DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0584-20**	**Applicant:**	**Mrs Janes**
Proposal:	Proposed Indoor Riding Arena (menage)		
Location:	Bank House Farm Bens Gate Fleet		
Terminal Date:	27th December 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

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12. Achieving well-designed places

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission for proposed indoor riding arena (menage) at Bank House Farm, Bens Gate, Fleet Fen, Spalding.

Site Description

The site lies on the countryside. It is located approximately 1.80 km to the south-west of Fleet. A few properties comprising dwellings, farm yards and agricultural buildings are found scattered along the road. The flat agricultural fields and network of drains dominate the wider context of the location which are features that characterises the Fenland landscape.

The applicant's curtilage has a quasi-rectangular shape covering up to 47,627 sq metres of land. Three drains to north, east and south, and Bens Gate to the west are the natural boundaries of the curtilage.
Bank House Farm comprising dwelling, farm yard and outbuildings is at the south-western corner onto Bens Gate. The proposed menage would be located on the north-western part of the curtilage.

Approximately 4 metre high hedge extends on the edge of Bens Gate. Excluding the residential plot, the remainder of the land are separate fields with some hedging of similar height. There is no treatment on the northern boundary in parallel with the drain.

History

None.

Consultation Responses

South Holland IDB

No objection.

Reminds that the proposals must comply with Byelaws and request further details are about the runoff storage tanks.

LCC Highways/SUdS Authority

No objection.

Three informative notes are recommended to add to the permission.

SHDC Environmental Protection

No objection.

Planning Considerations

Principle of development

The site lies on land designated countryside as set out in South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP, 2019 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."

Following subsequent correspondence with the applicant, it is known that the purpose of the development is to create an enclosed menage for horse schooling and riding without vehicular traffic hazard and weather inclement. The menage would be purely for private use. No business

would be involved in the equestrian activity. The applicant has been clearly devoted with horse riding since early age and engaged with the sector.

It has not been demonstrated that the menage is necessary at such location. Therefore, it must be proved the extent to which the development meets the wider sustainability objectives. Paragraph 8 of National Planning Policy Framework (NPPF) 2019 describes the meaning of each objective when taking the Framework as a whole.

Employment opportunities will be created by the construction of the building. The menage would ease the undertaking of equestrian activity which is in keeping with the rural character of the area. Runoff storage in tanks will prevent disposing surface water to the norther drain and increase flood risk from this watercourse.

On balance, the principle of developing the mÃ??©nage would not be significantly in conflict with the sustainability principles. Thus, this application complies with Policy 1 of SELLP 2019 and Paragraph 8 of NPPF, 2019.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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, among other considerations.

Likewise, Policy 2 of SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 of the SELLP states 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.

A 1.5 metre high concrete base will be at the bottom of the building. The remainder of walls will be treated with traditional Yorkshire cladding. The roof will have fibre cement roof cladding. The doors will be of steel. The external layout of the building will be tantamount to modern agricultural outbuildings that are commonly observed on the countryside.

The proposed development would entail the erection of a building. It would measure approximately 25 metres in width, 60 metres in length and 7.45 metres in apex height. The eaves would be roughly 3.60 metres high.

The building would be set back 9 metres from the northern boundary and adjoining drain. The separation distance with Bens Gate would range approximately between 42 and 66 metres.

Albeit the mature tall hedge onto the road, there is no boundary treatment other than a low wire fence with timber posts. Therefore, views are open to the development location from the north, north-east and north-west. The proposed scale and position of the building within the land might be excessive given the open fields in the area. Additional hedging would be planted partially surrounding the building but it would not obscure the significant bulk of the development on flat land.

Therefore, the outbuilding will be prominent by reason of scale and position to the extent that would constitute an encroachment onto the countryside. Furthermore, there is currently a large agricultural building approximately 137 metres to the north-west of the proposed site. It is accessed from Mill Bank. After reviewing the planning history, this building measures 27.50 metres in width, 23.20 metres in depth, 12.30 metres in apex height. The eaves height is 5.70 metres. The existing building will be significantly higher than the proposed menage although the footprint is also dramatically smaller. In addition to the existing barn, the erection of the intended outbuilding would create a cumulative impact onto the open and flat character of the rural location.

In summary, the application would fail with the aforementioned policies on design, layout and character of the local area.

Flood risk

Paragraph 155 of NPPF 2019 states that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)". It goes on to say that "where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

The site is free of flood hazard as per South East Lincolnshire Strategic Flood Risk Assessment (March 2017). Land and buildings used for agriculture and forestry are classed as 'less vulnerable' in accordance with Flood Risk Vulnerability Classification set out in National Planning Guidance (NPG). Overall, development should be permitted and there is no obligation to apply a Sequential Test neither Exception Test to justify the proposals in terms of flood risk and principle of sustainable development.

However, flooding from surface water is not taken into account in South East Lincolnshire SFRA. The drain in parallel with the northern boundary of the curtilage is owned by South Holland IDB. It is classed as high priority watercourse. There were initial concerns about the close proximity of the menage building to this drain. Revised plans were submitted showing the footprint at least 9 metres set back from it in line with Board's byelaw.

Furthermore, storage tanks would be provided to collect surface water runoff cause from the development instead of disposing it into the IDB drain. The water stored would be reused for irrigation and maintenance of the menage.

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c) and incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e). The provision of water storage tanks is in line with this policy as it seeks the prevention of increasing flood risk.

In summary, the proposals are appropriate in terms of flood risk and comply with Policy 4 of SELLP 2019 and Paragraph 155 of NPPF 2019.

Highway safety

The existing access on Bens Gate off the drain is proposed for vehicles associated to the intended menage. LCC Highway Authority has raised no concerns in this regard.

Conclusion

The principle of developing an indoors menage is overall in line with the principle of sustainable development. However, the scale and height of the proposed outbuilding would make the form of development excessively prominent on the flat landscape. At such proposed location, the building would be easily perceived in the absence of effective boundary treatment. Therefore, the erection of the proposed outbuilding would entail an encroachment onto the countryside, in other words, a harm upon the character of this rural area.

This adverse impact is such that granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the local and national policies taken as a whole.

Therefore, the application fails to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to refuse 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.