

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 07 September 2022

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H23-0879-21

Application Number: H23-0879-21

Date Received: 17 August 2021

Application Type: FULL

Description: Proposed Bungalow

Location: Land at Cranesgate South Holbeach St Johns Spalding

Applicant: Mr J Wright

Agent: Status Design

Ward: Whaplode and Holbeach St Johns

Ward Councillors: Cllr A C Beal
Cllr P A Redgate

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0879-21>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises issues that warrant consideration by Planning Committee.

2.0 PROPOSAL

2.1 Full planning permission is sought for a 3 bedroom bungalow to be constructed in facing bricks with Juniper Green plastic coated corrugated sheeting on the roof.

2.2 It should be noted that outline permission has previously been refused for a bungalow to be constructed using shipping containers (ref. H23-0059-19).

3.0 SITE DESCRIPTION

3.1 The site is located on the western side of Cranesgate South and is currently grassed. It was formerly part of a site used for vehicle dismantling and adjoins Fenland Airfield, which is situated to the south and west. Trees and a drain are situated along the site's frontage. Aircraft hangars are situated to the south-west.

3.2 Residential properties are situated to the north-east on the opposite side of Cranesgate South. The applicant's present property (Fenland Manor) is located to the north-west and a bungalow (Greystones) is situated to the north.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

01. Spatial Strategy
02. Development Management
03. Design of New Development
04. Approach to Flood Risk
11. Distribution of New Housing
28. The Natural Environment
30. Pollution
31. Climate Change and Renewable and Low Carbon Energy
32. Community, Health and Well-being
36. Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting sustainable transport.
Section 11. Making effective use of land.
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.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H23-0059-19 - Outline - Erection of bungalow - Refused 18 March 2019

6.0 REPRESENTATIONS

6.1 Whaplode Parish Council

If agreed there needs to be an agricultural clause or planning obligation.

6.2 LCC Highways/SUDs

No objections subject to informatives.

6.3 South Holland Internal Drainage Board

Note that the applicant intends to discharge surface water to a watercourse, with no other means of draining the site readily available or discussed. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

6.4 SHDC Environmental Protection

Noise - No objections.

Contamination - Request standard land contamination condition.

6.5 Public

Objections received (summarised)

- Site higher than surrounding land due to waste dumping and is open to view from airfield and Cranesgate South. Appears unsightly
- Non-standard construction (shipping containers bricked around) would be a blot on the landscape
- Cranesgate South is a single country lane and unsuitable. In case of an airfield emergency an additional property could cause problems for the emergency services
- A property on this site could cause problems as noise from the airfield is high and future residents may be distressed
- Proposed site currently for sale by the owner
- Helicopter refuelling tank close to proposed bungalow, which is a safety issue
- Creation of new access over a watercourse would increase access to airfield and fuel tank which have been subject to theft.

6.6 Information from Applicant (summarised)

- Have to sell current house because it is too large and I am now 85. Require dwelling near my workshop where I work 6 days a week.
- Also own Fenland Airfield which is continuing to expand and is run efficiently with safety and security at the fore. It has suffered from break-ins so wish to live adjacent to the airfield hangars for security and surveillance reasons to give tenants the confidence to house planes on the site without fear of theft or damage
- Living off site would result in need to use car daily, causing pollution
- Site not open countryside. It is brownfield land that has been used for industrial purposes for 60 years
- Cannot be seen from the highway due to mature trees and a hedge
- Exit to highway already exists
- Cllr Speechley given permission to build a large house on agricultural land at Common Drove 2 miles from Crowland. Permission also granted for a house using shipping containers on agricultural land 2 miles south of Sutton St James. There are many other similar cases.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 The main issues in this case are:

- Policy/whether the proposal constitutes sustainable development;
- Amenity issues;
- Highway safety;
- Other material considerations such as flood risk and drainage.

7.3 Policy/Sustainability

7.4 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.

7.5 The site lies outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the SELLP is therefore applicable. It states that development will be permitted in the countryside 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.

7.6 In terms of part 1, Planning Practice Guidance was provided in July 2019 at paragraph 010 which indicates how the need for dwellings in the countryside for essential rural workers can be assessed. Although it refers to isolated homes in the countryside and land based rural enterprises the considerations referred to within paragraph 010 are nevertheless relevant to assess whether the development is necessary in this countryside location.

7.7 They include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a land based rural enterprise (for instance, where the enterprise requires on-site attention 24 hours a day for operational and security reasons and to deal with emergencies). It also refers to whether the need could be met through

existing accommodation on the site, or improvements to create such accommodation.

- 7.8 Addressing the above, the applicant has indicated that he needs to be on site because he requires a dwelling near his workshop where he works 6 days a week. He has also stated that he owns the adjacent airfield and needs to live adjacent to the airfield hangars for security and surveillance reasons due to previous cases of break-ins and theft. Concerning the former, it has not been sufficiently demonstrated that this is essential as opposed to preferred. It is understood that day to day operations within the airfield are conducted by staff of The Fenland Aero Club. Regarding security, remote security systems can be installed which avoid the need for a 24/7 on site presence.
- 7.9 Even if there was a functional need for someone to be on hand at all times for operational, managerial or security reasons this is met by the existing house (Fenland Manor). It is considered that there is no essential need for additional residential accommodation. The applicant has indicated that Fenland Manor is now too large for him and his wife and will have to be sold. However, this is a personal matter and carries limited weight in the planning process.
- 7.10 SELLP Policy 1 indicates that development will be permitted if it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The relevant criteria are discussed below:
- 7.11 Economic - The proposal would make a small contribution towards housing supply and future occupants would work locally, support local services and make a contribution to the local economy.
- 7.12 Community/Social - The proposal is deliverable and would contribute towards the supply of housing required to meet the needs of present and future generations. However, it is not closely related to an existing built-up area and would not be readily accessible to existing services and facilities other than by motor vehicle. The proposal would not bring significant community benefits.
- 7.13 An Environmental Role - Although the site is historically part of an industrial site it is currently grassed and has an open feel. The proposed development would constitute an intrusive element that would be detrimental to the prevailing rural character of the countryside.
- 7.14 Concluding, therefore, residential development is not considered necessary in this location and doesn't meet the sustainable development needs of the area in terms of community or environmental benefits. The proposal is not therefore in accordance with Policy 1 of the SELLP.
- 7.15 Moreover, Policies 2 and 3 of the SELLP indicate that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses. They are in accordance with advice within Paragraph 174 of the Framework, which states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 124 and 130 indicate that new development should be sympathetic to and maintain an area's prevailing character.
- 7.16 Amenity
- 7.17 Policies 2 and 3 of the South East Lincolnshire Local Plan 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.
- 7.18 The nearest residential properties are situated to the north-east on the opposite side of Cranesgate South. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, noise and disturbance, etc.
- 7.19 Whilst the property would be situated close to the existing airfield, which can potentially be

noisy, there are also other residential properties nearby. It is considered that it would not result in a risk of noise complaints to a significantly greater degree than at present, especially bearing in mind the applicant has a personal involvement with the airfield.

- 7.20 It has been indicated that the proposed property is close to a helicopter re-fuelling tank and that this could present safety issues. However, this is a matter that is controlled under separate legislation.
- 7.21 The proposal satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity issues.
- 7.22 Highway safety
- 7.23 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. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.
- 7.24 Access would be onto Cranesgate South, which is a narrow rural road. However, satisfactory on-site parking would be available and emergency access could still be gained to the airfield if necessary. LCC Highways have been consulted and have raised no objections on highway safety grounds. Paragraph 111 of the National Planning Policy Framework, 2021 indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is not considered to be the case.
- 7.25 Flood risk/drainage
- 7.26 Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.
- 7.27 The site is within Flood Zone 1 on the Environment Agency Flood Maps and within an area of no hazard within the SHDC Strategic Flood risk Assessment. The proposal therefore satisfies the sequential test.
- 7.28 Drainage matters could be addressed by means of a condition if permission was forthcoming.
- 7.29 Contamination
- 7.30 Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.
- 7.31 The site is part of premises previously used for vehicle dismantling. Environmental Protection have therefore recommended a contaminated land condition if permission is forthcoming.
- 7.32 Planning Balance
- 7.33 There is no essential or overriding need for the proposed development in this countryside location. Moreover, the proposal is not closely related to an existing settlement and would not be readily accessible to existing services and facilities other than by motor vehicle. Moreover, notwithstanding existing boundary planting, which could be removed, the proposed

development would result in a further accumulation of residential development within the countryside, to the detriment of its intrinsic rural character. Taken together, these harmful effects of the scheme amount to adverse impacts which significantly and demonstrably outweigh the personal benefits that the proposed development would deliver. Consequently, the proposed development would not comprise sustainable development.

7.34 The proposal is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 1 indicates that that development will be permitted in the countryside 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. Policies 2 and 3 indicate that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses.

7.35 The above policies are consistent with advice within the National Planning Policy Framework, 2021. Section 2 is geared towards the achievement of sustainable development. Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 124 and 130 indicate that new development should be sympathetic to and maintain an area's prevailing character.

7.36 Conclusion

7.37 The proposal is not considered to be sustainable for the reasons outlined above. It is therefore recommended that the application be refused under delegated powers.

7.38 **Additional Considerations**

7.39 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.

7.40 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.

8.0 RECOMMENDATIONS

8.1 Refuse permission for the reasons outlined within section 9.0 of this report.

9.0 REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority there is not an essential need for an additional dwelling in this countryside location. Although the proposal would satisfy the applicant's personal needs and make a small contribution towards the local rural economy and the supply of housing required to meet the needs of present and future generations within the district these benefits are outweighed by the harm that the proposal would cause in terms of other social and environmental factors. They include the distance from local services and facilities, reliance upon the motor car and the development's harmful effect upon the character and appearance of the countryside.

The site is not therefore considered to be suitable for an additional dwelling with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. The proposal is contrary to Policies 1 and 2 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2021. Paragraphs 7 and 8 of the Framework indicate that new housing should be in a sustainable location and contribute towards protecting and enhancing the environment. Paragraph 80 stresses that local planning authorities should avoid new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. It has not been satisfactorily demonstrated that the latter is the case.

2. Note:

The determined plans are:
1:2500 Location Plan
SD22-009/1
SD22-009/2
SD22-009/3

Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A Plan A

