DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-1162-21**	**Applicant:**	**Mr V Mustafa**
Proposal:	Change of use of garage/games room into dwelling		
Location:	Home Farm Millgate Whaplode		
Terminal Date:	6th 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
10	Meeting Assessed Housing Requirements
23	The Reuse of Buildings in the Countryside for Residential Use
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 5. Delivering a sufficient supply of homes
Section 12. Achieving well-designed places

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission to change use of the detached garage/games room into a 4 bedroom dwelling. The proposal involves some minor external alterations to include the following:

·One new ground floor window is proposed in the side elevation
·Replacing the existing garage doors with bi-fold doors
·One new door and one window opening at ground floor level on the rear elevation

Site Description

The site lies on Millgate in Whaplode and is outside any settlement boundary, within the open countryside. It is approximately 2.90 km to the south of Whaplode and 1.63 km to the north-west of Whaplode St Catherine. The building in question is red brick built and is located to the north-west of Home Farm. Bleu Raye Farm is immediately to the rear of the site. To the east, Millgate is a single carriageway lane from north to south. A drain runs in parallel with Millgate on its eastern side.

History

H23-1025-20 - Proposed replacement quadruple garage with games room/study above - Approved

H23-1106-17 - Change of use from Nursery to Residential Annexe - Approved

H23-0932-16 - Renovations to create children's nursery (retrospective) - Approved

Consultation Responses

LCC Highways/SUDS Authority

Requests further information with regards to access, turning and parking arrangements for the host dwelling Home Farm.

Environmental Protection

No comments or objections.

Whaplode Parish Council

No comments

South Holland Internal Drainage Board

If a surface/foul 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). If the applicant intends to do works within 9 metres of the Boards adopted watercourse then the Board's consent will be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). If the proposals involve the alteration of a watercourse, such as culverting for access or infilling, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Planning Considerations

Principle of development

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".

Policy 23 of the SELLP states 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 in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Rural buildings can make a significant contribution to the character of an area and so there is a concern that they should not remain vacant, under-used or become derelict, detracting from the visual character and quality of the designated Countryside.

However, not all buildings in the Countryside are suitable for conversion as they may be of insubstantial construction, of poor design or not in keeping with their surroundings. Buildings to be converted should be structurally sound and proposals which require significant extension, alteration or rebuilding will be not acceptable.

Addressing the above, the building in question is newly constructed and therefore it is not considered to have architectural or historic merit or make a positive contribution to the character of the landscape, to justify conversion to ensure retention. The proposed conversion would not lead to an enhancement of the immediate setting of the building.

Taking the above into account, it is considered that the proposal is contrary to Policy 23 and therefore not acceptable in principle.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Policies 2 and 3 of 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.

The proposed development proposes minor external alterations which are not considered to significantly alter the overall appearance of the building or the wider area. As such it is considered to accord with Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF.

Residential amenity

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

The only immediate neighbour would be the host dwelling at Home Farm. The proposed change of use is not considered to significantly increase the impact on neighbouring amenity in terms of noise or traffic.

There are 2no first floor windows in the southern elevation which would face Home Farm. However, as these serve a landing they could be changed to obscure glazing to avoid any overlooking or loss

of privacy.

Given the above the proposal is not considered to result in any unacceptable impact on neighbouring amenity therefore it complies with policies 2 and 3 of the SELLP.

Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. 2no spaces are required for dwellings with up to 3no bedrooms and 3no spaces for dwellings with 4+ bedrooms.

The County Highways Authority requested further details with regards to the access, turning and parking arrangements for the host dwelling Home Farm, as this proposal for the change of use to a dwelling will lose the current parking provision.

Whilst not currently shown on the submitted plans it is considered that sufficient parking/turning for Home Farm could be secured given there is sufficient space within the proposed reduced curtilage of Home Farm.

The proposed dwelling would also have adequate parking/turning in the existing driveway.

As such minimum parking standards could be achieved.

Flood Risk/drainage

The western boundary of the site is located within Flood Zone 2, an area with a medium probability of flooding, on the Environment Agency Flood Maps for Planning. The remainder of the site is in Flood Zone 1.

The NPPF requires the application of a Sequential Test to ensure that new development is in areas with the lowest probability of flooding. The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps 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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The development is protected by defences during the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200 chance each year) tidal event including an allowance for climate change. The site is not at risk during a breach of the tidal defences.

The site is located within an Internal Drainage Board catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the South Holland IDB high priority watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year).

The FRA concludes that the development passes the Sequential Test and is therefore suitable for the proposed location. It is recommended that the finished floor levels are 0.3m above site levels and there is 0.3m of flood resilient construction above finished floor level.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has advised that the change of use may require improvements to be made to the surface water drainage system. If 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).

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Planning balance

The principle of changing the use of the building to residential is not acceptable under Policy 23 of the SELLP.

Minimal external changes are proposed therefore the proposal does not materially harm the character or appearance of the locality.

The scheme would not harm the amenity of nearby residents as it would not significantly increase noise and traffic.

Whilst no parking/turning for the host dwelling is shown this could be easily achieved given there is sufficient space within the proposed reduced curtilage of Home Farm.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application is not considered to comply with Policies 1, 2, 3, 4, 10, 23, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 4, 5 and 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended that the application is refused via 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.

RECOMMENDATION

The application is refused under delegated powers.