DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0748-24**	**Applicant:**	**Mrs K Wells**
Proposal:	Change of use of agricultural land to paddock for grazing of horses for private use		
Location:	Riseholme Lodge Charters Lane Long Sutton		
Terminal Date:	12th November 2024		

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

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed and beautiful 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	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the change of use of the site from agricultural land to a paddock for grazing horses.

Site Description

The application site comprises agricultural land to the east of Riseholme Lodge, Charter's Lane, Long Sutton. There is already a paddock to the east of the site and as such the proposed change of use would extend the existing paddock. The site is flat and there are drainage ditches to the north and south of the site. There are trees and buildings to the east of the site which provide some screening of the site.

Planning History

Application Site:

H06-0937-79: Erection of dwelling on site of existing farmhouse at Lodge Farm, Charters Lane, Long Sutton, - approved 10 October 1979

Adjacent Sites:

H06-1163-02: Change of use of agricultural land to paddock for the grazing and exercising/training of horses (private use) - approved 24 October 2002

H06-0278-03: Discharge of condition 2 from permission H06-1163-02 - discharged 17 April 2003

Consultation Responses

Gedney Parish Council: This response has been made using the clerk's delegated powers (as per Councils policy) and the council has not met. Council has no objections to this application

Highways and SUDS Support: No Objections. There is no change in parking or access arrangements and no change in surface water flood risk.

South Holland Internal Drainage Board:

First Response (10 October 2024): I cannot see that the applicant has identified a drainage strategy for the site within their application, however no change of surfacing is proposed however the Board would not expect to see this. I note the presence of a Board Maintained watercourse (DRN199G1504 - H15 Fleet River) adjacent to the southern site boundary and a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the northern site boundary. I note that the applicant intends to install a post and rail fence adjacent to the aforementioned Board Maintained watercourse, and whilst I note that a gap has been left between the fence and the watercourse the distance is not given. I would ask that the applicant confirm whether the fence will be within 9 metres of the watercourse, as if so consent would be required under Byelaw 10. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application.

Second Response (01 November 2024): Consent is granted by the Board for the proposed fencing even though it is within 7m of the watercourse.

Cllr J L Reynolds: No response received.

Ecology Officer: No response received.

Environmental Protection: 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, one letter of representation has been received. The matters raised within this response are set out below:

- Concerns relating to privacy, noise and disturbance.
- Currently the paddock size is 2 acres, it has been fit for purpose for over 16 years. The proposed change of use would double the size of the paddock.
- There are currently 3 horses using the 2 acre paddock and only 1 rider at the property. The planning application relates to private use only. How can it be confirmed that the addition of land will not result in an increase in noise and disturbance due to potentially additional horses and/or visitors to site? What are the limitations to private use?

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. 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;
-Landscape and Visual Impact;
-Impact on Amenity; 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.

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 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 agricultural land to a paddock and therefore for equestrian use. No operational development is proposed other than the installation of fencing, which can be carried out using permitted development rights as it is 1.2m in height and not next to a highway. The proposed change of use would not have a significant adverse impact on the character of the area or the landscape. This is supported by the fact that the proposed paddock would be for private use only and as such there would not be an intensified use of the site through members of the public visiting the site. There is some existing screening in the form of trees and buildings to the east of the site. There is also an existing paddock to the east of the site. The fencing would be allowed under permitted development and would not have an adverse impact on the area or be out of keeping with the rural character of the site.

The principle of development is therefore acceptable, as the proposed use comprises an appropriate form of development for the location which would be in accordance with the overall principles of the spatial strategy. As such, the proposed development accords with Policy 1 of the Local Plan.

Landscape and Visual Impact

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.

The site comprises a flat field which is relatively open to the surrounding area. No operational development is proposed other than the installation of post and rail fencing. The proposed fencing can be installed using permitted development rights. Post and rail fencing is typical for a rural area and this type of fencing is therefore considered to be appropriate for the site. The fencing would have a minimal impact on the character of the area of the immediate landscape. The proposed change of use would have an acceptable impact on the character of the area and the proposed use is appropriate for the area.

The proposed development would have an acceptable impact on the character and appearance of the area and would 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; 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 proposed use of the land as a paddock for grazing horses would not result in an unacceptable degree of odour or noise. The land immediately to the east of the site is already used as a paddock, and the site is not directly adjacent to dwellings.

One representation has been received setting out concerns with the proposals including a loss of privacy, and disturbance that could arise from the increase in the size of the paddock. The representation set out concerns as to how the land can be retained for private use and therefore not for commercial purposes. A condition is recommended to restrict the use of the site to private use

and the applicant would need to comply with this condition. Furthermore, the description of development refers to private use and this further reinforces that the site would not be used for commercial purposes. The proposed change of use would not result in significant numbers of people accessing the site, and as such would not result in an unacceptable degree of noise or disturbance.

The proposed use of the land is therefore expected to have an acceptable impact on the amenity of the nearest dwellings. As such, the proposed development accords with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

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 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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 is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

Large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

Paragraph 174 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 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. 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 proposal represents appropriate development within the defined settlement boundary.

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 be in accordance with policies 1, 2, 3, 4 and 28 (including Appendix 6) of the Local Plan, along with the identified sections contained 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.