

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H23-0356-23	Applicant:	Mr & Mrs S Pearce
Proposal:	Proposed extension to existing barn for hobby use		
Location:	115 Broadgate Whaplode Drove Spalding		
Terminal Date:	23rd June 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
28	The Natural Environment

National Guidance**National Planning Policy Framework 2021**

Section 12- Achieving well-designed places

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	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for an extension to existing barn for hobby use. The extension would measure 20 metres x 10 metres and stand at 6.8 metres in height. It would be constructed from olive green profiled steel cladding.

Site Description

The application site is located on Broadgate in Whaplode Drove. It comprises a buff brick built detached bungalow sited some 40 metres back from the street. The property benefits from a large gravelled driveway providing off-street parking provision for several vehicles. The site is enclosed by high level trees/hedges.

History

H23-0355-23 - Proposed single storey rear extension and internal alterations - Approved 7 June 2023

Consultation Responses

South Holland Internal Drainage Board

No objections subject to compliance with the Boards Byelaws.

Whaplode Parish Council

Supports the scheme.

Tree Officer

Any tree to be retained on a site can be protected by planning conditions.

Local Highway and Lead Local Flood Authority

No objections as no alterations are proposed to the existing site access and a hobby use of the proposed extension would not be expected to have an unacceptable impact upon highway safety.

Planning Considerations

Part of the site is located outside the Whaplode Drove settlement boundary as set out in the South East Lincolnshire Local Plan (SELLP), 2019. However, the proposed extension would be sited within the existing residential curtilage therefore the principle of a development associated with an existing dwelling is considered acceptable.

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 key material considerations are addressed below.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that 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.

The proposed barn extension would measure 10 metres x 20 metres and stand at 6.8 metres in height. The proposed external material is olive green profiled steel cladding. The proposed size of the barn extension is not proportionate to the existing dwelling on the site and is too large in

footprint and height for an ancillary domestic outbuilding therefore it would dominate the site. Discussions were had with the applicant in regard to reducing the scale of the building, however, no revised plans have been forthcoming.

The agent has put forward a supporting statement detailing why building of this size is required. The applicant proposes to use it to repair Steam Traction Engines which require the installation of a crane in order to lift the traction engines.

The statement refers to Schedule 2 Class E of the General Permitted Development Order 2015 which allows buildings for the incidental enjoyment of the dwellinghouse to up to 50% of the total area of the curtilage of the dwelling. This is noted, however, the proposed building does not meet the permitted development criteria as its height significantly exceeds the 2.5 metre height allowed under permitted development for outbuildings within 2 metres of a boundary therefore the scheme could not reasonably be allowed on this basis.

The applicant states that no impact would result on the character of the area and the building would be well screened by the existing trees on the site. This is noted, however, the building is still considered disproportionate to the existing dwelling on the site and given the trees are not protected they could be removed without planning permission

The statement further goes on to state that the proposals are not dissimilar to the size of a typical agricultural building common in this rural area. This is also noted, however, the proposed building is not for agricultural use therefore the considerations are different.

The applicant has referred to Appeal APP/P0240/X/22/3305621 in which the Planning Inspectorate concluded that the appeal is dismissed on grounds that the GPDO does not state that an outbuilding, built under permitted development rights, must appear subordinate or incidental to the dwellinghouse. This is noted, however, the current application does not seek a lawful development certificate therefore this appeal is not considered relevant to this case.

Taking the above into account, the proposed barn extension for hobby use is deemed to be contrary to Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of size and scale.

Residential Amenity

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

Given the siting of the proposed barn extension and the relationship with neighbouring properties no unacceptable impact is considered to result on neighbouring amenity.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway Safety

The proposed scheme would not impact the existing parking arrangements for the site and with regards to highway safety the LCC Highways Authority has raised no objections as no alterations are proposed to the existing site access and a hobby use of the proposed extension is not considered to have an unacceptable impact upon highway safety.

Trees

There are no protected trees within or adjacent the application site. There are a number of trees within the site and 3 no small trees would be removed to accommodate the proposed development. The Council's Tree Officer has not raised any objections to this therefore the loss of these trees is accepted.

Planning Balance

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.

Whilst the proposal is acceptable on residential amenity grounds, however, the proposed barn extension would be disproportionate to the size of the existing dwelling on the site and its footprint and height would be too significant for an ancillary domestic outbuilding.

It is therefore considered contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The proposal is considered contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPPF), 2021. The recommendation is therefore for a delegated 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 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 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

That the application be refused under delegated powers.