

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-1032-23 **Applicant:** Mr G Bowater

Proposal: Restoration and extension of barn to form additional detached living accommodation associated with the main dwelling

Location: 694 Broadgate Weston Spalding

Terminal Date: 5th February 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

Sections 12 and 16 of the National Planning Policy Framework (December 2023) (NPPF)
Planning (Listed Buildings and Conservation Areas) Act 1990

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for the restoration and extension of a barn to form an additional detached annexe at 694 Broadgate, Weston.

The existing barn is in an exceptionally poor condition, with collapsed roof and extensive side wall damage. the proposal seeks a full restoration 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.

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. 2 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.

Consultation Responses

No consultation responses were received for this application - however, several were submitted under the full planning application for the same proposal - H22-1031-23. These were as follows:

Lincolnshire County Council Historic Places Team

Requests that a full photographic building recording take place prior to the commencement of works.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections.

The proposal is for the restoration and extension of a barn to form additional detached living accommodation associated with the main dwelling. The Barn to be converted is well away from the public highway to the rear of the already converted barn. The new barn conversion will be an extension of the living area connected to the existing barn conversion forming a games room, TV room and general recreational spaces - there will be no additional bedded accommodation. The access and visibility onto Broadgate is good. The proposal will not have a detrimental impact on the public highway.

SHDC Environmental Protection Team

Requests SHDC's standard contaminated land condition be applied should the application be approved.

Environment Agency

Does not wish to comment.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however cannot see that the viability of this proposal has been evidenced. 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. If infiltration is not feasible at this site, following the drainage hierarchy 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 SHIDB 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.

Byelaw 3 (Treated Foul Water)

Note that the applicant intends to treat foul waste using a septic tank, however cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. 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

Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Lincolnshire Bat Group

In view of the fact that the roof appears to have recently collapsed use by bats is fairly unlikely. However, looking at the plans, there should be opportunities for enhancement for both bats and nesting birds, and we suggest the engagement of a suitably licensed ecologist would be able to advise on this.

Planning Considerations

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.

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 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 is within the countryside and as such 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 restoration of the historic outbuilding, including a full re-roofing and rebuilding of the collapsed section, utilising materials both matching and sympathetic (including within rainwater

goods and fenestration) throughout the entire project.

Ultimately, the 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 to 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.

Residential Amenity

The Local Planning Authority does not consider there to be any material risk to residential amenity presented by this proposal. The proposed structure is only single story in nature and proposes no windows facing toward the adjacent property's land and therefore, cannot be considered to present any risk of overlooking.

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 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 area is not in itself considered to be a sufficient harm to residential amenity to form a material reason to refuse an application of this type. As such, in this instance, the risk of overshadowing is deemed to be both low and acceptable.

Contamination/Pollution

The SHDC environmental protection team were consulted on this application and returned, noting the content of the previous contaminated land scheme carried out for the site under the 2017 conversion application, but requested that the applicant - prior to the commencement of the development - be required to undertake to have another scheme carried out. The applicant responded and was reticent to consent to such a requirement, particularly as the SHDC environmental team did not supply any reasoned justification for this request.

Upon assessing this request, the Local Planning Authority finds that it is unreasonable, in light of the existing contaminated land scheme, which included trial trenches in and around the area affected by this specific proposal and identified no excessive risk of ground contamination. The LPA concludes that given that the former investigation covered the area subject to this application, and the relatively brief window since the former investigation, the findings of any future such scheme would be unlikely to change from those of the extant assessment. Furthermore, the proposed building does not seek to create any additional residential space, only to act as an ancillary entertainment and social space.

Therefore, the LPA declines to require the applicant to submit to a requirement for a further contaminated land scheme. Mitigation against risk of land contamination shall be ensured by conditional means that shall require the applicant to halt construction and notify the relevant authorities should contamination be discovered during the course of the build.

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 conversion 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.