

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H06-0231-26	Applicant:	Mrs K West
Proposal:	Proposed Change of Use of Existing Dog Walking Park to form domestic equestrian use, including Stables for Domestic Purposes		
Location:	Pegasus Dawsmere Road Gedney Drove End		
Terminal Date:	8th May 2026		

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
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
 Section 4 - Decision-making
 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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND				

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

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the change of use of the site from a dog walking park to domestic equestrian use. According to the submission, the site was previously used as a paddock and the site has only recently been used as a dog walking park following the approval of planning permissions H06-0658-22 and H06-0816-23.

Consent is also sought for the erection of a stable block near the south-eastern boundary of the site. This boundary adjoins Pegasus which is a residential dwelling. The stable block is proposed to measure 7m in length and 3.5m in width. The stable block is proposed to feature a pitched roof that would measure 2.9m in height up to its ridgeline.

Site Description

The site comprises approximately 0.56 hectares of land to the north-east of various residential dwellings on Dawsmere Road, on the edge of Gedney Drove End.

The site is mostly outside the settlement boundary of Gedney Drove End, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is located within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Planning History

H06-0658-22: (Full Application) Change of use of land from paddock to enclosed dog walking field - approved 13 October 2022

H06-0816-23: (Full Application) Change of use of land from paddock to enclosed dog walking field - approved under H06-0658-22. Removal of Condition 1 relating to the use of land having a limited period of one year and modification of Conditions 3 & 4 relating to the number of dogs and cars that can be on site and hours of operation - approved 15 November 2023

Consultation Responses

Gedney Parish Council: No objections.

Environment Agency: No objections.

South Holland Internal Drainage Board: Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make.

Lincolnshire County Council - Historic Environment: 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: The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.

Environmental Protection: No comments regarding land contamination.

Ecology Officer: No response received.

Cllr J L Reynolds: 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 representations have been received from members of the public.

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 2024 (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. A Neighbourhood Plan has been designated for Long Sutton, however, a draft version of the plan has not yet been issued.

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

- Principle of Development;
- Design, Layout and Impact on the Character and Appearance of the Area;
- Impact on Residential Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity.

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.

In this case, the site comprises land within the countryside, outside of any settlement boundary. Section D of Policy 1 sets out that development within the countryside 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.

Paragraph 3.2.15 of the supporting text states that "The countryside of South East Lincolnshire is a precious resource, mainly in its role of agriculture but also for recreation". It goes on to explain that some types of development require a countryside location, and also that other users may diversify from agriculture and forestry, for example for recreation and tourism, and these can meet the broad sustainable objectives of the Local Plan. Paragraph 3.2.16 states that "Some land uses may also require a countryside location because of their functionality".

Paragraph 88 of the NPPF sets out that planning decisions should enable sustainable leisure developments which respect the character of the countryside.

The application seeks consent to change the use of the land from a dog walking park to domestic equestrian use. It is considered that the keeping of horses within a field that lies within the countryside is appropriate as the use is recreational. Furthermore, the land has previously been used as a paddock and has only changed to a dog walking park in recent years. Therefore, the principle of development is acceptable, as the proposed use comprises an appropriate form of development for the location which would accord with Policy 1 of the Local Plan.

Design, Layout and Impact on the Character and Appearance of the Area

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

Policy 3 accords with the provisions of Section 12 of the NPPF as it 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.

It is considered that the proposed change of use back to a paddock would have an acceptable impact on the character and appearance of the area. As the proposed use is for domestic equestrian use, it is likely that the comings and goings would be reduced compared to the most recent use of the site as a dog walking park, as fewer members of the public would be visiting the site.

The stable block is proposed to be located near the south-eastern boundary of the site. This boundary adjoins Pegasus which is a residential dwelling. The stable block is proposed to measure 7m in length and 3.5m in width. The stable block is proposed to feature a pitched roof that would measure 2.9m in height up to its ridgeline. The building is proposed to feature timber cladding.

The stable building is likely to be largely screened from view along Dawsmere Road due to the position of dwellings within the street scene and hedging that is located around Pegasus. The dimensions of the building are similar to a typical outbuilding and overall, the visual impact of the building is considered to be acceptable.

The boundary treatments around the site will remain unchanged. There is 1.9m high wire and mesh fencing around the site and gates near the access. As no changes are proposed, it is not considered necessary to secure further details via a condition.

The change of use and the proposed stable building would have an acceptable impact on the character of the area in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Residential 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The site has previously been used as a paddock and has only changed to a dog walking paddock in recent years. As set out previously, is it likely that the proposed change of use to domestic equestrian use would result in fewer comings and goings to the site, thereby potentially reducing the impact of activities within the site on nearby dwellings. Furthermore, the proposed use is unlikely to result in significantly levels of noise or disturbance and no objections have been raised by the council's environmental protection team.

According to the submitted Planning Statement, manure will be collected regularly. Manure will be bagged and removed from the site daily and no permanent manure heap will be stored on site. These measures should help reduce the impact on nearby dwellings and a planning condition can be used to require compliance with these measures.

The site would not be used for personal use and not as a commercial equestrian facility. This is set out within the description of development, and this also can be secured by condition for clarity.

The proposed stable block would also have an acceptable impact on the amenity of the nearest dwellings due to the minor nature of its scale and its positioning.

Therefore, the proposed development is expected to have an acceptable impact on the amenity of the nearest dwellings in accordance with section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

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, following mitigation.

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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The existing vehicular access from Dawsmere Road is proposed to be used and Lincolnshire County Council's highways team have not raised any objections to the continued use of the access. Therefore, the proposal would have acceptable impact on highway safety in accordance with Policies 2, 3 and 36 of the Local Plan, and Section 9 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 site lies within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

It is considered that the proposal would comprise a 'less vulnerable' use as defined by Annex 3 of the NPPF. As such, it is not necessary for the development to pass the exception test in flood risk terms.

Paragraph 176 of the NPPF sets out that change of use applications should not be subject to the sequential or exception tests. Whilst the proposal is partly for a change of use of the land, consent is also sought for a stable block. As such, it is necessary to apply the sequential test.

The NPPF requires the application of a sequential test to ensure that new development is in areas

with the lowest probability of flooding. Paragraph 8.3.6 of the South East Lincolnshire Strategic Flood Risk Assessment (SFRA) sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825).

Large parts of the district of South Holland lie within Flood Zone 3. Most of the rural areas where the proposed stable could be located are also within Flood Zone 3. The stable block is proposed to be used in conjunction with the paddock within the rest of the site, for which it is not necessary to apply the sequential test. It is not considered reasonable or practical for the stable block to be located on land that is within a lower risk flood zone. Therefore, it is considered that the sequential test is passed in this case.

The 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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within a 'Danger to All' hazard area and as such the Environment Agency have been consulted. The Environment Agency have not raised any objections to the proposals or recommended any specific flood risk mitigation in this case.

Therefore, it is considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in flood risk terms.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

When taking the above into account, the development is considered to be exempt from the statutory BNG requirement as the proposed would fall under the de minimis exemption.

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 development hereby proposed does not materially harm the character or appearance of the

locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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.

Conclusion

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 28 and 30 of the Local Plan, along with the identified sections 2, 4, 9, 11, 12, 14 and 15 within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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