DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-1184-19**	**Applicant:**	**Mr Adrian Drewery**
Proposal:	Water storage tank		
Location:	Sunrise Ravens Bank Gedney		
Terminal Date:	3rd January 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

The Town and Country Planning (General Permitted Development) Order 2015

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application is for a determination as to whether prior approval is required for the erection of a water storage tank (12 metres round and 3 metres tall).

Site Description

The site is within an existing farmyard and adjoins two large buildings used for the storage of straw. Access to the site is off Green Lane.

Recent Planning History(since 2010)

H06-0317-10 - Proposed agricultural barn - Granted 14 June 2010

H06-0226-11 - Proposed agricultural barn - Granted 20 May 2011

H06-0212-13 - Construction of agricultural barn - Granted 8 May 2013

H06-0427-13 - Erection of agricultural barn - Granted 10 July 2013

Consultation Responses

None.

Planning Considerations

The storage tank is to be sited within a farmyard that has a total area of more than 1 ha, which is detached from other existing development. The proposal constitutes permitted development under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. This is subject to the developer applying to the local planning authority to determine whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.

The site is not within an international designated conservation site (The Wash) and is detached from other existing residential development meaning that there would be no impact on amenity. Furthermore, the tank is proposed to be set back from the highway meaning there would be no highway impact. The storage tank would be constructed in galvanised metal. It is acceptable in terms of appearance. Prior approval for the siting, design and external appearance is not therefore required in this case.

Conclusion

Prior approval for the siting, design and external appearance is not required in this case.

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.