

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-1157-19 **Applicant:** Hortech Systems Ltd
Proposal: Temporary siting of 3 storage containers (retrospective)
Location: Roslyn 36 High Road Whaplode
Terminal Date: 23rd March 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks retrospective planning permission for temporary siting of 3 storage containers at land adjacent to Roslyn, 36 High Road, Whaplode, Spalding.

Site Description

The area is characterised by a cluster of properties forming ribbon development between the built-up areas of Whaplode and Holbeach. Open agricultural fields are the prevailing feature of the wider area.

The application site adjoins the rear garden of No. 36. Two metal containers have been already observed on the site during the site inspection. A driveway recently gravelled runs to the east of the domestic plot of No. 36. There is grassed land on the opposite side. Further to the east, there are two detached dwellinghouses with large outbuildings across their curtilages. The remainder of the land adjacent to the proposed site is paddock land. Mature trees form hedges on both eastern and western boundaries.

History

H23-0654-18 - Proposed storage building - Refused

H23-0125-16 - Change of use of agricultural land to B1 use (Light Industry) - Refused

H23-0051-16 - Change of use of dog groomers site (A1) to (B1) use, light industry - Withdrawn

Consultation Responses

Whaplode Parish Council

Raises an objection on the basis of previous refused applications for change of land use to industrial use.

South Holland Environmental Protection

No comment.

Lincolnshire County Council as Highway Authority and Lead Local Flood Authority

No objection.

Members of public

Two residents have made representations objecting to the proposal in the following terms:

- The site has been used without permission for storage containers, trailers and waster skips since the applicant has owned the land in May 2019.
- Previous planning applications were refused on the basis that non-agricultural use was unacceptable on the site.
- Site clearance was undertaken to remove trees and plants and lay a hard core base on the site without permission.
- Noise and disturbance caused by the vehicle movements while the site has been used for industrial storage.
- Misinformation on the Section 10 of the application form with regards to trees and hedges.

Planning Considerations

Principle of development

The site lies on land designated as countryside in accordance with South East Lincolnshire Local

Plan (SELLP), 2019.

Policy 1 of SELLP sets out the spatial strategy in which the most sustainable locations are promoted for new development. Within 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".

The use of the site is to provide further storage of equipment and other goods owned by Hortech Systems Ltd. This is a long-established family-run business based in Holbeach. The limited company offers irrigation technology, pumps and water storage goods as well as glasshouse and associated equipment for horticultural and agricultural businesses.

The previous application H23-0654-18 sought permission for proposed storage building and refusal was warranted. Echoing the reasons for H23-0125-16, permission was refused because the outbuilding entailed a change of use from agricultural land to B8 (storage and distribution) which would have an adverse impact on the rural character of the area.

This application hereby assessed proposes three containers instead of an outbuilding. The form of development has been changed but such variation does not override at all the underlying matter of the appropriateness of the actual change of use.

Subsequent correspondence with the applicant revealed that further storage is urgently needed in such location. Hortech Systems Ltd has no other alternative sites for such purpose in a short term basis and therefore the company viability would result seriously undermined should permission not be granted for the proposed containers.

Notwithstanding such urgency, no evidence has been provided to justify that development of this nature is essential at the proposed location. Neither any statement of the proposal nor detailed information has been submitted to the Local Planning Authority to demonstrate how the containers and/or the industrial use of the land are satisfactorily committed to achieve sustainable development, including considerations about the harmful impact of planning refusal upon the business viability.

Furthermore, Policy 7 of SELLP sets out the criteria for new development related to employment use in line with sustainable development. For non-listed employment sites, this policy states that "new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

No evidence has been provided to demonstrate that the storage units could be located elsewhere reusing previously-developed land or converting/re-using redundant buildings. Therefore, the proposal must comply with the criteria listed above, however it is considered that it fails against some of these. The change of land use from agricultural to B8 is not responsive to the local context (criteria c) dominated by open agricultural fields and some residential properties in the immediacy of the site. Likewise, the B8 use of the land will constitute significant adverse impact upon the character and appearance of the area (criteria b) and the intended storage operations will conflict with neighbouring land uses (criteria a).

In summary, the principle of development is not acceptable for neither the containers neither the actual change of land use from agricultural to B8 use in accordance with Policy 1 and 7 of SELLP.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed block plan shows a gravelled hardstanding area approximately amounting to 745 square metres. The gravelled roadway has been created to serve access from High Road to the site. In addition to this site access, a nearly 2 metre high fencing and gates have been erected and those works fall under permitted development rights. Therefore, no planning permission should be sought for boundary treatment and surface works.

The submitted block plan shows three metal storage containers set back in the region of 16 metres from the rear boundary of the domestic curtilage of No. 36. Two of them are already on site. The scale and height of the units are such that the development does not appear disproportionate with the boundary treatment and neighbouring properties in the vicinity. The metal containers though constitute a form of development more temporary and of lower quality standards than the sounder storage outbuilding which was refused under application ref. H23-0654-18.

The overall appearance of the development is at odds with its rural setting. This harm might have been outweighed should the proposals had complied with the criteria for new development in the countryside such as the aforementioned Policy 1 of SELLP, 2019. However, the need of the development at such location has not been demonstrated neither the commitment with achieving sustainable development and therefore the design and layout of the proposal could have been improved to mitigate their impact onto the rural setting.

In summary, the development does not maximise the opportunities for better design. It is also unsympathetic with the rural character of the area without no demonstration of significant need which might have outweigh such material consideration. The development therefore contravenes the aforementioned policies on design, layout and character of the local area.

Parking provision and highway safety

No parking details have been provided, nor has information been given as to how vehicles will be able to manoeuvre to ensure that they exit the site in a forward gear. However, the County Highways does not have any concerns with regard to case officer's concerns on parking, manoeuvrability and highway safety.

The proposal is therefore considered to be in accordance with Policies 2 , 3 and 36 of the Local Plan in this respect.

Residential amenity

The storage entails the movement of large motor vehicles on the proposed site. Regardless of the operational hours of loading/uploading equipment and goods on the site, the storage operations do take place in close proximity of the dwellinghouse No. 36. Should permission be granted for the containers, the storage operations will harm the amenity standards of residents of the property No. 36 by reason of noise and disturbance. At a lesser extent, harm might occur to the residents living in the other nearest properties, No. 46 (west) and No. 26 and 22 (east).

It is mindful of mixture of residential and business use in the surrounding of the sites, including caravan storage and a cattery business. However, the storage activity for light industrial company might likely be further intense as to noise levels.

In view of considerations above, the development does not comply with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019). It would also be contrary to Policy 30 which contains provisions relating to impact on the amenity of the area.

Conclusion

Retrospective permission of storage containers would entail the authorisation of a change of land use from agricultural to light industrial (B8). Such consideration was made previously and planning applications ref. H23-0654-18 and H23-0125-16 were refused on the basis of inappropriateness of such change of land use at this location. Harmful implications for the business viability have been raised should permission not be granted for the containers. However, no evidence has been provided with regards the need of storage at such location and the extent to which the proposals will contribute to sustainable development. Therefore, the principle of development is not acceptable.

This application proposes three metal containers for storage instead of a large outbuilding for identical purpose as refused in previous application H23-0654-18. The proposals will not maximise opportunities for improving the character and quality of an area given the rural setting. Additionally, the principle of development is not acceptable and the proposal also fails to ensure no harm upon residential amenity.

Taking into considerations the reasons above, the proposed development is considered to be contrary to Policies 1, 2, 3, 7 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019 as well as Section 12 of the National Planning Policy Framework (NPPF), 2019.

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.