DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0118-22**	**Applicant:**	**Slator Bros (Farms) Ltd.**
Proposal:	Change of use of farm buildings to commercial uses (E(g)(iii) B2 and B8)- retrospective - approved under H22-1082-20. Modification of Condition 7 to allow a further period of 18 months to complete works to improve the public highway.		
Location:	Beacon Farm Wisemans Gate Weston		
Terminal Date:	1st April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 6. Building a strong competitive economy.
Section 9. Promoting sustainable transport.
Section 12. Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Retrospective planning permission was granted for a change of use of farm buildings to commercial uses (E(g)(iii) B2 and B8) in February 2021. Condition 7 of the permission states the following:

"Within 12 months from the granting of planning permission works to improve the public highway (by means of the provision of a passing place and improvement works to the existing access point) have been certified complete by the Local Planning Authority.
Reason: To ensure the provision of safe and adequate means of access to the permitted development."

This application is to vary condition 7 to allow a further period of 18 months to complete works to improve the public highway.

Site Description

The site (former farmyard) is located on the northern side of Wiseman's Gate some 300 metres north of the A151. It is currently occupied by a number of buildings.

A childrens home is situated immediately to the south-west and a pair of semi-detached properties some 75 metres to the south-west.

History

H22-0422-05 - Full - Change of use from agricultural to B1/B8 industrial use - Refused 25 May 2005 on policy and highway grounds.

H22-0530-11 - Full - Erect agricultural building Granted 1 September 2011.

H22-1165-19 - Full - Agricultural workshop - Granted 8 January 2020.

H22-1082-20 - Full - Change of use of farm buildings to commercial uses (E(g)(iii) B2 and B8) - retrospective - Granted 26 February 2021.

Property to the south-west

H22-1011-01 - Full - Change of use to residential children's home for 4 young persons - Granted 12 October 2001.

Consultation responses

Weston Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Public

No objections received.

Planning Considerations

The main issue in this case is whether a revised time period is acceptable in relation to condition 7.

Access to the site is via Wiseman's Gate, which is a rather narrow rural road. Consequently, when application ref. H22-1082-20 was considered LCC Highways recommended a condition requiring improvement works to the existing access point and the provision of a passing place along Wiseman's Gate. Such works should be carried out within 12 months.

The applicant has detailed within the application form why additional time is required to allow the appointed contractor to carry out the specified works. LCC Highways have been consulted and have indicated that whilst they are mindful of the current situation the applicant is under, it is more than

reasonable to allow a further period of 6-8 months to complete the works to improve the public highway, to ensure the provision of safe and adequate means of access to the permitted development.

Planning balance

Under the circumstances LCC Highways have raised no objections to an extended time period to allow the required works to be carried out. There are no adverse factors in this case that outweigh the economic issues.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that permission be granted.

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.