DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0574-22**	**Applicant:**	**Mr & Mrs M Seymour**
Proposal:	Change of use of agricultural land to domestic garden including new vehicular access.		
Location:	Adj. Childers 26 High Road Whaplode		
Terminal Date:	19th August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 8. Promoting healthy and safe communities.
Section 12. Achieving well designed places.
Section 15. Conserving and enhancing the natural environment.

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
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposa

Full planning permission is sought for a change of use of agricultural land to domestic garden, including a new vehicular access.

Site Description

The site is currently agricultural land situated to the north of High Road (A151). It includes an agricultural building presently associated with The Childers (No. 22), which has prior approval for conversion to a dwelling (ref. H23-1048-21). A bungalow (No. 22 High Road) is situated to the west and agricultural land to the east.

Relevant Planning History

H23-1048-21 - PAA - Change of use of barns to 2 residential dwellings - Approved 3 December 2021.

Consultation Responses

Whaplode Parish Council

Generally support but Highways need to consider the implications of another three access points close together onto the Highway.

LCC Highways/SuDs

Does not wish to restrict the grant of permission.

Public

Objections/comments received (summarised):

- Object to any work being carried out to adjoining frontage hedge
- What is proposed along western boundary?
- Object to planting of Silver Birch close to western boundary because shed debris in Autumn months

Planning Considerations

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 site is currently designated as agricultural. In accordance with Policies 1 and 2 of the South East Lincolnshire Local Plan (SELLP), 2019 proposals beyond a defined settlement limit should be permitted if sustainable development considerations are met and there would be no harm to the character, appearance and landscape quality of the area and also the amenity of nearby residents.

The proposal is small scale and is commensurate to the dwelling permitted by virtue of prior approval reference H23-1048-21. It is considered that the character or appearance of the rural area would not be materially harmed in this case. It would also constitute a biodiversity enhancement due to the inclusion of new hedge and tree planting.

In terms of amenity, the nearest residential property is a bungalow (No. 22 High Road) to the west. The common boundary is presently delineated by fencing and hedging towards the rear which are understood to be within the ownership of No. 22. The proposal would introduce additional activity adjacent No. 22. However, ambient noise levels are relatively high for a rural location due to the proximity to the A151. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

Issues have been raised concerning the neighbouring hedges. In response, the hedges are outside the site and the applicants' control and do not fall within the remit of this application. Any works carried out to the hedges by anyone other than the owner is a civil matter. A Silver Birch tree referred to has now been omitted from the scheme and replaced by a Hawthorn.

The proposal does not conflict with the fundamental objectives of Policies 1 and 2 therefore.

In terms of 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.

Satisfactory vehicle parking/turning facilities would be provided on site. A Lincolnshire County Council Highways Officer has previously attended a site meeting with the applicant, who demonstrated how the front boundary hedge of the neighbouring property had been cut back to improve visibility for drivers emerging into High Road from both the existing driveway of the neighbouring property and the new vehicle access being proposed as part of this application. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded safe and suitable vehicular access would be achievable at the proposed new vehicle access and therefore does not wish to object to this planning application.

The proposal therefore satisfactorily accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Planning Balance

The proposal is small scale and is commensurate to the dwelling permitted by virtue of prior approval reference H23-1048-21. It is considered that the character or appearance of the rural area would not be materially harmed in this case. It would also constitute a biodiversity enhancement due to the inclusion of new hedge and tree planting. The amenity of neighbouring residents would not be materially harmed and LCC Highways have raised no objections on highway safety grounds. There are no material planning considerations that outweigh factors in favour of the development.

Conclusion

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 proposal satisfactorily accords with development plan policy and advice within the National Planning policy Framework, 2021. There are no material considerations that indicate otherwise.

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.