DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0750-23**	**Applicant:**	**Mrs N Gibson-Ebdon**
Proposal:	Erection of two-storey detached dwelling and garage		
Location:	Land South-East Of Broad Gate Weston Spalding		
Terminal Date:	16th October 2023		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

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	2	0

OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the erection of two-storey detached dwelling and garage on land south-east of Broad Gate, Weston. The proposal seeks to provide a dwelling that at ground floor contains a plant room, kitchen / dining area, dining room, snug, larder, boot room, storage room, wc, entrance hall and study. At first floor level four bedrooms, two en-suites, two wardrobes, a bathroom, a hallway and airing cupboard are sought. Solar panels are proposed on the rear elevation roofslope. The plan shows indicative soft landscaping to all boundaries. The covering letter states that the applicant seeks to construct the dwelling as a self-build property. However, on the application form, the Residential/Dwelling Units section has the "Market Housing" option ticked and not the "Self-build and Custom Build" option. A site visit was conducted on Wednesday the 23rd of August.

SITE DESCRIPTION

The site is outside of but adjacent to the defined settlement limits of Weston. The site is currently in agricultural use and is sited between 102 Broad Gate to the north and 118 Broad Gate to the south. Arable fields are located to the west and east of the site. 1 metre high mesh fencing is located at the southern boundary with 118 Broad Gate, with trees and hedging along the northern boundary with 102 Broad Gate. The frontage of the site contains a drainage ditch and electricity poles adjacent to the proposed new vehicular access. The site is in Flood Zones 2 and 3, and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

PE-00272-22

Advised that a future application for this site would not be supported.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections. They request standard access and utility informatives.

"The proposed dwelling is on plot of land lying between two existing dwellings at the southern end of this part of Broad Gate. This part of Broad Gate no longer has access onto Beggars Bush Road, which is just a few metres to the south of the Application Site. Whilst access into the village along Broad Gate from Beggars Bush Lane and the remainder of Broad Gate is possible, this road is effectively a cul-de-sac when travelling southwards. The proposed new vehicular access onto Broad Gate would therefore provide safe and suitable access and egress for the proposed dwelling. Safe and suitable pedestrian access to the proposed dwelling is provided by the existing footway, on the opposite side of Broad Gate. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application."

Lincolnshire County Council - Historic Places Team

"No archaeological input required."

South Holland District Council - Environmental Protection

No comments.

National Gas

"There are no National Gas Transmission assets affected in this area."

South Holland Internal Drainage Board

Consent will be required for alteration of a watercourse for surface water drainage purposes. This is a matter that can be addressed by condition.

Weston Parish Council

"While not against this application Weston Parish Council is concerned that the development should not affect the turning point at the bottom of Broadgate that allows traffic to turn around so as not to go through the no entry system where Broadgate joins Beggars Bush."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, one letter of representation has been received. This can be summarised as:

- The site is outside of the defined settlement limits of Weston.
- Loss of privacy

- Use of pile driving during construction process could cause damage.
- Potential loss of access to maintain buildings.
- Impact on value of property.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of development
Flood Risk / Site Levels
Character / Appearance
Amenity
Parking / Highway Safety

EVALUATION

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle

The proposal site is located outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the South East Lincolnshire Local Plan (SELLP) states that development in the countryside will only 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 is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need. As of 31 March 2022 the Council can now identify a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 5.9 years under the Liverpool Method through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance.

Economically there will be a short term benefit during the construction period. There is not considered to be any community benefits from the proposal. Environmentally, expanding development into the open countryside and the loss of agricultural land is contrary to local and national planning policy.

Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a 5 year housing land supply and a recently adopted up-to-date development plan with a spatial strategy setting out how the housing needs for the area will be met. Furthermore, public transport does not operate at all along Broadgate. Consequently, access to services and facilities is unlikely to be convenient on a day to basis and there is likely to be some reliance on the private motor vehicle to access services and facilities. The location of the site does not therefore have attributes that make it sustainable for development for new market housing.

The proposed development would set a harmful development by positioning a residential dwelling in a countryside location outside the main built-up area of the settlement. This would have an adverse impact on the character of the area and would set a harmful precedent for further development outside the settlement boundary.

The proposal is contrary to policies 2 and 3 of the SELLP which amongst other things require proposals to have regard to the character and appearance of an area and stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside. No justification has been given for the loss of agricultural land and it is considered that it has been adequately demonstrated that development is essential in this location.

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2021).

Flood Risk / Site Levels

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met. The site is in Flood Zones 2 and 3, and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

The submitted Flood Risk Assessment states " The ground floor level for the proposed dwelling shall be raised 300mm above the existing ground level." As the site is not subject to increased flood risk or flood depth a sequential or exceptions test is not required in this location.

Character / Appearance

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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.

The submitted Covering Letter states *"Our client has taken a principal role in designing the proposed dwelling which is two storey and has a modern 'barn style' look using traditional materials. Notwithstanding the semi-traditional appearance, it is our client's intention to make the property as efficient as possible through the use of photovoltaic panels on the roof, heat pumps for heating and hot water and extra insultation to make best use of the orientation of the dwelling with the sun. The dwelling has been carefully designed so as not to overlook or overshadow the properties to the north and south and there is adequate space for parking (in addition to a double garage) and turning within the site."*

Whilst there is not a defined built character in the surrounding area, there is not an agricultural barn, or barn style dwelling within the vicinity of the site.

There is considered to be a material impact on character and appearance from this proposal which does not accord with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the National Planning Policy Framework (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 separation distances to the properties to the north and south are substantive enough that when right to light lines are drawn there is not considered to be a material overshadowing impact on either property. The proposed boundary treatment to the north and south is shown to be indicative soft landscaping. With regard to potential overlooking, the fenestration to the front and rear is considered to represent a standard frontage / rear orientation. The south facing first floor window serves the master bedroom and is proposed obscured glazing. The north facing window serves bedroom 1 and is proposed obscured glazing. There is no south facing ground floor windows or doors. The north facing ground floor elevation contains a plant room door that faces the south facing side elevation garage door. The additional north facing ground floor door serves a boot room and faces the parking area to the front of the garage, and the established boundary hedging at 102 Broad Gate. There is not considered to be an overlooking impact from the proposal.

As detailed above, the 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. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (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.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. The proposed dwelling contains four bedrooms and in excess of three off road parking spaces would be provided.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Other matters raised

- Use of pile driving during construction process could cause damage.

This is a matter for the Building Control section should the site be developed.

- Potential loss of access to maintain buildings.

Land ownership and land access are legal matters that are outside the remit of the Local Planning Authority.

- Impact on value of property.

This is a matter which does not carry material planning weight.

- Original advice given under PE-00272-22 is now overtaken by informal advice by Officers and the decision in relation to H17-0357-22.

The Covering Letter states "In December 2022, the Planning Committee resolved to grant planning permission, subject to the signing of a Section 106 agreement, for the speculative development of 6 custom/self-build dwellings (H17-0357-22) beyond the settlement boundary of Surfleet Seas End. In reaching a recommendation to approve, the officer concluded that "Within the context of the Council's duties under the Self-Build and Custom Housebuilding 2015 Act, the provision of 6 self-build dwellings would be a modest contribution to the demand identified on the Council's register and carries commensurate weight in favour of the proposal".

The agent has not specified which Officer gave them informal advice. Additionally, each site is assessed on their own merit under local and national planning policy. The site to which the agent refers had dwellings to the north, east and south that were in the defined settlement limits. This site only has development to the north which is in defined settlement limits. Therefore it is not considered that this site is wholly comparable, and cannot constitute infill, as the proposal would be extending into the open countryside.

PLANNING BALANCE

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

It is considered that the application has not adequately demonstrated that a new dwelling is essential in this location. When the principle of development is assessed in this location there is not considered to be substantive economic, social or environmental benefits to be derived. Additionally the design and siting would create material visual and residential impacts.

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework

(2021).

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.

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.