DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-1168-20**	**Applicant:**	**Mr M Gibson**
Proposal:	Proposed Dwelling		
Location:	Site Of Former Holly House Broadgate Weston		
Terminal Date:	16th 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
11	Distribution of New Housing
22	Replacement Dwellings in the Countryside
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	2	0	0

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for a residential development at the site of the former Holly House, Broadgate. The proposed property would be in a mock-Georgian style featuring frontage bay windows, with all windows furnished as sliding sash style units, red brick, slate roof and several other period-style design touches in an effort to copy the design of the property which previously sat on this site many years ago. The proposed structure would be arranged in a roughly 'T-shaped' pattern, with the front wing presenting an 11.694m wide frontage that extended 7.850m backwards with a 6.770m (D) x 5.5m (W) wing projecting from the rear of the 'head' of the 'T'. The whole property would be 2 storey in scale with dual pitched roof.

Site Description

The proposal site is a currently unoccupied site comprising of a single timber shed, with the remainder being effectively waste ground used loosely for farming related aggregate storage and as a turning area for large farm vehicles. The site is not within any settlement/development boundary as defined under Policy 1 of the South East Lincolnshire Local Plan (2019). The site is supposedly the location of a former Georgian - C19th manor house which has long since been demolished.

The proposal site is neither in a conservation area nor close to any listed buildings. The area in general is characterised almost entirely by being open, agricultural countryside, although there is limited ribbon development to both the North and South, although situated some significant distance away in both directions, with the nearest residential properties being roughly 150m away in either direction. All of the surrounding properties pre-date the implementation of the South East Lincolnshire Local Plan (2019)

History

None relevant

Consultation Responses

Local Residents

2 Letters of support were received from local residents. Support was offered citing the following reasons;

-Site is an eyesore and development would improve it.
-Bringing site into use will stop anti-social behaviour and fly-tipping issues.
-Proposed property in keeping with the area in terms of looks.

Local Highway and Lead Local Flood Authority

Initially requested that the applicant be required to submit details of vehicular access. The applicant amended the application to reflect this. In response, the Local Highways Authority has requested that any planning approval be supplemented by highways informative conditions 03 and 08.

South Holland IDB

Applicant should be required to evidence the effectiveness of the proposed drainage system. The applicant is reminded that drainage into a board watercourse or alteration of any existing board watercourses would require consent from the board in accordance with IDB byelaws. Strongly recommends that necessary IDB consents be obtained prior to a positive determination.

Planning Considerations

Principle of development

The local planning authority does not consider that the principle of development of this proposal is acceptable. This is because the proposal site sits outside of any settlement boundaries as defined in Policy 1 and associated inset maps of the South East Lincolnshire Local Plan (2019). The site is therefore considered to be situated in the open countryside. Policy 1 (D), in reference to countryside development outside of the settlement boundary, states the following;

"*The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.*

In the Countryside development will 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."

This proposal would fall under the above category and no effort has been made to evidence any sort of necessity for such a property to be located at this site specifically. The proposal is not linked to any particular economic activity and presents no opportunities for community or environmental benefit, being a fairly standard private residential property. Therefore, it is not felt that this site is any more adequate for such a proposal than a site situated within the confines of a Settlement Boundary.

The Applicant makes reference to Paragraph 79 of the National Planning Policy Framework, 2019 (now Paragraph 80 of the National Planning Policy Framework, 2021). This paragraph outlines the following

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area"

The applicant states that this proposal meets these requirements for the following reasons;

- The proposal site is not isolated, with nearby residential properties and the Baytree Garden Centre along with bus stops within a short walking range.
- Great effort has gone into replicating the design of the former Holly House and makes use of modern materials and an air source heat pump to ensure that the Building's carbon footprint exceeds current SAPs needs and Building Regulations
- Replicating Holly House will significantly enhance the area and put a stop to anti-social behaviour such as fly tipping.

It is contended by the Local Planning Authority that the proposal site is, in fact, isolated. It could not

be argued that this is 'infill' development of any sort, seeing as the nearest built form in any direction is at least 150m away. Furthermore, the walk to Baytree (the nearest service facility of any sort) and the associated bus stop is over half a mile in distance, along country lanes with no pedestrian footpath.

In addition, simply making an effort to replicate a building which once sat on the site previously does not constitute a design which is 'truly outstanding'. The design itself is modern, unremarkable interpretation of a fairly standard C18th farm house, and is of a style which is commonly replicated amongst modern residential developments, particularly in rural locations, throughout much of South Holland, and in fact the country. Therefore, this proposal does nothing to raise standards of design in rural settings. Furthermore, suggesting that through use of modern materials and an air source heat pump that the property will simply exceed SAP and Building Regulations requirements does not make for a building which is outstanding or improving of local standard in terms of environmental credentials - it is also a claim which is not evidenced.

Lastly, it could be argued that the site as it stands today is a part of the agricultural setting of the area. The fact that a property once existed on site is entirely immaterial to the current context and under every consideration it can only be said that the residential use of this site is abandoned and has been for a substantial amount of time. The Local Planning Authority fails to see how the erection of a property at this site would be of substantial benefit to the rural character of the location. Neither the suggestion of the decrease in supposed anti-social behaviour or the fact that a property once stood in this location are justification enough for the argument to say that such a development would constitute an improvement to the setting or characteristics of the site, as required by Paragraph 80 of the National Planning Policy Framework (2021).

Therefore, for the above reasons the principle of development is not considered to be acceptable in this instance.

Heritage Impact

The Local Planning Authority does not consider there to be any risk of harm to the value or significance of any designated or non-designated heritage assets by this proposal. The site is not close to either any conservation areas or listed buildings or even any buildings of local heritage. However, the site was previously the location of a historic Georgian / early Victorian manor house. This property has long since gone though, and therefore its previous existence cannot be thought to have any bearing, neither positive nor negative upon the Heritage Impact considerations of this proposal.

The proposed design is of a relatively complimentary and considerate style, with traditional, vernacular materials such as timber framed windows. Therefore, the heritage impact of such a proposal would be deemed to be acceptable.

Design and Layout

The Local Planning Authority does not seek amendment to the design or layout of the proposal. The design is considered to be appropriate as it makes use of appealing design touches and traditional styles. The structure would not appear too incongruous in terms of scaling and massing. The proposed layout would appear to be sufficient to serve the proposed residential use.

Residential Amenity

The local planning authority considers that there would be no negative impact upon residential amenity presented by this application. This is because there are no nearby neighbouring residential sites and therefore, there cannot be considered to be any overlooking or overshadowing risk to any residential space. Furthermore, the site itself would be served by ample amenity space.

Parking Provision

The proposed development includes a large driveway plus 3 designated parking spaces, meaning that the proposal has more than ample parking provision for the type of development.

Drainage

The viability of the drainage strategy has not been evidenced to the extent that the local IDB had

suggested that further reports be obtained to support the drainage strategy. Due to the local planning authority's intention to refuse planning permission, it would be unreasonable to request that the applicant go to the additional cost of having such investigations undertaken.

Pre-application enquiry

The applicant has previously sought advice on the principle of such a development, under pre-application advice enquiry PE-00477-19 (advice given on 23 December 2019). At that time, the local planning authority advised that such a proposal could not be considered to be a replacement of the previous property under Policy 22 of the South East Lincolnshire Local Plan (2019) because the previous building had been demolished many years previously and the residential use of the site had been abandoned. Additionally it was advised that such a development would constitute development outside of the settlement boundary and that permission for such a proposal would be likely to be refused because no justification for its siting had been found.

Planning Balance

The proposed development is a proposal that would have a minimal impact upon its surroundings both residential and agricultural in terms of amenity considerations and visual effect. However, it sits well outside of the established settlement boundary and no sufficient evidence has been provided to suggest that such a property is required in this location and that a settlement-boundary location would be less viable for this proposal.

Conclusion

For the reasons listed above, this application is deemed to be in contravention of Policy 1 of the South East Lincolnshire Local Plan (2019). Therefore, this application is recommended for refusal.

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.