

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0384-20 **Applicant:** Decoy Holdings Ltd.

Proposal: Change of use of agricultural field to dog exercise field, creation of car park, access and wooden shelter.

Location: Decoy Farm Spalding Road Crowland

Terminal Date: 9th July 2020

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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Change of use of agricultural field to dog exercise field, creation of car park for 5 vehicles, access from the highway and a free standing wooden shelter.

Hours of use are proposed to be 8am to 5pm during winter months and 7am to 8pm during summer months, however this is discussed below.

Site Description

The site consists of a 1.74 hectare field to the south of the complex of buildings relating to Decoy Farm, currently used for the grazing and schooling of horses.

The land lies within Flood Zone 3a.

History

H02-0147-14. DECOY FARM. Erection of glasshousing, water treatment building, main grid connection building, installation of water treatment tank, siting of 6 no. portable amenity buildings and laying out of car-park and the construction of surface water lagoon. Approved. 13-05-14.

H02-1004-15. DECOY FARM. Proposed solar farm and associated infrastructure-approved under H02-0454-14. Modification of Condition 2 to delete reference to Flood Risk Assessment.

H02-0916-15. DECOY FARM. Installation of an underground cable approximately 245m in length. Approved. 26-11-15.

H02-0454-14. DECOY FARM. Proposed Solar Farm with associated infrastructure. Approved. 12-08-14.

H02-0161-16. DECOY FARM. Proposed erection of glasshouses, buildings and ancillary infrastructure. Approved. 19-04-16.

Consultation Responses

Crowland Parish Council

No objections to the planned dog exercise field. It is noted that the access is via an established layby on the corner and as such the Parish Council would expect the safety to be considered by LCC Highways.

SHDC Environmental Services

No objection.

LCC Highways & SUDS Support

No objection subject to informatives.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

North Level Internal Drainage Board

No objection.

Third Parties

No responses received.

Planning Considerations

Principle

The use of this land for the commercial exercising of dogs can be considered to be a diversification of the existing use of the land, and such uses can be considered to be acceptable within the countryside, in accordance with Policy 7 of the SELLP.

The hours of operation proposed by the applicant can be amended to a wider period of time, and this is reflected in the proposed condition. The wording of the proposed condition to allow use between the hours of 7am to 8pm is clear and precise.

Visual Impact

The access and wooden shelter would be low key elements within the landscape and would not be out of keeping with the scale of works usually found associated with small scale livery or agricultural uses. The proposals would accord with the intentions of the SELLP.

As a preventative measure, a condition is to proposed to preclude external lighting without greater consideration, in order to protect the amenity of this part of the countryside of the District.

Impact on neighbouring dwellings

There are no dwellings within the immediate vicinity of the site that are not within the control of Decoy Farm. As this is the case there is no objection to the proposal from Environmental Health. The proposals are therefore considered to be in accordance with Policies 2 and 3 of the SELLP.

Highway Matters

The formation of this access point from Spalding Road is at a point in the road where there are adequate sight lines, and LCC Highways officers raise no objection. It is considered that the formation of an access at this point is acceptable and would be in accordance with Policies 2 and 3 of the SELLP.

Environmental Health and Noise

As there are no nearby independently occupied dwellings, the EHO has raised no objections. The noise from barking dogs can carry a distance, however this has been looked at by the EHO. The development would be in accordance with Policies 2 and 3 of the SELLP.

Conclusion

For the reasons set out above it is considered that the development is small scale and would accord with the intentions of the SELLP, which in turn intends to deliver the guidance of the 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.