DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H23-0840-21** | **Applicant:** | **Mrs J Griffiths** |
| **Proposal:** | Proposed conversion of barn to stables and change of use of agricultural land to grazing land/paddocks (part retrospective) | | |
| **Location:** | 48 Broadgate Whaplode Drove Spalding | | |
| **Terminal Date:** | 30th September 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 |
| 28 | The Natural Environment |
| 30 | Pollution |
| 31 | Climate Change and Renewable and Low Carbon Energy |
| 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 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND INTERNAL DRAINAGE | 0 | 0 | 0 | 1 |

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|---|---|---|---|---|
| BOARD | | | | |
| SHDC INTERNAL | 0 | 0 | 0 | 2 |

## CASE OFFICER ASSESSMENT

### Proposal

Full planning permission is sought for the conversion of an existing metal clad barn to stables, including tack room and store, plus a change of use of agricultural land to grazing land/paddocks. The latter has already taken place.

### Site Description

The site is located to the rear of no. 48 (house). Former agricultural buildings historically associated with no. 48 are situated to the north. The land in question has planning permission for a new 3 bed bungalow (ref: H23-0521-21), plus stabling, training ring and paddocks at the rear (ref: H23-0522-21). A house (no. 50) is located to the south fronting Broadgate beyond a private access road serving a barn conversion to the rear (ref. H23-1124-17 and H23-0520-19).

### Recent History

H23-0331-19 - O/A - Residential development - Refused 20 May 2019. Dismissed on appeal.

H23-0870-19 - O/A - Residential development - single-storey dwelling and detached triple garage (re-submission of H23-0331-19) - Refused 31 October 2019.

### Consultation responses

Whaplode Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

Note that the impermeable area is not proposed to increase. If a surface water discharge were to be proposed to a watercourse, then the proposed development would require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No objections subject to a condition preventing the burning of bedding or waste.

### Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance and amenity;
- Highway issues;
- Flood Risk.

Policy/principle

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states that "in the countryside development will be permitted 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 this case, the proposal is for the conversion of an existing building to stables in association with No 48, plus paddocks/grazing land at the rear. Given the nature of the development, the re-use of an existing building and its association with the frontage dwelling, the proposal cannot be located elsewhere within a settlement boundary. Use of land as a paddock/grazing land is an appropriate rural use. Therefore, the principle of the proposed development is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019 in locational terms.

Character/Appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

The proposal involves the re-use of an existing metal clad building. No external alterations are proposed. The land at the rear would retain a rural appearance. It is considered that the proposal would not materially harm the street scene or the rural character or appearance of the locality.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

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

Former agricultural buildings historically associated with no. 48 are situated to the north. The land in question has planning permission for a new 3 bed bungalow (ref: H23-0521-21), plus stabling, training ring and paddocks at the rear (ref: H23-0522-21). A house (no. 50) is located to the south fronting Broadgate beyond a private access road serving a barn conversion to the rear (ref. H23-1124-17 and H23-0520-19).

The building is set back behind no. 48 and has blank elevations facing east, south and west. The doors face onto the yard associated with no. 48. Horse manure would be collected on an agricultural trailer and periodically distributed locally on farmland. Environmental Protection have raised no objections subject to no burning of bedding or waste on site.

Given the separation distances involved 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, odour, etc, subject to mitigating conditions.

The proposal is in accordance with Policies 2, 3 and 30 of South East Lincolnshire Local Plan, 2019 in this respect.

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 based upon the use class.

Ample car parking is available upon the site and would not be prejudiced. There are therefore no highway safety issues in this case.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

The site is within Flood Zone 1 on the Environment Agency Maps and within an area of no hazard within the SHDC Strategic Flood Risk Assessment. There are no flood risk issues in this case.

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.

The proposal does not materially harm the character or appearance of the locality, or amenity of nearby residents in terms of issues such as noise and disturbance, odour, etc. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above, subject to mitigating conditions.

## Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

## 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.