DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0261-21**	**Applicant:**	**Mr D S Rous**
Proposal:	Temporary siting of static caravan		
Location:	Irby House Millgate Whaplode		
Terminal Date:	17th May 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the temporary siting of a static caravan (see information from applicant).

Site Description

The site is part of former horticultural premises located at the rear of Irby House and to the south of Little Lane. It was previously occupied by derelict greenhouses and is currently grassed. The site can be accessed off both Millgate and a concrete roadway off Little Lane.

Residential properties are situated further to the east fronting Millgate. Westgate House (grade II listed) is situated to the north-west on the western side of the Little Lane access.

Consultation Responses

Whaplode Parish Council

Planning need to enquire the reason why it's being sited and for how long. The consent should have an expiry date.

LCC Highways

Does not wish to restrict the grant of permission.

Environmental Protection

Providing the use is temporary for 3 years only with no garden I have no comments or Objections. However, if this is to be a longer-term residential use with amenity garden space then the applicant would need to demonstrate that the site was suitable for the proposed use with respect to land contamination.

SHDC Licencing

If approved the applicant will need to apply for a site licence under the Caravan Sites and Control of Development Act 1960

Public (summarised)

Contrary to policy; Visual eyesore; Noise/disturbance; Anti-social behaviour; Why is it required?

Information from Applicant

The person that is stopping in the caravan is a former landlord from a Spalding public house. He was pushed out of his pub just before this corona virus started. He has been looking at different options on what direction to turn at this stage in his life as he is now 67 years of age with no private pension scheme in place and you know me I like to try and help people especially if they are a friend in need.

He has applied to a couple of places to take on a public house but as you can imagine it's a bit difficult at the moment. I have had cars and items stolen from the bottom of the yard and my sons landscaping shed was broken into last year and compact tractors and equipment stolen and many thousands of pounds worth of equipment stolen. We have had the gates
broken down at that end of the yard and many tons of plastic rubbish and tyres fly tipped in the yard and on one occasion it was all set on fire. So this seemed like a good solution to extra security and it is working very well. I have got a very good cctv system in place but I can't watch it day and night.

the caravan is not seen from any roads and isn't over looking any other people.

Relevant Site History

H23-0742-16 - Full - Proposed log cabins and touring caravan site - Refused 26 September 2016.

H23-1270-16 - O/A - Residential development - proposed house and garages. Refused 27 June 2017. Dismissed on appeal 26 October 2017.

H23-0370-17 - Full - Log Cabins and Touring Caravan Site - Re-application after refusal of H23-0742-16 - Refused 13 June 2017.

H23-0260-21 - Full - Erection of garden room, play room & store - retrospective - Still under consideration.

Planning Considerations

The main issues in this case are:
· Policy/whether the proposal constitutes sustainable development;
· Heritage issues;
· The likely impact upon the amenity of nearby residents;
· Highway safety;
· Other material considerations such as flood risk and drainage.

Policy/Sustainability

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 (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the SELLP 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.

In terms of part 1, the applicant has indicated that it is required as temporary accommodation by a former Spalding landlord until he can find more permanent accommodation. Unfortunately, however, there is no essential need for the accommodation to be in this location within the countryside as opposed to within a settlement limit or on a residential caravan site for example. Whilst personal circumstances are a material planning consideration they carry limited weight and seldom outweigh established planning policy.

SELLP Policy 1 also indicates that development will be permitted if it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The relevant criteria are discussed below:

Economic - The proposal would make a contribution towards housing supply and future occupants would work locally, support local services and make a contribution to the local economy. However, this is considered to be minor and not such as to justify residential accommodation in this location.

Community/Social - the proposal is deliverable and would make a contribution to the supply of housing required to meet the needs of present and future generations. However, it is not closely related to an existing built up area and would not be readily accessible to existing services and facilities other than by motor vehicle. The proposal would not bring significant community benefits.

An Environmental Role - The site is historically part of a horticultural holding and was occupied by former glasshouses. However, it is currently grassed and has an open feel. The proposed development would constitute an intrusive element that would be detrimental to the prevailing rural character of the countryside.

The proposal is therefore contrary to Policy 2 (Development Management) of the SELLP and advice within the National Planning Policy Framework, 2019. Policy 2 indicates that sustainable considerations should be met in terms of impact upon the character and appearance of the area

and the relationship to existing development and land uses. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 122 and 127 indicate that new development should be sympathetic to and maintain an area's prevailing character.

Concluding, therefore, residential development is not considered necessary in this location and doesn't meet the sustainable development needs of the area in terms of economic, community or environmental benefits. The proposal is not therefore in accordance with Policy 1 of the SELLP.

Heritage

Westgate House (grade II listed) is situated to the north-west on the western side of the Little Lane access. The separation distance between the two is such that the setting of Westgate House would not be affected.

Amenity

The proposed static caravan is situated well away from nearby residential property. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, noise and disturbance, etc. There is no demonstrable evidence that the proposal would lead to anti-social behaviour, which can in any case be addressed under separate legislation.

The proposal therefore accords with Policies 2 and 3 of the SELLP in terms of amenity.

LCC Highways

Two accesses can be utilised, off Millgate and Little Lane respectively, and there is ample parking on the site. LCC Highways have been consulted and consider that the occupation of a static caravan temporarily sited at this location would not be expected to have an unacceptable impact upon highway safety. They have therefore raised no objections on highway grounds.

Flood Risk

The site lies within Flood Zone 1 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 South East Lincolnshire Strategic Flood Risk Assessment indicates that the site is within an area categorised as no hazard if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms.

The caravan is fixed on an existing base and there would not therefore be expected to be any increased surface water flood risk.

The proposal therefore satisfactorily accords with Policy 4 of the SELLP in terms of flood risk.

Planning Balance

The proposed development would cause material harm to the character and appearance of the area, and its low-level of accessibility would lead to considerable environmental and social harm. Taken together these harmful effects of the scheme would amount to adverse impacts which significantly and demonstrably outweigh the modest benefits that the proposed development would deliver. Consequently, the proposed development would not comprise sustainable development.

The proposal is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 1 indicates that 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. Policies 2 and 3 indicate that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses.

The above policies are consistent with advice within the National Planning policy framework, 2019. Section 2 is geared towards the achievement of sustainable development. Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 122 and 127 indicate that new development should be sympathetic to and maintain an area's prevailing character.

Although personal circumstances are a material consideration they carry limited weight and do not outweigh established planning policy in this case.

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

The proposal is not considered to be sustainable. It is therefore recommended that the application be refused under delegated powers.