

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 17 July 2024

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H11-0177-24

Application Number: H11-0177-24

Date Received: 26 February 2024

Application Type: FULL

Description: Change of use of land at rear and side to domestic garden/driveway, plus erection of outbuilding to form garage/garden store

Location: FOURTH HAVEN 57 STATION ROAD LONG SUTTON

Applicant: Mr & Mrs D Robinson

Agent: JC Architectural Consultant

Ward: Long Sutton

Ward Councillors: Cllr A C Tennant
Cllr J Tyrrell
Cllr D J Wilkinson

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H11-0177-24>

1.0 REASON FOR COMMITTEE CONSIDERATION

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

2.0 PROPOSAL

2.1 Planning permission is sought for a change of use of land at the rear and side to domestic garden/driveway, plus erection of an outbuilding to form a garage/garden store.

3.0 SITE DESCRIPTION

3.1 The site is located at the rear of Fourth Haven (bungalow) and was formerly agricultural land. A detached house (Yew Lodge) and associated garden is situated to the north/north-west and a house to the south-west beyond agricultural accesses and a drain. Residential development is also situated opposite, including dwellings off Delph Fields. Open fields are located to the rear (east).

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

01. Spatial Strategy
02. Development Management
03. Design of New Development

04. Approach to Flood Risk
28. The Natural Environment
30. Pollution
31. Climate Change and Renewable and Low Carbon Energy
36. Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

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 Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), December 2023

Section 2. Achieving sustainable development.
Section 12. Achieving well-designed and beautiful 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 H11-0074-17 - Outline - Proposed one-and-a half-storey dwelling - Refused 26 April 2017. Dismissed on appeal 27 February 2018.

5.2 H11-1166-22 - Full - Single storey side and rear extensions including demolition of previous side extension - Approved 26 January 2023.

6.0 REPRESENTATIONS

6.1 Long Sutton Parish Council

A previous application for a dwelling was refused on this site (application H11-0074-17) and a subsequent appeal was also refused. Appeal Ref: APP/A2525/W/17/3187557. The reasons for the refusals remain. The proposed outbuilding resembles a dwelling and could easily be converted to an annexe or dwelling which could then circumnavigate the reasons for refusal of the previous application and subsequent appeal.

6.2 LCC Highways/SUDs

No objections.

6.3 Internal Drainage Board

Cannot see that the applicant has identified a drainage strategy for the new proposed outbuilding. We recommend one is provided in support of their application. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3.

6.4 Environmental Protection

No comments or objections.

6.5 Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

7.0 CONSIDERATIONS

7.1 The main issues in this case are:

- Policy/principle
- Character/appearance and amenity
- Highway issues
- Flood Risk
- Biodiversity

7.2 Evaluation

7.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.4 In this case, the South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

7.5 The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.6 The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

7.7 Policy/principle

7.8 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.9 The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

7.10 The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

7.11 The site is outside any settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside"

7.12 Therefore, the site is located within the countryside. Policy 1 of the Local Plan indicates 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".

7.13 In this case, given the ancillary nature of the development, the proposal cannot readily be located elsewhere within a settlement boundary and would appear somewhat incongruous in front of the dwelling. Therefore, the principle of development for the proposal is acceptable unless other material planning considerations indicate otherwise, according to Section 70(2) of

the Town and Country Planning Act 1990.

- 7.14 The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019 in spatial terms.
- 7.15 Character/Appearance
- 7.16 Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2023), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.
- 7.17 These policies accord with the provisions of the National Planning Policy Framework (December 2023) and require 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.
- 7.18 Section 12 of the Framework specifically relates to 'achieving well-designed and beautiful places' and details that "the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.19 Paragraph 135 of the Framework states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It should also be sympathetic to local character and history, including the surrounding built environment and establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
- 7.20 Proposals for new development therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.21 The proposal is for an extension of the garden area, plus the erection of a detached garage. The latter would have a length of 12 metres, width of 6 metres and ridge height of 4.5 metres approximately. It would be constructed in red brickwork with a concrete slate effect tiled roof and grey uPVC windows.
- 7.22 The garden area would be of a similar length to existing gardens to the north and would not therefore significantly encroach into the countryside. The Parish Council's comments are noted with respect to the detached garage. However, unlike a new dwelling, the garage would take on the appearance of a domestic outbuilding subservient and ancillary to the main dwelling. It would be set back from Station Road and would be subservient to the frontage properties in terms of height and scale. Unlike the previous proposal, it is considered that the present scheme would not materially harm the street scene or the character or appearance of the locality.
- 7.23 The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.
- 7.24 Residential Amenity
- 7.25 Policies 2 and 3 of South East Lincolnshire Local Plan (2019) 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 (December 2023). Paragraph 135, amongst other matters, seeks places with a high standard of amenity for existing and future users.

- 7.26 A detached house (Yew Lodge) and associated garden is situated to the north/north-west and a house to the south-west beyond agricultural accesses and a drain. Residential development is also situated opposite, including dwellings off Delph Fields. Open fields are located to the rear (east).
- 7.27 The proposed building would be used solely as a garage block/domestic store. It would have a blank elevation facing north and a secondary pedestrian door only on its western elevation. There is a degree of separation from neighbouring dwellings. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overbearing effect, overlooking, lack of privacy, noise and disturbance, etc.
- 7.28 The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.
- 7.29 Highway Safety
- 7.30 Policy 2 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.
- 7.31 Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.
- 7.32 Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework 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".
- 7.33 Access to the garage would be via the existing grass track to the south. The applicant's agent has indicated that the latter will remain as such and will be gravelled once off the main track. This is due to the access having a right of way to the agricultural field to the rear of the dwelling site and any permanent surface would be destroyed by agricultural machinery passing over it. Further details are awaited in this respect.
- 7.34 It has been indicated that the access will be infrequently used by the applicant as the garage/garden store to the rear will house their gardening tools, lawnmower etc and the parking area to the front will be to house their motorhome. There is ample everyday parking to the front of the property and this will remain in regular use.
- 7.35 LCC Highways has indicated that the proposed block plan has been adequately demonstrated to cover the parameters required of a shared drive. The access would be 4.5m wide for the first 10m and thereafter it would be 3.7m wide. The first 5m of the access would be constructed to Lincolnshire County Council specification. The access is existing but requires upgrading. County Highways consider that the proposal will not have an adverse impact on the public highway.
- 7.36 The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking requirements.
- 7.37 Flood Risk
- 7.38 The site is within Flood Zone 3 on the Environment Agency Maps and within an area of danger

for most within the SHDC Strategic Flood Risk Assessment. However, paragraph 174 of the Framework (December 2023) indicates that applications for minor development such as that proposed should not be subject to the sequential or exceptions tests but should still meet the requirements for site specific flood risk assessments. In terms of the latter, it is recommended that the finished floor level be set at 300mm with flood resilient construction.

7.39 Biodiversity

7.40 Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

7.41 Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

7.42 The application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate.

7.43 Planning Balance

7.44 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.45 The proposal represents appropriate development in spatial terms and does not materially harm the character or appearance of the locality, or amenity of nearby residents, LCC Highways have been consulted and raise no objections subject to improvements to the access point. No objections are raised on flood risk or biodiversity grounds, subject to conditions.

7.46 The proposal conforms with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

7.47 **Additional Considerations**

7.48 Public Sector Equality Duty

7.49 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.

- 7.50 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.51 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.
- 7.52 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.53 Human Rights
- 7.54 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).
- 7.55 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.
- 7.56 **Conclusion**
- 7.57 Taking into consideration these factors, the proposal satisfactorily complies with Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), December 2023.
- 7.58 There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to within the development plan as a whole.

8.0 RECOMMENDATIONS

- 8.1 Grant permission subject to conditions set out within Section 9.0 of the report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

0440/24/01B

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The building hereby permitted shall be used solely for a purpose incidental to the enjoyment of the host dwelling currently known as Fourth Haven, 57 Station Road, Long Sutton. It shall not be used for a residential use independent of the host dwelling, or for commercial purposes.

Reason: To define the terms of the permission in the interest of the character and amenities of the locality.

This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. Before the commencement of the development hereby permitted beyond oversight, a full schedule of external materials of construction of buildings and hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

5. Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

6. Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7. Before the building is brought into use, the access shall be improved in accordance with details shown on dwg. no. 0440/24/01B accompanying the application.

Reason: To ensure a satisfactory development in the interests of highway safety.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8. Finished floor levels shall be set 300mm above average ground levels and flood resilient construction incorporated within the building up to 300mm above finished floor level.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023.

9. Prior to the commencement of the development hereby permitted beyond oversight, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is able to deliver a net gain in biodiversity. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2023.

10. Note: The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

11. Note: The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

For application guidance, approval and specification details, please visit:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>
or contact vehiclecrossings@lincolnshire.gov.uk

Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

