

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1069-23 **Applicant:** Mr & Mrs M Seymour

Proposal: Change of use from agricultural land to domestic garden including new access for domestic barn and access into the existing caravan storage facilities

Location: Adj The Childers 26 High Road Whaplode

Terminal Date: 25th January 2024

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
36	Vehicle and Cycle Parking

National Guidance**National Planning Policy Framework 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

The proposal is to formulate an access from the A151 to serve an existing caravan storage business and approved dwelling. A change of use of some land for use as residential curtilage is also proposed.

Site Description

The application site is located to the east of number 22 Main Road (A151) and takes up part agricultural land as well as running alongside an existing barn and feeds into an existing caravan storage business. Planning application H23-1048-21 allowed for the change of use of barns to 2 residential dwellings.

The application site is located in the open countryside for planning policy purposes and the proposal would provide a new access to the existing caravan storage site as well as the recently approved barn. An existing shared access runs in between numbers 22 and 26, this feeds the proposal site for both barns as well as the existing caravan storage area and number 26. A separate planning application for number 26 has been submitted, this application seeks to remove the occupancy tie in relation to the caravan storage business.

It is material to this assessment that H23-0574-22 allows for a Change of use of agricultural land to domestic garden including new vehicular access across the application site and is still extant until August 2025.

History

H23-0574-22 - Change of use of agricultural land to domestic garden including new vehicular access. Approved 10-08-22

H23-1048-21 - Change of use of barns to 2 residential dwellings Approved 03-12-21

H23-1030-23 - Removal of occupancy condition. Pending.

Consultation Responses

Environmental Protection - I request a standard land contamination condition to be applied at this location.

Highways - No objection: The access arrangements for this proposed development have been the subject of pre-application discussions with, and a site visit by, an officer of the highway authority. The Applicant has negotiated with his neighbour to provide mutually beneficial visibility improvements as part of the proposed works. The proposed development does not alter what is being served off High Road, only the position and the form of its access and egress. The access/egress arrangements shown on the submitted details accord with what was discussed in those pre-application discussions and therefore, the highway authority does not wish to raise an objection to the grant of Consent for this Application.

South Holland IDB - The board has no comments

Parish - No comment as long as LCC highways are in agreement

Planning Considerations

The proposal is located outside of any defined settlement boundary and within the open countryside. Given that the principle for an access in this location has already been established under planning application H23-0574-22 it is considered that there is no requirement to revisit matters of planning principle as part of this assessment. The access approved is for domestic purposes and also included a larger area subject to a use change for domestic curtilage associated with the eastern most dwelling approved (H23-0574-22). Therefore, given an access can be formulated on a similar footprint, along with a change of use of land to form residential curtilage already approved then these uses are already established, and principle requires no further discussion.

The following issues are relevant to this assessment:

- Highway Safety and Parking Provision
- Character and Landscape Impacts
- Impacts on Amenity
- Flood Risk

Highway Safety & Parking Provision

In respect of highway matters, Policy 2 of the SELLP details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Section 9 of the National Planning Policy Framework (December, 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December, 2023) advises 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".

The proposed access connects to the A151, the access shows visibility splays and an initial passing width of 6.5m the planting scheme is kept back from the footway. Number 22 does have some planting on its front boundary, however there is a separation from the access and the footpath is 2m from boundary to kerb. The access would serve both customers of the caravan storage business as well as the off-street parking provision associated with the barn approved under H23-1048-21.

Highways have been consulted and have stated that "The proposed development does not alter what is being served off High Road, only the position and the form of its access and egress. The access/egress arrangements shown on the submitted details accord with what was discussed in those pre-application discussions and therefore, the highway authority does not wish to raise an objection to the grant of Consent for this Application."

The authority therefore consider that this is a replacement access and will not intensify 'potential' spill out onto the main road, over what currently exists. It is considered that justification exists to condition that the existing access/egress located at the north end of the private road serving The Childers will be conditioned to be 'blocked up'. This would improve not only highway safety but also the impact upon the amenity of neighbouring properties.

Character and Landscape Impacts

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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it 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 proposal would result in the encroachment easterly into the open countryside; however an extant permission already exists to formulate an access at this point. That said the proposed access

is softened by the use of appropriate planting. Along the eastern edge of the access a timber post and rail fence is proposed with a mixed native hedge planted inside. Either side of the internal road a mix of trees and shrubs are planted. This offers a softening of the existing interface between residential form and open countryside and is a positive approach to the design. Further Planting separates the residential curtilage from the entrance to the caravan storage area.

The texture of the access is proposed to be gravel, this may be acceptable for the greater length of the internal road however it is unlikely to be supported around the access/egress point to the A151. Given the status of the A151 the access will require a separate consent from the Highway Authority (see informative) and it is likely this will be required to be laid to a bounded material.

Lastly the off-street parking proposed for the dwelling approved under H23-1048-21 is considered acceptable. Highways have no objections on safety terms to this proposal and it is therefore considered that the development would meet with the requirements of policy 2 and 3 of the South East Lincolnshire Local Plan.

Impacts on Amenity

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning. It states that "Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided".

It is material that the existing access to the caravan storage area is located in between residential properties. Numbers 22 & 26 as well as both dwellings approved under H23-1048-2. The repositioning of this access (and closing off the existing entrance to the caravan storage site) is likely to result in an overall betterment in terms of effects upon residential amenity. The eastern most barn (approved under H23-1048-2) is likely to be subject to some impact through noise and disturbance however it is likely that locating to the access to its eastern side would have a similar impact to that of the existing arrangement.

On this basis it is considered that the proposal would meet with policy 2 and policy 30 of the South East Lincolnshire Local Plan 2019.

Flood Risk

Policy 4 of the SELLP sets out South Hollands planning guidance on flood risk. The application site is located within flood zone 3 in accordance with EA mapping systems, the South East Lincolnshire SFRA Fluvial & Tidal Hazard Mapping shows that the application site is located in an area between 0.75 and 1.25 (danger for some).

That said the proposal is for ancillary infrastructure to serve an existing use. The works to the access point are subject to a license from the Highway Authority, this process is likely to deter an surface water created from entering the highway. The most part of the driveway is proposed to be gravel, and it is unlikely that a significant amount of surface water would be created and therefore a condition relating to how this internal road is drainage is not required in this instance.

The proposal in flooding terms, given the requirement for a highway license to ensure appropriate works are carried out during construction of the access is therefore considered acceptable.

Other Issues

The Environmental Protection department have requested that a land contamination condition is applied. However the land relates to an a former agricultural field and has an 'inert' planning history'. Therefore an information will be attached that should any unforeseen contamination be found during construction then works are to cease and contamination reported to the LPA.

Conclusion

The proposal is considered acceptable considering the material effect of planning permission H23-0574-22. The proposal will be subject to a separate highways licensing process.

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.