

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 04 September 2019

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H13-0644-19

Application Number: H13-0644-19

Date Received: 26 June 2019

Application Type: S73A CONTINUATION

Description: Barn conversion - approved under H13-0198-16 - Modification of Conditions 2, 5 and 9, relating to amendments to previously approved plans, bricks and tiles, and window frames, glazing bars and external door frames

Location: Adams Barn Hogs Gate Moulton

Applicant: Mr Philip Adams

Agent: Mr Philip Adams

Ward: Cowbit, Weston and Moulton

Ward Councillors: Cllr R Grocock
Cllr A Casson
Cllr A R Woolf

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H13-0644-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is a SHDC employee.

2.0 PROPOSAL

2.1 Full planning permission was granted for a barn conversion in April 2016 (ref. H13-0198-16). Permission is now sought to modify the development, including alterations to some of the openings and external materials to be used. Work has commenced on the scheme.

3.0 SITE DESCRIPTION

3.1 The site (approximately 0.16ha) is a former farm yard located on the eastern side of Hogs Gate. It is presently occupied by a single barn. Two dilapidated agricultural buildings have been removed. A house (Drings Farm House) is situated to the south beyond a high hedge.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

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 Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 23 - The Reuse of Buildings in the Countryside for Residential Use;
Policy 28 - The Natural Environment.
Policy 36 - Vehicle and Cycle Parking.

4.2 **National Guidance**

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving Sustainable development;
Section 3 - Plan Making;
Section 4 - Decision Making;
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.

Planning Practice Guidance (PPG)

5.0 **RELEVANT PLANNING HISTORY**

5.1 H13-0198-16 - Full - Barn conversion, Drings Farm, Hogs Gate, Moulton - Granted 19 April 2019.

5.2 H13-0650-16 - Condition Compliance - Granted 21 October 2016.

6.0 **REPRESENTATIONS**

6.1 Parish Council

No response received.

6.2 Highways/SUDS

Response awaited.

6.3 Public

No comments received.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

The main issues in this case are:
- Policy considerations including character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway issues;
- Other material considerations such as flooding, drainage and ecology.

7.2 Policy Considerations

7.3 Policy 23 of the South East Lincolnshire Local Plan (SELLP), 2019 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.

- 7.4 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.
- 7.5 Addressing the above, the building is of brick construction. It is mainly structurally sound and is capable of conversion. The main elements of the building would be retained.
- 7.6 Moreover, the building is considered to be of architectural/historic merit and is therefore worthy of retention and conversion. The proposed alterations are sympathetic and would retain and enhance the buildings agricultural character. This is subject to new fenestration being constructed in timber, as opposed to uPVC, as normally recommended with barn conversions of this nature. It should be noted that Class Q allows the conversion of agricultural buildings such as this as permitted development, albeit with no extensions and a reduced residential curtilage.
- 7.7 The proposal also complies with Paragraph 79 of the National Planning Policy Framework, 2019, which indicates that planning decisions should avoid new isolated homes in the countryside, unless there are exceptional circumstances. They include the re-use of redundant or dis-used buildings where the development would enhance the immediate setting. It is therefore considered that the proposed development would amount to sustainable development when applying the Framework as a whole, and as such the balance lies in favour of the scheme.
- 7.8 Residential Amenity
- 7.9 The nearest residential property is a house (Drings Farm House) some 30 metres to the south of the site. A high hedge is located along the common boundary and no resident objections have been received. It is considered that the amenity of occupiers of the neighbouring property would not be materially harmed in terms of overlooking, lack of privacy, noise/disturbance, etc.
- 7.10 Highway Issues
- 7.11 An existing entrance would be used to access the site. On site parking would be provided. The proposal is considered acceptable on highway safety grounds.
- 7.12 Other Matters
- 7.13 Flood Risk - The site lies within Flood Zone 1 defined by the Environment Agency Flood Map. Moreover, the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) show the site to be unaffected if a breach of the flood defence were to occur. Notwithstanding that the sequential test does not technically need to be applied in respect of a change of use the proposal is satisfactory on flood risk grounds.
- 7.14 Drainage - Foul water would be disposed of via a package treatment plant and surface water via soakaways. This arrangement is considered satisfactory given ground conditions within the Moulton area.
- 7.15 Ecology
- 7.16 The ecology report previously submitted (ref. H13-0650-16) indicated that the building had a low

potential for transient or feeding roost for bats and there was no evidence of long term use by barn owls. It nevertheless recommended enhancement measures. In this respect, the proposal includes the provision of bat boxes within the detached garage block and pole mounted owl nesting boxes.

7.17 **Additional Considerations**

7.18 Public Sector Equality Duty

7.19 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.

7.20 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.21 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.

7.22 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.23 Human Rights

7.24 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).

7.25 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.

7.26 Conclusion

7.27 The proposal accords with Policy 23 of the South East Lincolnshire Local Plan (2019). It would not materially harm the rural character of the area. Moreover, the development would not have a material effect upon the amenity of nearby residents. No objections are raised on highway safety or other planning grounds.

8.0 **RECOMMENDATIONS**

8.1 Grant planning permission subject to the conditions listed within Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
2893-15-03C;
2893-15-04A;
2893-15-10A.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out other than those shown on the approved plans:
 - i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
 - ii) the erection of extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
 - iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and the visual amenity and character of the area within which it is set.

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

3. Works of demolition/reconstruction or replacement of the existing fabric of the building shall be undertaken in accordance with details accompanying condition compliance application ref. H13-0650-16 unless agreed otherwise by virtue of this permission.

Reason: Planning permission is only granted for conversion of the existing buildings by virtue of the architectural and historic quality of the buildings. Significant alteration and reconstruction would be tantamount to the erection of a new dwelling in the open countryside which would be contrary to Policies 1 and 23 of the South East Lincolnshire Local Plan, 2019

This Condition is imposed in accordance with Policies 1 and 23 of the South East Lincolnshire Local Plan, 2019

4. All new and replacement brickwork utilised in carrying out the development hereby permitted shall match as closely as possible that of the existing building in terms of the type of brick, mortar mix and method of bonding.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

5. All new roofing materials shall be in accordance with details shown on dwg. no. 2893-15-10A accompanying the application.

Note: For the avoidance of doubt the approved roofing material for the new extension/lean-to and outbuilding/garage block shall be natural terracotta roof tiles.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

6. The approved scheme of landscaping/planting accompanying condition compliance application ref. H13-0650-16 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.

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.

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

7. All window frames shall be installed in accordance with the approved details accompanying condition compliance application ref. H13-0650-16 unless agreed otherwise by virtue of this permission.

Reason: 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, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

8. Notwithstanding the details accompanying this application all new window frames, glazing bars and external door frames shall be of timber construction and thereafter so maintained.

Reason: In the interests of the architectural composition 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, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

9. All external doors used in the development shall be constructed in timber and shall be installed in accordance with the approved details accompanying condition compliance application ref. H13-0650-16 unless agreed otherwise by virtue of this permission.

Reason: 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, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

10. The existing timber door on the eastern elevation shall be retained and pinned back.

Reason: To retain the traditional character/appearance of the building, in the interest of the visual amenities of the rural area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

11. The proposed roof lights shall be installed in accordance with the approved details accompanying condition compliance application ref. H13-0650-16 unless agreed otherwise by virtue of this permission.

Reason: 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, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

12. The rainwater goods utilised in the development hereby permitted shall be installed in accordance with the approved details accompanying condition compliance application ref. H13-0650-16 unless agreed otherwise by virtue of this permission.

Reason: In the interests of the 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, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

13. The guttering to the development hereby permitted shall be fixed to the external walls by means of gutter spikes/rise and fall brackets and no fascia boarding shall be used.
- Reason: In the interests of the architectural composition 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, 3 and 23 of the South East Lincolnshire Local Plan, 2019.
14. Eaves detailing shall be in accordance with the approved details accompanying condition compliance application ref. H13-0650-16 unless agreed otherwise by virtue of this permission.
- Reason: In the interests of the 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, 3 and 23 of the South East Lincolnshire Local Plan, 2019.
15. No external boxes for gas and electricity supplies shall be installed on the western elevation of the converted building or associated new garage block.
- Reason: In the interests of the architectural and visual integrity of the development.
This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019.
16. Prior to occupation of the dwelling pole mounted barn owl boxes shall be installed on site in accordance with details shown on dwg. no. 2893-15-03C accompanying the application. They shall thereafter be retained on site and be permanently made available for their proposed use.
- Reason: In the interest of nature conservation and because owls are a protected species.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2012.
17. Prior to completion of the garage block bat roosting units shall be installed in accordance with details shown on dwg. no. 2893-15-03C accompanying the application. They shall thereafter be retained on site and be permanently made available for their proposed use.
- Reason: In the interest of nature conservation and because bats are a protected species.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2012.
18. The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.
- Reason: To protect the quality and quantity of water resources available to the district.
This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.
19. 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 subsequently determining to grant planning permission.
- This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

