DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0853-22**	**Applicant:**	**Mrs D Buck**
Proposal:	Change of use of agricultural land to amenity/recreational land for exercising of applicant's dogs - re-submission of H05-0346-22		
Location:	Wilcox Way, Land North Of Turkey Farm Nealsgate Holbeach St Johns		
Terminal Date:	21st October 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

12 - Achieving well-designed places
15 - Conserving and enhancing the natural environment

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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission for change of use of the agricultural land to the north of Turkey Farm to amenity/recreational land for exercising of applicant's dogs.

The application is a re-submission of application H05-0346-22 which was withdrawn. This application was also for dog training but also included occasional overnight/weekend stays by family and friends.

The applicant proposes to use the land 2-3 times a week for 1-2 hours at a time.

SITE DESCRIPTION

The site is located north of and immediate adjacent to Turkey Farm on Nealsgate in Holbeach St Johns. It comprises a parcel of land which is located outside any defined settlement boundary and within the open countryside. The site is enclosed by a low post and rail fence.

HISTORY

H05-0346-22 - Change of use of agricultural land to amenity/recreational land for training of dogs and occasional overnight/weekend stays by family and friends - Withdrawn

CONSULTATION RESPONSES

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

SHDC - Environmental Health

No objections.

PLANNING CONSIDERATIONS

Principle of development

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.

The site is outside any defined Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as the open countryside. Policy 1 of the SELLP sets out the spatial strategy for development within the District for the plan period, and clarifies 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.

This proposal is for a change of use of land that does not require any material works to the land. Should the proposed use cease then the land could return to agricultural use without any harm having occurred during the time of the proposed use. The proposal will provide a safe site for dog walking and provide an area for dog walkers to recreate.

The visual impact on the wider area would be minimal therefore the proposal would accord with SELLP Policy 1.

Layout and impact on the character of the area

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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 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.

The site is considered be appropriate for this use as it is large and allows for safe dog walking without impacting the character of the surrounding area. The size, scale and layout of the proposal is considered to be commensurate with other dog walking fields and is of an appropriate size for the proposed use. The proposed scheme does not include any physical changes to the site as the site is already enclosed by a fence. As such it is not considered to materially impact the site or the character of the area and the site could easily be returned back to its former use without any alterations.

As such the proposed development would comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impact on Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The nature of the proposal and the level of activity proposed is considered minor and would not therefore unacceptably impact the residential amenity of neighbouring properties in the immediate vicinity. Given the site would be used for private use only it is not considered that it would generate unacceptable levels of noise. In addition, SHDC's Environmental Protection Officer has not raised any objections to the proposal.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking/Highway Safety

The site would be used for the applicants and their immediate family/friends therefore it would not generate high levels of traffic. There is an area of land which is not fence in which can be used by the applicant for parking if required.

The Local Highway Authority has not raised any objections on the basis that the proposed use of the land would be on a non-commercial basis therefore it would not result in any unacceptable impact upon highway safety.

PLANNING BALANCE

The proposal is not considered to materially change the overall appearance of the site. Given the low activity level and that fact it would not be used for any commercial activities the noise generated would be minor and no unacceptable impact would therefore result on neighbouring amenity. Furthermore the site could be returned back to agricultural use in the future relatively easily.

CONCLUSION

The proposal is considered to accord with Policies 1, 2, 3, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12 and 15 of the National Planning Policy Framework, 2021.The application is therefore recommended for approval.

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

The application can be approved under delegated powers.