

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-1157-21 **Applicant:** Mr P Stowe
Proposal: Siting of 2 containers for storage and horse shelter - retrospective
Location: Land To West Of North Bank Crowland
Terminal Date: 12th January 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
30 Pollution
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for 2no containers for storage and a horse shelter. The containers measure 6.10m x 2.44m and would be used for storing food, equipment, mowers, strimmer and electric fences. The horse shelter is constructed from wood and measure 9.77m x 2.14m. the horse shelter would be used to house the applicants horses.

Site Description

The application site is located to the western side of North Bank in Crowland. The site is outside any settlement boundary and within the open countryside. The site is currently a paddock enclosed by post fencing. Crowland settlement boundary is immediately to the south of the application site. The site is bounded by open countryside to the north/north-west.

History

No relevant planning history.

Consultation Responses

Crowland Parish Council

No objections.

Environmental Protection

No objections.

Historic Environment Officer

No archaeological input required.

Planning Considerations

Principle of development

The site is located in Crowland, outside any settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The site is used for non-commercial horse grazing.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy 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".

The structures will be used solely for keeping horses and the storage of food, equipment, mowers, strimmer and electric fences which are used for the upkeep of the land. Having said that, the principle of siting storage containers and horse shelters which are incidental to a typically countryside use, and for the maintenance of such land, is acceptable.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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 containers for which retrospective permission is sought are fairly minor in terms of size and scale. The development overall appears commensurate with its setting in terms of scale, mass and bulk. There are no prominent views of the containers in question from the public realm

given the presence of trees along the boundary. The visual impact of the structures is deemed acceptable upon the rural character of the area. The materials are considered appropriate for the nature of the buildings and the rural character of the area.

Given the proposal is situated in a rural area, it is not considered that it would have a material impact on the character and appearance of the area.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

There are residential dwellings immediately south of the application site, however, these dwellings sit on a higher level therefore the structures in question would not result in any overbearing impact give the relationship with the neighbouring dwellings. It is not clear how manure is proposed to be stored/disposed therefore a condition has been appended requesting the submission of these details in order to fully assess the impact of this on neighbouring amenity. Environmental protection has not raised any objections to the proposal.

On this basis the proposal is considered to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of neighbouring amenity.

Planning balance

The principle of developing storage containers and horse shelters in this rural location are considered acceptable. The scale, height and position of the stables are proportionate with the rural character of the area. The external appearance is standard of this type of development. In light of the separation distances between the stables and the nearest dwellings no significant adverse impact is anticipated.

In summary, any adverse impact of granting permission to the proposals would significantly and demonstrably outweigh the benefits of doing so.

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 considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019; and Section 12 of the National Planning Policy Framework (NPPF), 2021.

It is accordingly recommended to approve this planning application 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

That the application be approved under delegated powers.