

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0876-24 **Applicant:** PN Watts

Proposal: Change of use of land for use as dog exercise paddock to include associated gravel car parking area, fencing and field shelter

Location: Agricultural Land Opposite Vine House Farm A1175 Main Road Deeping St Nicholas

Terminal Date: 10th February 2025

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
28	The Natural Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for the change of use of land at Vine House Farm, Main Road, Deeping St Nicholas for use as a dog exercise paddock. A car parking area, fencing and a field shelter are also proposed. The shelter is proposed to be located near the western corner of the site and is proposed to feature timber cladding. The shelter measures approximately 5m by 3m and measures 2.5m in height at its tallest.

Site Description

The site comprises approximately 1.26ha of agricultural land located to the south-east of Littleworth Drove (the A1175) and to the north-west of a railway line. There is an agricultural field to the south-west of the site and dwellings to the north-east.

The site is located on the south-western edge of Deeping St Nicholas. The site is located outside any defined settlement boundary, as identified within the South East Lincolnshire Local Plan (2019) and the accompanying policies map. As such, the site is within the countryside in planning policy terms.

The site is within Flood Zone 3, as identified within the Environment Agency's planning maps.

Relevant Planning History

No planning applications have previously been submitted within the red line boundary.

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Welland and Deepings Internal Drainage Board: No comments.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS:

First Response (28 November 2024): Additional information is required. The width of the access and track needs to be demonstrated on the site plan. It needs to measure a minimum of 4.5m wide

at the highway boundary and for the first 10m thereafter it shall measure 3.7m. As there will be two-way traffic these dimensions are necessary. 3 parking spaces do not seem sufficient for the use. If a max of 3 cars is limited per hour, they need to provide more parking particularly if there is an overlap of people arriving/departing. 6 spaces would be more appropriate. This is in addition to a turning facility.

Second Response (17 December 2024): They have misunderstood my comments regarding the access widths. The note is incorrect on the updated drawing. It should read "a minimum of 4.5m for a distance of 10m thereafter it shall measure 3.7m". Or alternatively they just need to demonstrate on plan this criteria. They need to demonstrate the parking ideally as well.

Third Response (21 January 2025): No objections. The access will be upgraded to Lincolnshire County Council Specification and widened to ensure safe passage of two-way traffic in and around the access and down the track to the car parking area. Parking has been increased to allow for an overlap of customers should this occur when one booking end and another begins. Six dogs can be exercised at any one time, customers will pay for an hour slot in advance via an online booking system. Access will be gained via a locked gate, and the customers will be supplied with the access code one hour prior to arrival. A maximum of three vehicles per hour will be allowed onto the site where the parking is provided in a locked compound. There are no recorded Personal Injury Accidents in the vicinity of the site. Visibility from the access has been demonstrated to achieve 270m to the right out of the entrance and 425m to the left with a 2.5m 'x' distance this exceeds the requirements of Manual for Streets. The proposal would not result in a severe impact with regard to the NPPF. The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions and the proposal would therefore not result in an unacceptable impact on highway safety. The site is within flood zone 3 and has a high probability of flooding. However, since the application will not change the vegetative surface of the land as a grass paddock, and with only a small area of porous gravel for car parking, it is not considered that there is an increased risk of flooding as a result. Surface water flooding is at low risk. Highways Informative 03 is recommended.

Environmental Protection: Standard operating conditions to be applied, as proposed by the applicant but with the addition of no lighting on site without prior permission of the planning Authority. We would also advise the use of 2m close board fencing to the North East boundary adjacent the access track to provide acoustic protection to nearby properties no contaminated land comments.

Lincolnshire Wildlife Trust: No response received.

Natural England: No response received.

Network Rail: No response received.

Ecology Officer: No response received.

Inward Investment Team: No response received.

Deeping St Nicholas Parish Council: No response received.

Cllr B Alock: No response received.

Cllr J R Astill: No response received.

Cllr A Harrison: No response received.

Public Representations

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.

Key Planning Considerations

Development Plan

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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.

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

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy 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.

The site is outside any defined settlement boundary and is therefore within the countryside in planning policy terms. Policy 1 sets out that within 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.

Within the policy justification paragraph 3.2.15 expands upon appropriate countryside uses, it states that "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan".

Paragraph 88 of the NPPF also sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas (part a), and the development and diversification of agricultural and other land-based rural businesses (part b).

The proposed development is for the change of use of the site as a dog exercise paddock. The proposal is therefore for outdoor recreation, located close to (though just outside) the settlement of Deeping St Nicholas which is identified as a Minor Service Centre within the Local Plan. The proposed development also does not seek consent for large scale buildings, only for a relatively small scale field shelter, a car park and fencing. The proposed fencing would comprise permitted development as it is not located next to the highway and is less than 2m in height. The proposal would therefore not result in a significant protrusion into the countryside of built development. Therefore, the principle of development is acceptable, subject to the proposed development meeting with the broad sustainable objectives of the plan which the rest of this report seeks to assess.

Design and Visual Impact

Paragraph 135 of the NPPF, 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 and appropriate landscaping.

Policy 2 of the Local Plan sets out sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan 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.

The application is for a change of use, however, some operational development is proposed. The existing access track is proposed to be upgraded and a gravel car park area is proposed, comprising approximately 30sqm in the northern part of the site.

A field shelter is proposed in the western corner of the site. The shelter is proposed to comprise timber cladding and measures approximately 5m by 3m and measures 2.5m in height at its tallest. The structure is therefore relatively small and as it is proposed to feature timber cladding, the structure would appear rural in terms of its character. The proposed shelter would not have a detrimental impact on the character of the countryside.

1.9m high deer / stock mesh fencing is proposed around the perimeter of the site. This does not require planning permission as the fencing is not adjacent to the highway and is less than 2m in height. Notwithstanding this, the visual impact of the fencing is considered to be acceptable as the proposed type of fencing can have a rural character which is suitable in this case given the site's located on the edge of Deeping St Nicholas.

Taking account of the design, scale, and nature of the development, as detailed above, the development is acceptable. The works have not caused an adverse impact to the character or appearance of the area and therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The nearest dwellings to the site. The Railway Cottages, are located approximately 60m to the north-east. Vine House, is located on the opposite side of Littleworth Drove, approximately 30m to the north. There are some dwellings located to the west of the site, also on the opposite side of Littleworth Drove. These dwellings are approximately 60m from the site.

According to the submission, the proposed operating hours are from 7am to 8pm seven days per week. six dogs can be exercised at any time within the site. Customers will pay for an hour slot in advance via an online booking system. Access will be gained via a locked gate, and customers will be supplied with the access code one hour prior to arrival. A maximum of three vehicles per hour will be allowed onto the site where parking is provided within a locked compound.

The council's environmental protection team have not raised any objections to the proposed development. The team have however recommended conditions such as restricting operating hours and restricting lighting. These conditions are considered to be appropriate.

The environmental protection team have also recommended the installation of a 2m close boarded fence on the north-eastern boundary next to the access track. This has been recommended to provide a degree of acoustic protection to the nearest dwellings to the site. It is however not considered to be necessary to incorporate this fencing as the proposed use of the site

will be limited to a relatively small number of dogs, up to six at a time. This will be secured by condition. Furthermore, the operating hours will be restricted, to help protect the amenity of nearby dwellings. The dearest dwellings to the north-eastern boundary are approximately 60m from the site and as such they are not adjacent to the site. Furthermore, it is not considered that the proposed use will generate significant levels of noise. Instead of a close boarded timber fence, 1.9m stock / mesh fencing is proposed and this type of fencing is more appropriate in terms of its visual impact than a close boarded timber fence.

The proposed development would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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.

Policy 2 of the Local Plan sets out 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.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

A vehicular access is proposed to serve the development off Littleworth Drove. There is an existing track to the site, however, this is proposed to be upgraded to Lincolnshire County Council's specification. The county council's highways team therefore consider the proposed access and visibility splays to be acceptable.

The proposed area for car parking has been increased in size during the determination of the application to respond to concerns that were originally raised by the County Council's highways team. The team consider that the amended layout is acceptable. The proposal would therefore have an acceptable impact in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan and Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 ensure sites of biodiversity value are protected through the planning system. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. One of these exemptions is if the proposed development is below the de minimis threshold, by impacting less than 25sqm of non-priority onsite habitat and less than 5m of non-priority onsite linear habitats. It is considered that the development would be below the de minimis threshold. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

30sqm car park and 15sqm field shelter, rest is change of use

The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 can be acceptable in instances where specific criteria is met.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps.

Although the site is located within Flood Zone 3, Paragraph 176 of the NPPF sets out that change of use applications should not be subject to the sequential or exception tests. The application is therefore not required to pass these tests. Developments should however still meet the requirements for site-specific flood risk assessments, as set out in footnote 59.

The application is accompanied by a Flood Risk Assessment (FRA). No operational development is proposed and as such the impermeable area within the site would not be significantly increased. The submitted FRA does not recommend any specific mitigation measures and as such it is not considered necessary to recommend any conditions to secure mitigation. The proposed car park area would be permeable as it would feature gravel and the proposed field shelter is relatively small and would therefore not significantly increase the impermeable area within the site. Policy 4 of the Local Plan clarifies that "change of use of existing buildings will be supported providing they do not pose an increase in risk to people". The proposed development would not pose an increase in risk to people. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in this regard.

Planning Balance

As detailed above, 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. The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4 and 36 of the Local Plan, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.