 proposed alterations would not materially harm the historic character or appearance of the buildings or general locality. They would not cause material harm in terms of residential amenity, highway safety and flood risk. Surface water and foul drainage can be addressed by means of a condition. The proposal therefore satisfactorily complies with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal

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.

Recommendation

That the application be approved under delegated powers.