DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0179-22**	**Applicant:**	**Mr K Shepperson**
Proposal:	Change of use of agricultural land to field/paddock and erection of implement building		
Location:	Washway Road Saracens Head Spalding		
Terminal Date:	19th April 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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
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.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	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	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for change of use of agricultural land to paddock/field and erection of an implement building. The field/paddock would be part of Plot 3. The implement building would be multi-purpose, storing items and machinery in association with maintaining the field. The building would also provide future stables, feed store and tack room. The proposal also includes 1 metre high perimeter fencing, which would not require permission in its own right.

Site Description

The site (some 0.89ha) is agricultural land located on the southern side of Washway Road on the eastern fringe of the village. The site to the north fronting Washway Road has permission for 3 no. houses, which are under construction. Land to the north-west fronting Washway Road between the site and Saracen House has the benefit of planning permission for 3 bungalows (ref. H23-0980-17 and H23-1087-20). Residential development is located on the opposite side of Washway Road.

History

None relating to the site itself

Site to the north

H23-0231-18 - O/A - Residential development for 3 no. dwellings - Granted 1 May 2018

H23-0224-21 - RM - Erection of 3 dwellings - outline approval H23-0231-18 - Approved 28 April 2020.

H13-1101-21 - S73A - Residential development for 3 dwellings - approved under H23-0231-18. Removal of Condition 6 relating to footway & disposal of surface water run-off - Granted 17 December 2021.

Consultation Responses

Whaplode Parish Council

Supported.

LCC Highways/SUDs

No objections subject to informatives.

South Holland Internal Drainage Board

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Noise - No objection but would wish to attach the following condition: No burning of bedding or manure to take place on site.

Contamination - No comments or objections.

Public

No comments received.

Policies/Constraints

Outside a defined settlement limit.

Planning Considerations

The main issues in this case are:

-Principle;
-Character/appearance;
-The Likely impact upon the amenity of nearby residents;
-Highway issues;
-Other material considerations such as pollution, drainage and flood risk.

Principle

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 development is outside a defined settlement limit within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan is therefore applicable. It states that development will be permitted in the countryside 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.

Paragraph 3.2.15 of the SELP indicates that there are types of development that require a countryside location such as agriculture, but also other uses such as recreation. The building is required for an equestrian/agricultural related purpose. Such a use is generally considered acceptable in principle in this type of location, subject to the proposal being acceptable on visual/residential amenity and highway grounds, etc.

Character/appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The building would be constructed in green profiled metal cladding to the walls and roof and is typical of a modern agricultural building found in the countryside. It is of appropriate design/appearance and would not materially harm the character or appearance of the rural locality or affect the setting of Pipwell Manor (grade II listed) some 250 metres to the north-west on the opposite side of Washway Road.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity Issues

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

The site to the north fronting Washway Road has permission for 3 no. houses, which are under construction. Land to the north-west fronting Washway Road between the site and Saracen House has the benefit of planning permission for 3 bungalows (ref. H23-0980-17 and H23-1087-20). Residential development is located on the opposite side of Washway Road. The A17 is situated approximately 300 metres to the south-west.

The proposal involves a change of use of agricultural land to paddock/field and erection of an implement building. The field/paddock would be part of Plot 3 immediately to the north. The implement building would be multi-purpose, storing items and machinery in association with maintaining the field. It would also provide future stables, feed store and tack room. Ambient noise levels are relatively high due to the proximity to the A17. The nature of the use is also relatively low key and the building would be sited approximately 43 metres to the rear of plot 3 and further form the neighbouring properties. Environmental Protection have raised no objections subject to a condition preventing the burning of waste on site. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of lack of privacy, overlooking, odour, noise/disturbance, etc.

The proposal satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity issues.

Highway safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

The site would be accessed via a field access alongside plot 3. Parking is available within plot 3 and on the site itself if necessary. LCC Highways have raised no objections to the proposal on highway safety grounds. The proposal satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety.

Flood risk/drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site is within Flood Zone 3 of the Environment Agency Maps and within an area designated as danger for some within the South East Lincolnshire Strategic Flood Risk Assessment Hazard Mapping. However, the development is required in conjunction with the dwelling on plot 3 so there are no reasonable alternatives to this site within lower flood zones. Moreover, the proposal is classified as a less vulnerable use within the Planning Practice Guidance (PPG). Consequently, it is considered appropriate and the exceptions test need not be applied.

In terms of drainage, surface water would be disposed of to a soakaway(s).

The submitted details are considered to be satisfactory and in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

No additional tree planting or bio-diversity measures are shown. These matters can be addressed by means of conditions.

Planning balance

The development is considered appropriate in this location and the building is considered acceptable in terms of design/appearance. The development would not materially harm the amenity of nearby residents. There are no objections of highway safety or flood risk grounds.

The proposal satisfactorily accords with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and is in accordance with advice within the National Planning Policy Framework, 2019. There are no adverse factors in this case such as to outweigh factors in favour of the proposal.

Conclusion

For the reasons outlined above it is recommended that the application be approved under 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.