DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-1172-21**	**Applicant:**	**Larkfleet Group**
Proposal:	Proposed 3 bedroom detached house for experimental use (temporary permission) - approved under H22-0772-17. Modification of Condition 1 to allow dwelling to remain on site for a further period of time.		
Location:	Adj. Ashgrove Lodge Austendyke Road Weston Hills		
Terminal Date:	7th January 2022		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

A five year temporary planning permission was granted under application ref. H22-1085-16 (as amended under H22-0772-17) for a 3 bedroom detached house for experimental use. This application seeks to modify Condition 1 of the 2017 s73 consent to allow the dwelling to remain on site for a further period of time.

The five year period expired on 5th December 2021 and the applicant is seeking to retain the dwelling for a further five years. The reason for this being that the unprecedented circumstances of the Covid-19 pandemic has meant that arranging completion of the building and being freely able to publicly present the project to groups of interested parties has been severely restricted. The interior of the experimental house is also still not complete.

Site Description

The site is situated to the east of Weston Hills and is accessed from the northern side of Austendyke Road. The application site is located in the open countryside in planning policy terms and was formerly paddock land associated with the adjacent Ashgrove Lodge, a single-storey dwelling located directly to the east. To the west of the site directly adjacent the access is a single-storey barn conversion. To the south of the site are agricultural fields. To the north, a pair of elevated modular concept dwellings have been more recently sited (ref. H22-0994-19), beyond which is agricultural land. The exterior of the experimental house appears to be complete.

History

H22-0772-17 - Proposed three bedroom detached house for experimental use (temporary permission) - approved under H22-1085-16. Modification of Condition 2 to allow amendments to previously approved plans (approved September 2017)

H22-1085-16 - Proposed three bedroom detached house for experimental use (temporary permission) (approved December 2016)

Consultation Responses

Weston Parish Council - At it's Parish Council Meeting on Monday 6th December Weston Parish Council agreed to object to this planning application for the following reasons. 1) Insufficient information on time scale of application. 2) No satisfactory justification for a need for an extension.

Environment Agency - We have reviewed the application and are satisfied that condition 1 can be modified to allow the dwelling to remain on site for a further period of time.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Public (1 no. objection received) - As the developers are stating that the pandemic has had an impact on potential viewings (best part of two years), I think any time extension should be limited to two years only and not the five years requested. We still think this 'experimental' building has been sited in the wrong location anyway and would far better be sited in a flood plane that regularly floods to demonstrate it's effectiveness.

Planning Considerations

Principle of retention of experimental dwelling on site

A temporary five year consent was granted for the following reason:
"The permission applied for is temporary for the testing of a new method of flood mitigation for residential properties. The retention of the building beyond this date would be contrary to local and national policy, which seeks to restrict isolated new homes in the open countryside.
This Condition is imposed in accordance with national guidance contained in Section 7 on the National Planning Policy Framework, 2012."

The dwelling remains for experimental purposes and is not permanently occupied by any persons. The reason for the applicant seeking to extend the permission for a further 5 years is that the unprecedented circumstances of the Covid-19 pandemic has meant that arranging completion of the building and being freely able to publicly present the project to groups of interested parties has been severely restricted for the last 19 months. The interior of the house is also still not complete.

On the basis of the above, and the fact that the dwelling has no particular impact on the visual amenity of the area (being reasonably well screened by a number of trees), an extension to allow retention for a further 5 years is considered appropriate.

The merits of siting such an experimental dwelling in this location were considered at the time of the original application.

Planning Balance

Given the impact of the Covid-19 pandemic and the fact that there would be no new amenity impact, it is considered that the planning balance is in favour of the experimental dwelling remaining in situ for a further five years.

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

In normal circumstances, new residential dwellings would not be permitted in such a countryside location on the basis that it conflicts with Policy 1 of the Local Plan. However, the purpose of the application is to extend a previously granted time limited permission for an experimental dwellinghouse for a further five years. Given the impact of the Covid-19 pandemic and the fact that there would be no new amenity impact, it is considered that the planning balance is in favour of the experimental dwelling remaining in situ for a further five years.

The recommendation is for a delegated approval.