

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0426-23 **Applicant:** Mr & Mrs J Lusher

Proposal: Erection of residential annexe (retrospective) - approved under H23-0515-17. Modification of Condition 2 to allow annexe to be used as a holiday let in conjunction with holiday lets approved under H23-0624-20.

Location: Blue Bell Inn Cranesgate South Whaplode St Catherine

Terminal Date: 6th July 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
09	Promoting a Stronger Visitor Economy

National Guidance

National Planning Policy Framework 2021

- 6 - Building a strong, competitive economy
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a change of use application at the Blue Bell Inn, Cranesgate South, Whaplode St Catherine for the erection of residential annexe (retrospective) - approved under H23-0515-17. Modification of Condition 2 to allow annexe to be used as a holiday let in conjunction with holiday lets approved under H23-0624-20. There are to be no internal or external alterations to the log cabin annexe. The annexe cabin building measures 10.05 metres in length, with a 12 metre long roof with canopy above. The building is 3 metres in width and 3.3 metres in maximum height. The external materials of the building are Waney Edge Larch Cladding and a Felt Tiled Roof. The building contains a kitchen / living area, bathroom and a bedroom. The use of the building as a family annexe is no longer required by the Owner.

SITE DESCRIPTION

The annexe is sited to the west from a bungalow named Phoenix which is accessed from Cranesgate South. To the north beyond the boundary hedging and access road is a bungalow named The Willows. Detached dwellings are located on the opposite side of Cranesgate South to the west. South of the annexe is the existing public house and holiday lets. A parking area and micro-brewery is located to the south of the public house, with a small caravan site beyond.

The boundaries to the north and west of the holiday let site are bordered by established hedging approximately 2.3 metres in height. The western vehicular entrance is bordered by a 2 metre high gate. The eastern boundary is a 1.6 metre high fence, with a 1.2 metre high post and rail fence to the southern boundary.

The site is in Environment Agency Flood Zone 1 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Foul water is addressed by a septic tank with surface water drainage addressed by a soakaway.

RELEVANT HISTORY

H23-0217-06

Full - Extension to form new dining area, disabled WC plus access and additional kitchen space - Approved - 11 April 2006.

H23-0515-17

Full - Erection of residential annexe (retrospective) - Approved - 04 July 2017.

H23-0624-20

Full - Change of use of part of restaurant to holiday lets - Approved - 28 September 2020.

CONSULTATION RESPONSES

Whaplode Parish Council

"Cabin has been in situ for some time, dissappointing to receive another retrospective planning application."

This statement is incorrect. Whilst the annexe was initially retrospective, it was granted approval under H23-0515-17. The holiday let use is not currently operating from this building.

MATERIAL CONSIDERATIONS

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the

development plan, unless material considerations indicate otherwise.

The site is within Whaplode St Catherine Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 of the SELLP states that within the settlement boundaries of Other Service Centres such as Whaplode St Catherine development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

In this case, the proposal would help sustain the existing public house, would not impact the character and amenity of the surrounding area, and will not further impact the environment. It is considered that the proposal satisfactorily complies with Policy 1.

The proposal also accords with SELLP Policy 9, which specifically relates to the visitor economy. It indicates that within defined settlement limits proposals for tourism and visitor development which benefit the local economy, visitors and local communities will be supported.

Moreover, the proposal is consistent with advice within the National Planning Policy Framework, 2019. It indicates that significant weight should be placed on the need to support economic growth taking into account both local business needs and wider opportunities for development.

Flood Risk / Site Levels

Policy 4 of the SELLP and Section 14 of the NPPF involve mitigating and adapting to flood risk as well as drainage issues.

The site is in Environment Agency Flood Zone 1 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Foul water is addressed by a septic tank with surface water drainage addressed by a soakaway. The annexe has been in situ for at least 6 years and has finished floor levels approximately 300mm above ground level.

The existing drainage and flood protection is considered to be appropriate for the site.

Character / Appearance

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. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 annexe building is not be altered. Therefore, there is not considered to be a material impact on the character and appearance of the surrounding area.

There is not considered to material impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposal is considered to be relatively low key when compared to the overall use of the premises. Associated activity would not materially harm the amenity of nearby residents to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, etc.

There is not considered to material impact on amenity from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Parking / Highway Safety

The proposed holiday let uses is served by a gated gravel driveway that can accommodate two vehicles. This accords with Appendix SELLP which requires a minimum of two off road parking spaces for dwellings with three bedrooms or fewer.

PLANNING BALANCE

It is considered that the proposed holiday let use would not lead to a material increase in noise or disturbance. There is not considered to be an increase in overlooking or overshadowing as the building is already on site. The proposed use will help to support the economic development of the existing public house business.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4 and 9 of the South East Lincolnshire Local Plan, 2019 as well as Sections 6, 12 and 14 of the National Planning Policy Framework, 2021.

RECOMMENDATION

This application is recommended for approval.

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.