DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-1129-20**	**Applicant:**	**Mr L Elston**
Proposal:	Erection of a two stall stable block, tack room and barn together with a gravel driveway and a paved yard		
Location:	Damrack Ryefield Lane Gedney		
Terminal Date:	15th February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Paragraph 8 (Section 2. Achieving sustainable development)
Paragraph 127 (Section 12. Achieving well-designed places)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	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

RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission for erection of a two stall stable block, tack room and barn together with a gravel driveway and a paved yard at Damrack, Ryefield Lane, Gedney, Spalding.

The aim of the proposals is to provide appropriate shelter and associated storage for two Shetland ponies owned by the applicant.

Site Description

Ryefield Lane is a one-lane single carriageway that links Raven's Bank (west) with Fen Dyke (east). Greenfield comprising paddock and agricultural land predominates the setting of the proposed location. There is a cluster of properties north-eastwards which has a mixture of dwellings and farmyards. Damrack is visibly well spaced out from the neighbouring properties.

Damrack is a caravan site for permanent residential use. There is an independent vehicular access and a farm gate near the carriageway. There is a static caravan with timber enclosures to the side. A red metal container stands further to the rear.

Immediately adjacent to the north-east, there is land under different ownership as shown on both the site and block plans. The neighbouring plot has a vehicular access that serves a large stable block which is similar to the intended development subject to this current application.

History

No planning history.

However, there is relevant enforcement history that has been recurrently mentioned in the representations made by members of the public.

Enforcement Appeal (ref: APP/A2525/C/19/3221019) against Enforcement Notice (ref: SHCD.EN12) dated 17 December 2018. The breach of planning control as alleged in the notice was without planning permission the change of use of the land from use for agriculture to a use as a caravan site and associated access. The Appeal was dismissed.

Consultation Responses

Members of the public

Two residents have objected the proposals in the following terms:

-The proposed development is a precedent of future permission for a dwelling.
-The dimensions of the barn are excessive, and the intention is to move inside the static caravan where the applicant lives on a permanent basis.
-Motion sensor for lighting would harm the residential amenity of the nearest neighbours.
-Waste burning has occurred on the site.
-The development would harm the open views on the area.
-The applicant still lives on the site in breach of enforcement action.
-Ongoing works for unauthorised wooden extension to the caravan and widening of the site access over the drain.

Gedney Parish Council

Supports this application

LCC Highways/SUDS Authority

No objection.

SHDC Environmental Protection Officer

No objection.

Planning Considerations

Principle of development

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. The site is out of settlement boundaries and therefore it is on the countryside as set out in the Policies Map of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 also 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".

A Planning Statement has been submitted with this application. It confirms that the need of the development is to provide appropriate shelter and associated storage for two Shetland ponies owned by the applicant. These animals have been kept in the adjacent stables that were under applicant's mother ownership. Following the sale of the mother's land, the proposal is needed to provide accommodation for the ponies.

Notwithstanding these details, no sound justification has been provided about the necessity of the proposed stables other than ownership matters which are not in fact planning material considerations. Thus, there is no evidence that the development is necessary at such location. Furthermore, no reference has been made about how the proposals achieve sustainable development in terms of economic, community or environmental benefits.

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. Likewise, Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed footprint would be L-shaped. The building would consist of two elements, one stable block and one small barn. The stables would be 3.80 metres wide and 11 metres deep whereas the barn would be of similar width and 4.50 metres shorter in depth. The ridge height of the stable block would be 3.70 metres and the barn, 4.70 metres. The footprint of the entire outbuilding would nearly amount to 65 square metres.

Internally, the stables block would contain two stable rooms and one tack room. Each room would be approximately 3.5 square metres. A toilet would be provided within the tack room. Externally, the walls would be coated with timber and larch cladding. A 1 metre high red brick plinth would border the footprint of the building. The roof would be tiled in fibreglass tiles, coloured a russet/rustic red mix to complement the brick plinth. An overhang roof would form a narrow porch along the southern elevation where stable doors are.

A 10m x 13m gravelled driveway would be created from the existing gated access for car parking provision and turning point. A relatively small-scale hardstanding area will be constructed to the rear of the building for the ponies.

The setting of the development is characterised by greenfield. The nearest properties are two smallholdings which are well spaced out from Damrack and extend largely southwards to the drain. In particular, Leydenhatch is approximately 94 metres to the south-west and Tumbleweed Farm, 70 metres to the north-east. The resulting area delimited by the properties and the southern drain is sizeable and consist of paddock land with no boundary treatment to the south-east which emphasises the relationship between the site and the open views further that direction.

In summary, the design and layout of the proposals are not appropriate for the intended purpose by reason of scale and height nor in relation to the intrinsic rural character of the area.

Planning balance

The principle of developing the stables block, barn and associated works is not considered acceptable. The site lies on the countryside in accordance with Policies Map of the Local Plan and new development at such location should be fully justified. Neither sound justification has been provided about the necessity of proposing stables and a barn at such location other than ownership matters which are not in fact planning material considerations. Nor it has been justified how the proposals achieve sustainable development in terms of economic, community or environmental benefits.

Having careful regard to the design and layout of the proposals, it is the case officer's judgement that the scale, footprint and height of the development is excessive for the intended purpose. Two Shetland ponies for private enjoyment would not warrant the extent of the built form which is overly harmful to the open countryside.

On balance, the adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

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.

For the reasons above, this application contravenes Policies 1, 2 and 3 of South East Lincolnshire Local Plan (2019) as well as Paragraphs 8 an 127 of National Planning Policy Framework (2019).

Accordingly, it is recommended to refuse this 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.