DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0145-23**	**Applicant:**	**Mr M Gibson**
Proposal:	Proposed Agricultural Buildings		
Location:	Flag Lane Whaplode Drove Spalding		
Terminal Date:	11th April 2023		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 3. Plan Making;
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 12. Achieving well-designed 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for 3no agricultural buildings to include 1no barn, 1no cattle shed and 1no tractor/implement store. The barn would measure 10 metres x 8 metres and stand at 5.5 metres in height. The cattle shed would measure 10 metres x 20 metres and stand at 6.5 metres in height. The tractor/implement store would measure 8 metres x 10 metres and stand at 4.8 metres in height. The walls would be constructed from part natural finish blockwork and part black stained yorkshire boarding and timber cladding sitting under an olive green metal sheet roof with olive green metal doors and black guttering and downpipes.

Boundary fencing with conifer and hawthorn hedging standing at 1.2 metres in height would enclose the site. Fruit trees are also proposed to be planted along the north, east and western boundaries. Part of the site would also have permeable hard surfacing.

Site Description

The site is located off Flag Lane in Whaplode Drove. It is located outside any defined settlement boundary and within the open countryside. It comprises an open parcel of land surrounded by open countryside.

History

No relevant planning history.

Consultation Responses

Local Highway and Lead Local Flood Authority

No objections subject to informatives with regards to creating a new access.

South Holland Internal Drainage Board

No objections subject to the applicant obtaining consent from the Board under Byelaw 3 with regards to discharging surface water to the watercourse.

Planning Considerations

Principle of development

The site is located in Whaplode Drove and is outside any defined settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the South East Lincolnshire Local Plan (SELLP), 2019 indicates that new development will be permitted in the countryside where 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. Paragraph 3.2.15 of the SELLP indicates that there are types of development that require a countryside location either because it is the location of an existing building or use. It goes on to state that agricultural and forestry are clearly uses which must function in the countryside.

The National Planning Policy Framework, 2021 promotes sustainable economic growth. Paragraph 84 specifically indicates that planning policies and decisions should support the development and diversification of agricultural and other land-based rural businesses and the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The proposal is necessary in this location in conjunction with an existing agricultural holding and would bring economic benefits. It is considered to be a sustainable form of development in locational terms and therefore in accordance with Policy 1. The applicant has an existing agricultural holding at Avondale, Millgate, Whaplode and proposes to rear cattle Avondale and then relocate them to the application site.

Given the countryside location agricultural development is considered acceptable.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The size/materials of the proposed buildings are what would be expected from agricultural storage buildings for a holding of this scale therefore there are no concerns regarding their size and appearance. The buildings would be visible from the open countryside but are not considered overly prominent when viewed against the wider site/surrounding area. Given the location and nature of the development it is not considered to be out of keeping with the rural character of the area.

The development therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

There are no immediate residential neighbours given the remote location of the site therefore there are no neighbouring amenity concerns. The closest dwelling is almost half a mile away. Given the nature of the proposal and relationship with this neighbour no unacceptable impact would result.

As such the proposal is considered to accord with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of neighbouring amenity.

Highway Safety

Policy 2 of the SELLP indicates that sustainable development considerations should be met in relation to access and vehicle generation levels. Policy 36 and Appendix 6 of the SELLP set out the minimum standards for parking provision based upon the use class. In the case of agricultural development car parking should be assessed on a site by site basis. Satisfactory parking would be available in the proposed new hard surfaced area.

LCC Highways have been consulted and have raised no objections on highway safety grounds but have advised that an application will need to be made for the formation of a new access. An informative has been placed on the decision notice advising the applicant of this.

The development therefore satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking.

Flood risk and drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has advised that the applicant needs to obtain consent from

the Board under Byelaw 3 with regards to discharging surface water to the watercourse. An informative has been placed on the decision notice advising the applicant of this.

The site is located within flood risk zone 3, however it is considered low risk therefore the proposal can be accepted in this location.

Subject to the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on drainage and flood risk.

Planning balance

The principle of developing a barn, cattle shed and tractor store in this rural location is considered acceptable. On balance, it would achieve sustainable development without impeding other opportunities that would lead with greater benefits in this respect. The scale, height and position of the buildings would be proportionate with the built environment in the area. The external appearance would be standard of this type of development. There are no residential dwellings in the immediate vicinity therefore no significant adverse impact is anticipated on residential amenity. There are also no highway safety concerns or flood risk issues subject to a separate application for the formation of a new access.

In summary, any adverse impact of granting permission to the proposals would significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3,4, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and Sections 2, 2, 4, 6, 12 and 14 of the National Planning Policy Framework (NPFF), 2021.

It is accordingly recommended to approve this planning application via delegated powers.

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

The application can be approved under delegated powers.