DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-1082-20**	**Applicant:**	**Slator Bros (Farms) Ltd.**
Proposal:	Change of use of farm buildings to commercial uses (E(g)(iii) B2 and B8) - retrospective		
Location:	Beacon Farm Wisemans Gate Weston		
Terminal Date:	28th February 2021		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 9, 11, 12, 14 and 15

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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a change of use of farm buildings to commercial uses (E(g)(iii) B2 and B8) - retrospective. The specific uses are as follows:

Class E(g)(iii) - Industrial process that can be carried out in a residential area without detriment to its amenity;
Class B2 (General industrial) - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste);
Class B8 (Storage or distribution).

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.

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 - Request condition.

Environmental Protection (noise) - No objections subject to noise condition.

Public - No objections received.

Planning Considerations

The main issues in this case are:
- Policy;
- Other material considerations such as flood risk.

Policy

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site therefore lies within the countryside.

SELLP Policy 1 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.

Policy 7 of the SELLP indicates that new employment development outside allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Section 6 supports sustainable economic growth in rural areas. It stresses that planning policies and decisions should place significant weight on the need to support economic growth taking into account local business needs. Paragraph 83 states that planning policies and decisions should promote the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to stress that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. The use of previously developed land should be encouraged where suitable opportunities exist.

Addressing the above, the site is outside an allocated employment site and is not closely related to an existing settlement or public transport network. However, there is an identified need for industrial development within the district. The proposal supports economic growth and involves the re-use of farm buildings. Moreover, it is relatively small scale and constitutes a form of rural diversification. It is considered that a development of this scale would not have a significant adverse impact upon the viability of delivering any allocated employment site. Given the aforementioned and advice within paragraph 84 of the Framework, there are no objections in locational terms.

In terms of its relationship to neighbouring land uses, there is a childrens home to the south-west and a pair of semi-detached properties some 75 metres to the south-west. However, the application is retrospective and no complaints have been received to date. Environmental Protection has raised no objections subject to a noise condition. It is considered that the proposal would not significantly harm the amenity of nearby residents, subject to the imposition of mitigating conditions to address any noise issues arising as a result of the Class B2 or B8 uses.

There would be no significant affect upon the character/appearance of the area because the proposal involves the re-use of existing buildings. They have previously had an agricultural use, which included the external storage of machinery.

Access to the site is via Wiseman's Gate, which is a rather narrow rural road. However, LCC Highways has concluded that the proposed change of use would not be expected to have an unacceptable impact upon highway safety or have a severe residual cumulative impact upon transportation within the area. This is subject to a condition requiring improvement works to the existing access point and the provision of a passing place along Wiseman's Gate. There is sufficient parking and turning facilities within the site.

It is accepted that the proposal would involve the use of motor vehicles to access the site. However, it is considered that the economic benefits in this case outweigh the constraints and that the proposal is acceptable in policy terms.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter 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. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The hazard mapping within the SFRA shows the site to fall within the category of "danger to most". However, paragraph 164 indicates that applications for a change of use should not be subject to the sequential or exceptions tests. Moreover, the proposal is not considered to be more vulnerable.

Planning balance

The proposal generally accords with Policies 1, 2, 3, 4, 7, 30 and 36 of the South east Lincolnshire Local Plan, 2019. Although the proposal would have some impact upon the amenity of nearby residents and also upon Wiseman's Gate these matters are outweighed by economic factors in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal and 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.

RECOMMENDATION

That the application be approved under delegated powers.