

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1116-21 **Applicant:** F Dring & Sons Ltd.
Proposal: Proposed Barn Conversion
Location: Crown Farm Stockwell Gate West Whaplode
Terminal Date: 11th January 2022

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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic 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 5. Delivering a sufficient supply of homes.
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.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert a range of former agricultural buildings to a four-bed dwelling.

Site Description

The site is located on the northern side of Stockwell Gate West and is occupied by a range of traditional 19th Century farm buildings of brick construction, with a replacement fibre cement/asbestos roof.

A house (no. 4 Stockwell Gate) is situated to the east and Whaplode House (grade II listed) to the west. A row of dwellings is situated opposite.

Recent Planning History

H23-1041-17 - Outline - Residential Development - Withdrawn 18 December 2017

H23-0050-18 - Full - Barn conversion to residential - Granted 28 June 2018

Consultation Responses

Whaplode Parish Council

No observations. Previously supported outline application.

LCC Highways

Does not wish to restrict the grant of permission.

South Holland IDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Request contaminated land conditions.

SHDC Conservation Officer

The proposal generally retains the character of the site and the proposal to retain such a building, adapting it into modern, sustainable use, and proposals to retain and adapt existing window/door openings as well as make use of reclaimed materials are all appreciated. Therefore, from a conservation perspective, I wish to raise no objections.

LCC Historic Environment Officer

Request conditions.

Public

Objection received (summarised):

- Lack of privacy;
- Noise/disturbance;
- Pollution;
- Additional traffic;
- Extra traffic, noise and disturbance during construction stage;
- Affect upon wildlife;
- Damage to property and water mains on verge.
- Site has covenant for a single private dwelling.

Planning Considerations

The main issues in this case are:

- Policy;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage, ecology and archaeology.

Policy/Principle

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 located outside of a settlement limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 23 of the SELLP indicates that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building.

Where permission is granted, permitted development rights may be removed to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Policy 29 (The Historic Environment) indicates that proposals affecting the significance of a heritage asset should demonstrate that all reasonable efforts have been made to find a new use if appropriate and mitigate the extent of harm to the significance of the asset. Proposals that do not preserve or enhance the setting of a listed building should not be supported. It is consistent with advice within Section 16 of the National Planning Policy Framework, 2021.

Assessing the proposal against the above policies, the structural report accompanying the application states that the building's basic, rectangular shape, together with the presence of braced cross walls, results in it being a robust structure which can be seen to have only lost a small amount of original fabric during its lifetime. It concludes that it is ideal for sensitive restoration and conversion into a habitable dwelling.

Crown Farm is mentioned within the Lincolnshire County Council Historic Environment Record. The U-plan barn is specifically mentioned as contributing to the value of this site, meaning that this structure is of historic/architectural merit and classified as a non-designated asset (NDA).

The building's retention and re-use is therefore supported. The proposal generally retains the character/appearance of the building in terms of architectural detailing and materials of construction. The scheme would enhance the character/appearance of the locality and not harm the setting of Whaplode House (grade II listed) to the west.

It is considered that the proposal satisfactorily complies with the aims and objectives of Policies 23 and 29 of the SELLP and is consistent with advice within the Framework, 2021. Paragraph 80 of the latter suggests, amongst other things, that development that would re-use redundant or disused buildings and enhance its immediate setting might be acceptable with specific regard to the provision of rural housing.

Amenity

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

A house (no. 4 Stockwell Gate) is situated to the east and Whaplode House (grade II listed) to the west. A row of dwellings is situated opposite.

Windows situated on the eastern elevation (secondary lounge, kitchen and utility windows) are separated from No 4 Stockwell Gate by a driveway and side garden area. The latter is within the same ownership. Two gables on the front elevation are blank and openings associated with a hallway are set further back. Lounge windows on the eastern part of the building open onto a patio area within the former crew yard at the front. General domestic activity upon the site would not be significantly greater than the former agricultural use, including the keeping of livestock. The relationship and distance from neighbouring properties is considered such that the amenity of occupiers of neighbouring properties would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

The proposal satisfactorily complies with Policies 2 and 3 of the 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. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

An existing vehicular access would be utilised and there is provision on site for the parking of three vehicles. Other than the construction stage, a reduced number of larger commercial vehicles would be likely to use the site, as compared to its former agricultural use. The construction period could be controlled by means of a construction management condition. LCC Highways have indicated that conversion of the building into a dwelling would not be expected to have an unacceptable impact upon highway safety and do not wish to object to this planning application.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking requirements.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth

Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area designated as danger for some. However, the Framework states at paragraph 164 that minor development and changes of use applications such as this should not be subject to the sequential or exceptions tests. Given the nature of the scheme, neither the sequential or exception tests are required in this case. However, paragraph 164 also stresses that proposals should still meet the requirements for site specific flood risk assessments. Given that the proposal is a more vulnerable development it is therefore recommended that the development be carried out in accordance with the flood risk assessment. This includes finished floor levels being 400mm above existing ground level.

The proposal therefore satisfactorily complies with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2021.

Drainage

Foul water would be disposed of to a package treatment plant and surface water to soakaways. This arrangement is considered acceptable in this location.

Ecology

The buildings do have some entrance points and are of a type that could be inhabited by protected species such as Barn Owls or nesting birds. It is therefore recommended that an ecological survey be carried out prior to works commencing on the building.

The scheme includes additional tree and hedge planting and also bio-diversity enhancements. It is in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

Other Matters

Concerns have been raised over possible damage to neighbouring property and also water mains on verges. In this respect, the developer has a legal obligation to carry out development without damaging neighbouring property/services. Breach of covenant is a separate legal matter.

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 generally complies with the aims and objectives of Policies 1, 2, 3, 4, 23, 28, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021. Whilst objections have been raised they are not considered to be such as to outweigh factors in favour of the proposal and the policies referred to above.

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.