

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0837-21 **Applicant:** Mr K Sturman

Proposal: Lean to building for use as additional storage in relation to equestrian use - retrospective

Location: Cherry Lodge Main Road Gedney Drove End

Terminal Date: 29th September 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 12

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for a lean to building for use as additional storage in relation to equestrian use. The building measures approx. 7.2 metres x 3.7 metres and stands at a maximum of 2.1 metres in height. It is constructed of a timber frame with black cladding.

Site Description

The site is located on Main Road in Gedney Drove End. Access to the site is from Main Road between Fairfield's House and Chimneys. The site comprises a paddock with stables and a storage unit to the west of the site. There are residential dwellings to the north of the site and open countryside to the south and west. The site is enclosed by a low level fence.

History

H06-0382-14 - Change of use of agricultural land to paddock, stables and secure storage unit (retrospective) - Approved

Consultation Responses

Gedney Parish Council

No objections.

Planning Considerations

Principle of development

The site is located in Gedney Drove End, and is partly within but mostly outside the settlement boundary for the village, as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy 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".

In this case the building would be used for a purpose ancillary to the existing equestrian use at Cherry Lodge. The proposal is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed building is black clad, matching the existing building. Its measures approx. 7.2 metres x 3.7 metres and has a maximum height of 2.1 metres. The scale, location design and materials of the building are considered appropriate for the building and the rural character of the area. There may be some glimpsed views of the building from the open countryside to the west, however, given the minor scale of the development it is not considered to appear overly prominent.

As such the development is not considered to result in detrimental to the character of the area and is therefore acceptable in terms of its design and siting.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

The closest residential dwelling to the building in question is the applicants dwelling at Cherry Lodge which is located approximately 8 metres away. Although this is considered to be relatively close to the applicants house, given the modest size of the building and its proposed use for storage it is not considered to create unacceptable harm upon the existing residents in the vicinity by reason of noise and odours. The proposed development would be only 7.3 metres closer to the applicants

dwelling than the existing stables. As such the scheme is not considered to create any new unacceptable levels of impact.

The proposal is therefore on balance in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Paragraph 130 of NPPF (2021) in terms of neighbouring amenity.

Planning balance

The principle of developing a storage unit for equine use in this rural location is considered acceptable. On balance, it would achieve sustainable development without impeding other opportunities that would lead with greater benefits in this respect.

The scale, height and position of the building would be proportionate with the built environment in the area. The external appearance is relatively standard of this type of development. In light of the separation distances between the building and the nearest dwelling at Cherry Lodge, no significant adverse impact is anticipated.

In summary, any adverse impact of granting permission to the proposals would not significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019; and Section 12 of the National Planning Policy Framework (NPPF), 2021.

It is accordingly recommended to approve 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.

RECOMMENDATION

The application can be approved under delegated powers.