

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0527-24 **Applicant:** Mr & Mrs Fitzgibbon
Proposal: Proposed pre-fabricated concrete garage
Location: New Saracens Head Washway Road Saracens Head
Terminal Date: 14th August 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Not applicable for a Lawful Development Certificate Section 192 application as it is a legal determination.

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is an application for a Lawful Development Certificate to confirm that the proposed erection of a detached garage is lawful and does not require the submission of a planning application.

Site Description

The site is located on the western side of Washway Road within Saracens Head, close to the junction with Saltney Gate. The site is now a converted residential dwelling from the New Saracens Head Public House.

The Old Schoolhouse is situated to the north and bungalows to the south and west (Rosegate and No.2 The Bluebells). A commercial garage is situated to the south-east and Pipwell Manor (grade II listed) approximately 100 metres to the east on the opposite side of Washway Road.

History

H23-0530-02 - Full - Change of use from pub outbuilding to 2 bed bungalow and erection of single storey extension - Refused 27 June 2002.

H23-0646-21 - Outline - Residential development, including demolition of public house - Approved

November 2021

H23-1094-22 - Full - Convert existing public house to dwelling and erection of new dwelling -
Approved February 2023

Consultation Responses

No consultation responses received.

Evaluation

The proposal involves the erection of a detached garage to the rear of New Saracens Head. This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed use would be lawful.

The key issue for decision is whether the proposed works are either (i) not development; or (ii) permitted development. The works are considered to be development, as defined by section 55 of the Town and Country Planning Act 1990, because they involve building operations that are either "structural alterations of or additions to buildings" or "other operations normally undertaken by a person carrying on business as a builder".

The planning history of the site was investigated. Permitted development rights had not been removed by any previous permissions and the proposal.

Planning Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Development not permitted

E.1 Development is not permitted by Class E if -

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

No, the conversion from a public house to a dwelling was permitted under a full planning application. Therefore the proposal conforms with (a)

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

No the proposed building is less than 50%, therefore conforms to (b)

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

No, the building is located to the rear of the dwellinghouse

(d) the building would have more than a single storey;

No, the building would be single storey

(e) the height of the building, enclosure or container would exceed

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

The building is located within 2m of the boundary, however, the maximum height of the building would be 2.48m with an eaves height of 2.010m and therefore complies with (e).

(f) the height of the eaves of the building would exceed 2.5 metres;

The eaves height of the proposed building would be a maximum of 2.010m and therefore, complies with (f).

(g)the building, enclosure, pool or container would be situated within the curtilage of a listed building;

No, the host dwelling is not a Listed Building.

(h)it would include the construction or provision of a verandah, balcony or raised platform;

No, the proposed building does not include the construction or provision of a verandah, balcony or raised platform

(i)it relates to a dwelling or a microwave antenna;

No, the proposal does not relate to a dwelling or a microwave antenna

(j)the capacity of the container would exceed 3,500 litres

No, the proposal is not for a container

(k)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

No, the dwellinghouse was not built under Part 20 of this Schedule

Conclusion

The proposed erection of a pre-fabricated concrete garage constitutes permitted development under Part 1 Class E of the General Permitted Development Order (2015).

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.