DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0382-24**	**Applicant:**	**Mr G Bowater**
Proposal:	Removal of existing barn and erection of new barn including extension to create additional detached living accommodation associated with main dwelling		
Location:	Broadgate Barns 694 Broadgate Weston		
Terminal Date:	30th August 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (December 2023) (NPPF)
- Sections 12; and
- Section 16

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
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for the demolition of an existing historic barn, to be replaced with a new barn including extension to create additional detached living accommodation associated with main dwelling.

The existing barn is in an exceptionally poor condition, with collapsed roof and extensive side wall damage. the proposal seeks a full demolition and reconstruction of the building, in addition to a west and then south projecting 'L-plan' projection, which will mirror the pattern of the existing barn, effectively creating an open ended courtyard, or 'U-plan' structure. The structure would feature an internal home cinema, games room, sauna/hot tub room, shower & W/C and small kitchenette/bar.

The central connecting wing would feature full floor to ceiling glazing covering its entire span, echoing the design of the main home. A small glazed link, flush forming to the remainder of the structure would separate the original curtilage listed building from the modern additions.

It should be noted that the completed scheme would be in effect identical to the proposal recently approved at the site, under H22-1031-23. The applicant made a good faith attempt to implement this proposal, but has in the course of beginning that work found the original structure that was due to be retained was not structurally sufficient to be capable of retention and conversion. Therefore, this application differs from that approved consent by virtue only of the proposed rebuild of the existing barn, as opposed to the originally intended restoration.

Site Description

694 Broadgate, and its associated outbuildings (excluding the modern structures) are curtilage listed to the adjacent Broadgate House Farmhouse. The listed building is described by Historic England like so:

"Farmhouse. Early C18, refronted c.1800, mid C19. Red brick, some colourwashed render. Slate roof with stone coped gables and 2 gable stacks, that to the left projecting and with flat band. Z storeys with attic, 3 bay front with chamfered plinth. Central doorway with open porch with semi-circular hood supported on slender columns; moulded doorcase with pilastered doorcase, imposts, traceried fanlight and panelled reveal and door. Doorway flanked by small canted bay windows with tripartite plain sashes and moulded entablatures. Above doorway is a semi- circular headed plain sash flanked by single tripartite plain sashes with flush wedge lintels and painted ashlar keystones. 2 segmental headed dormers with plain sashes. Long low early C18 range, single storey with attic, to rear."

694 itself is a former barn associated to the listed building, which in recent history was separated from the curtilage of the listed building, for the purposes of conversion to a separate domestic dwelling. Whilst this building and all of its associated historic outbuildings are still considered to be technically listed due to their historic association with the listed asset, it has been extensively modernised and, especially from rear elevations has a heavily hybridised look contrasting between the new and old, with large panels of glazing and a modern utility extension.

The property has a large curtilage with numerous outbuildings, including the subject of this application. The subject outbuilding is in an advanced state of disrepair, which is a long standing concern. A visual assessment of the site confirms that this was at one point a part of a wider range of outbuildings, and a remaining concrete pad suggests that at a point within the last Century the immediate setting may have already been a yard.

The area in general is characterised by some extremely low density ribbon development along broadgate of C20th-onward origin and the historic range of buildings associated with the grade II listed asset. Otherwise, the area should be considered open countryside.

History

H22-0217-17

Proposed small barn conversion and extension and alterations to existing house. Approved on 08-05-17

H22-0218-17

Proposed small barn conversion and extension and alterations to existing house. Approved on 08-05-17

H22-0614-17

Details of external doors and windows and position of external boxes, gas flues and soil vent pipes (Conditions 6, 7 & 9 of H22-0218-17). Approved on 10-08-17.

H22-0075-18

Details of roof lights, fencing to close access between barn and cottage, illumination, landscaping and access and turning spaces (Conditions 5, 11, 12, 14 and 18 of H22-0217-17). Approved on 04-04-18.

H22-0148-19

Proposed barn conversion - approved under H22-0180-18 - Modification of Condition 2 to allow amendments to previously approved plans. Approved on 04-04-19.

H22-1031-23

Restoration and extension of barn to form additional detached living accommodation associated with the main dwelling. Approved on 31-01-24

H22-1032-23

Restoration and extension of barn to form additional detached living accommodation associated with the main dwelling. Approved 31-01-24

Consultation Responses

Lincolnshire County Council Historic Places Team

Requests that SHDC standard conditions AR01, AR02, and AR03 be applied to any approval.

Lincolnshire County Council as Lead Local Highways and Flood Authority

Requested that parking details be provided.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

I note the applicant intends to dispose of surface water to the existing soakaway. As the applicant proposes to increase the size of the barn, we recommend they confirm the size of this existing soakaway is suitable to process the additional volume of surface water. We would like to take this opportunity to make you aware that sites nearby have failed infiltration testing, therefore we recommend further attention is paid to this proposal. In addition, we recommend you satisfy yourselves that should onsite material be favourable for infiltration, the existing soakaway is compliant with current building regulations and is in good condition to be utilised as part of this drainage strategy.

If the above option of using the existing soakaway proves unviable and additional/new soakaways are proposed, we recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable

for infiltration. We would recommend that the results of this are provided in support of any proposal to use infiltration devices.

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water)

note that the applicant proposes to treat foul waste using a package treatment plant, with the treated foul water to be disposed of via the aforementioned existing soakaway (Site Location Plan and Block Plans as Proposed, A1656-10 REV P4, Oglesby & Limb, 01/05/2024). However, we believe that this proposal would not be compliant with the General Binding Rules, as a drainage field (i.e. not a soakaway) must be installed if the applicant intends to dispose of treated foul water via infiltration. As mentioned above, prior to the installation of any infiltration devices, we recommend ground investigation and infiltration testing compliant with BRE 365 Digest are undertaken to confirm that the site is able to dispose of treated foul water via infiltration.

If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

Note the presence of a Board Maintained watercourse (DRN208P1201 - R12 Pig Lane Drain), as well as a riparian watercourse adjacent to the south-eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

The nearest Board maintained watercourse, B35 Wheatmere Drain, lies to the west of the site, outside the development boundary. Therefore, Byelaw 10 does not apply.

Lincolnshire Bat Group

Requested that a Preliminary Ecological Assessment be carried out.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, NPPF are also a material consideration in the determination of this proposal, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local

need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the countryside and as such development shall only be permitted when it 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.

As the proposal is within the curtilage of an existing dwelling and all works would be subservient to the host, the principle of development is sound.

Heritage Impact

The Local Planning Authority does not consider there to be any risk of harm to the associated heritage asset caused by this proposal. The host structure is considered to be curtilage listed, much like the host dwelling. However, the building is neither listed in its own right or mentioned within the specific listing of Broadgate House Farmhouse. This, in conjunction with the fact that the building in question, whilst having qualities of its own, is a relatively unremarkable C19th agricultural building in poor condition, suggests that the host structure cannot be of particularly great value to the listing and therefore the wider historic environment. Furthermore, the host dwelling has also been extensively modified and modernised to the point that the proposed alterations to this structure would fall much in line with the nature of the alterations carried out to the former barn.The works will include the full like-for-like rebuild of the historic outbuilding, utilising materials that are reclaimed where possible and matching and sympathetic (including within rainwater goods and fenestration) throughout the entire project elsewhere.

Ultimately, the rebuilt original structure will be diminutive in scale compared to the proposed extension. However, due to the sensitivity of the design in terms of material respect, visual separation (glazed link) and aesthetic relationship to the host property, the restoration of this structure can be considered to be a positive force upon the general appreciation of the historic setting, particularly as the host structure has little heritage value.

Paragraph 205 of the NPPF categorises harm to heritage assets within 3 classes; substantial harm, total loss, or less than substantial harm. Due to the reasoning above, this proposal is considered by the LPA to amount to less than substantial harm. As confirmed by Paragraph 208 of the NPPF, where a development proposal can be considered to represent 'less than substantial harm', the harm should be weighted against the public benefits of the proposal, including securing the structure's optimal viable use. In this case, there is no wider public benefit against which do weigh, apart from the minor public interest in seeing an element of the historic environment restored to a decent condition and put into a viable use. However, in this instance, less than substantial harm can also be considered to be a positive force upon the appreciation of the asset and therefore, there is no material harm against which to weigh any public benefit.

With regard to Archaeology, LCC Historic Places Team were consulted and requested a full Archaeological Scheme to be conditioned via SHDC standard conditions AR01, AR02, AR03. However, in the previous identical scheme, the Historic Places Team did not request this condition, and the applicant has made a good faith attempt to commence the previous development until facing the difficulties that necessitated this application, which proposes only an extremely minor increase in excavated area. As such, the LPA does not consider this request to be reasonable.

Residential Amenity

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and

resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed structure would essentially at the Western end of the Northern Elevation would form the boundary between the curtilages of 694 and Broadgate Farmhouse. As such, the enhanced height of the proposed structure would offer some risk of overshadowing to neighbouring land. However, The boundary is already treated by a 2.4m tall garden wall that offers the existing overshadowing of the neighbouring land. The proposed structure would raise that level to 2.6m which would be the eaves height of the Northern elevation/boundary. The proposed structure would then pitch up to a maximum overall height of 5.5m (on the original structure and the proposed easternmost mirrored replication of the original building) with the infill section (which forms the majority of the proposed structure) being at a maximum height of 5.1m. Given the minimal raise in the effective eaves height and the subsequent pitching of the roof to a maximum height set much further back from the boundary (apexes at ~2.7m from boundary at the 5.1m height section and ~3.4m from boundary at the 5.5m height section), it is considered that the additional risk of overshadowing is minor.

Regardless, however, an enhanced risk of overshadowing does exist and therefore, it remains important to assess the impact of that overshadowing risk. The section of land that the proposal site abuts is formed principally of garden space, rather than primary residential space or any elevations of the main house. Overshadowing of garden, whilst typically considered to be at lower risk of overshadowing, can be a material consideration and can be considered unacceptable, should the affected area be sensitive. Assessing the abutting section of garden that would be subject to the enhanced risk, it is seen that the area that would be affected, to the immediate north of the site is an area of gravel appearing to form a pathway to the far end of the garden. The affected area is already largely under tree canopy, and therefore subject to blanket shading. The small areas not affected by the nearby planting do not appear to form principle sections of the garden, being situated far from the host dwelling in a relatively obscure corner of the very large plot. Furthermore, the quantity of the domestic space affected by the increased risk of overshadowing would represent a very minor relative quantity of the large available unaffected remaining garden space. In addition, the neighbour in question was consulted on this case, as well as the previous approved application and did not raise any comments/objections.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

LCC Highways were consulted and requested further details of the parking. The Local Planning Authority does not consider this a reasonable request, given that the Highways Authority did not object to the previous iteration of this scheme, which was identical in all means apart from the proposal to rebuild rather than repair the original structure. The proposal does not include any additional proposed bedded accommodation, and shall only be used as ancillary domestic leisure space to the existing large home. Therefore, the proposal is deemed not to present any alteration of or capacity risk to the existing parking and/or access arrangements for Broadgate Barns. Moreover,

it should be noted that Broadgate Barns - the host dwelling - has a large double garage, and an exceptionally large private driveway area that allows for provision greatly in excess of the bedded accommodation at the site.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

The proposed rebuild and extension of the existing outbuilding to form an annexe will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2, 3, 29 and 30 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The application is found to be in accordance with Policies 1, 2, 3, 29 and 30 of the SELLP as well as Sections 12 and 16 of the NPPF. Therefore, the recommendation is to approve.

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.