DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0898-24**	**Applicant:**	**Crowtree Wigwams**
Proposal:	Change of use of land for holiday accommodation approved under H22-0055-17. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Crowtree Wigwams Crowtree Farm Wragg Marsh		
Terminal Date:	26th December 2024		

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
09	Promoting a Stronger Visitor Economy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This a section 73 application seeking amendments to H22-0055-17. It is proposed that units 1 and 2 (of the 9 on site) are to be removed, with unit 1 then being entirely replaced and extended. The new extended wigwam would measure 8387mm (depth) by 3032mm (width), with a height of approximately 4500mm. It is proposed that the wigwam would be constructed of slatted wood, like its predecessor.

In addition to this, it is proposed that an area of hardstanding is placed adjacent to this wigwam, measuring 7787mm by 10,000mm. On this area of hardstanding would be an approximately 6000mm (depth) by 5000mm (width) by 3800mm (height) pergola. The pergola would be Perspex. Beyond this would be a canvas sail cover above a bamboo screened area.

Site Description

The site is outside of any settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and as such, is considered to be within the countryside. The site is located approximate 750 metres east of Surfleet Seas End. The area is distinctly rural, with agricultural units enclosing the site.

The site is comprised of Crowtree Farm, a fine example of a Fenland Farmhouse listed as a non-designated heritage asset, with camping grounds beyond. These grounds feature 9 wooden pods, all of the same design.

Relevant History

H22-0806-22 - Full. Erection of clubhouse and part change of use of site to use for performing wedding/civil partnership ceremonies - Approved 05/10/22.

H22-0280-17 - Condition Compliance. Details of external materials and means of storage and disposal of refuse (Conditions 3 and 8 of H22-0055-17) - Approved 27/04/17

H22-0055-17 - S73. Change of use of land for holiday accommodation approved under H22-0742-14. Modification of Condition 2 to allow amendments to previously approved plans. - Approved 13/03/17.

H22-0742-14 - Full. Change of use of land for holiday accommodation - Approved 03/11/14

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environment Agency

"Environment Agency position: We have no objection to this planning application.

Advice to LPA:
As your Authority will be aware, in accordance with Paragraph 015 of the PPG section on 'Flexible options for planning permissions', conditions imposed on earlier permissions that continue to have effect, should be restated for the purposes of clarity. Therefore, please ensure that Conditions 4 and 5 of planning permission H22-0742-14, which relate to flood risk, are carried over to any new permission granted. Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below."

Highway and Lead Local Flood Authority

"The proposal is for minor amendments to 2 that already has approval under 0055-17. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk."

Environmental Protection

"No comments regarding land contamination and environmental protection (noise)."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key 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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, 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 in this instance is located outside of any defined settlement boundaries, and as such, is considered to be within the open countryside from a planning perspective.

Where a proposal would involve the visitor economy, Policy 1 is supported by Policy 9. While Policy 9 does not explicitly concern the extension of existing attractions, part 3 of this policy states the following: "demonstrate a functional link with an existing rural attraction or farm enterprise." As the business is already established, the proposal is considered to be in accordance with Policy 9 in this respect.

In any event, the principle of development was established under previous applications (see site history above). As the proposal would not expand the site nor introduce a new use, the principle does not need to be re-examined here.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed new unit would be in keeping with the character of the area. The design and scale of the new wigwam is comparable to the existing unit, and as such, would not appear out of place. In any event, the site is completely obscured from the public realm, and therefore, the relative impact of the proposal is minor.

The installation of the hardstanding and pergola would complement the host unit well. While it may represent a minor intensification of the use, it cannot be said that this would be to such an extent as to harm the appearance of the site, especially considering the loss of unit 2.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the isolation of the site, the proposal would have no unacceptable impact upon residential amenity. The use of screening would ensure the privacy of other campers is maintained.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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 proposal would generate no additional need for parking. The loss of unit 2 may, to a certain extent, reduce demand for parking on the site. The minor nature of the works means that it is unlikely any impact would occur on the highway network during construction.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The sequential approach is required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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 SELLP 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.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for all, with a hazard depth of up to 2 metres. Despite this, the new unit would be at no greater risk of flooding than its predecessor. The hard standing is of such minor scale as to have no tangible impact upon site drainage. As such, the change would not exacerbate any concerns raised regarding flood risk or drainage.

It would appear that previous conditions relating to the submission of flood hazard adaptation and mitigation methods have not been complied with, as no details appear to have been submitted at

this time. Therefore, it is considered appropriate to apply modified versions of these conditions once again.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Economic Considerations

As referenced above, Policy 9 of the SELLP concerns the visitor economy. While the provisions of this policy primarily concern the creation of new tourism ventures, the policy does offer support in favour of the expansion/ continuation of existing enterprises. As such, some weight is given in favour of the proposal, due to its ability to support the viability of this business.

Paragraph 85 of the NPPF states "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.". Naturally, the proposal adheres to this point, and therefore, significant weight is given in favour of the development.

Planning Balance

As detailed above, 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 proposal represents appropriate development within an operational camping site. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. Weight is given in favour of the development as a result of the NPPF and SELLP stance on economic development.

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.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 9, 33, and 36 of the SELLP, as well as Sections 6, 9, 12, and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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