

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0173-23 **Applicant:** Ms J & Mrs S Goodson

Proposal: Proposed change of use from agricultural land to equestrian including amenities, stable block and tractor shed

Location: Land At West Drove Gedney Hill Spalding

Terminal Date: 31st January 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
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

MATTHEW ADAMS, HISTORIC ENVIRONMENT OFFICER	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
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application proposes the change of use from agricultural land to equestrian. The proposal includes amenities comprising 8 paddocks, a large stable block measuring approximately 40m by 3.8m, a tractor shed measuring approximately 12.1m by 24.1 and a proposed outdoor arena measuring approximately 40m by 25m.

The proposal will be mixed private and commercial use. The equestrian facilities would be for the applicants own horses, but also offer part-livery for 5 horses.

Site Description

The application site lies west, off West Drove South, Gedney Hill. The site is detached from the built-up settlement within the open countryside and is some distance from the highway and is surrounded by agricultural land with grazing fields to the south.

History

No relevant planning history

Consultation Responses

Initial Responses Received (Consultation period between 21st March 2023 - 13th April 2023)

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Lincolnshire County Council Highways

No objection. The proposed equestrian use of this field would not be expected to have any significantly greater impact upon the safety or the capacity of West Drove South than its historic agricultural use and therefore, the highway authority does not wish to object to the grant of Consent for this Application.

Historic Environment Officer

The proposed development falls within an area where cropmarks associated with a major Roman

rural fen settlement have been recorded. The centre of the settlement which is located to the west of the site has been designated as a Scheduled Monument as it is of national importance. It consists of a complex series of small enclosures with steadings and industrial workings, within a network of larger enclosures with droveways. Pottery from the settlement include an unusually high proportion of high status imported pottery and indicate occupation in late second to early third century.

There is a thus high potential for archaeological remains to survive here below ground that could be impacted by the groundworks of the proposed development, particularly those required to construct the new buildings, man ge, bunding and any services or drainage runs.

Insufficient information is currently available to enable the local planning authority to make a reasoned decision on the archaeological impacts of the proposed development. Therefore, it is recommended that the developer is required to provide site-specific information in the form of an archaeological trial trench evaluation to be carried out prior to determination. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on the archaeological impacts of this planning application in accordance with the requirements of the National Planning Policy Framework, section 16, paragraph 194:

"Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

The South East Lincolnshire Local Plan Policy 29 also states:

"developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."

"Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer, undertaken by a suitably qualified person, and approved by the Local Planning Authority."

Environment Agency

We have no comments to make on the above application.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

I note from the Application Form submitted to the planning portal on 22/02/2023 that the applicant has indicated that they intend to discharge surface water to a watercourse. However, the Flood Risk Assessment (S Hemmings, Sep 2022) suggests that a soakaway will be used.

If the applicant intends to dispose of surface water via infiltration, we recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

Whilst not currently required for this application, if treated foul water is proposed to discharge to a watercourse at any time in the future, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note the presence of watercourses which are not maintained by the Board (riparian watercourses) adjacent to the western, eastern and southern site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter any riparian watercourse, or if works are proposed to alter the watercourses at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I note the presence of a Board Maintained watercourse known as E15 Fleet Drain (DRN196P1504) adjacent to the north-western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Environmental Health Officer

No objection. Request the following condition: No burning of bedding or manure to take place on site.

Lincolnshire Fire and Rescue

I refer to the planning application reference H07-0173-23. The Fire Authority object to the application on the grounds of inadequate access and water supplies.

It is the opinion of the Fire Authority that in order to remove the objection the following measures are required.

Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5.

Lincolnshire Fire and Rescue requires the installation of one fire hydrant conforming to BS750-2012 within 90m of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant.

Responses Received within Re-consultation (Consultation period between 19th June 2023 - 21st December 2023)

Historic Environment Officer

Thank you for consulting this office on the revised plans for this application.

As detailed in our earlier advice (21st March 2023), the site lies in an area of high archaeological potential associated with Roman settlement activity. Further review of cropmark data indicates that the potential for activity within the site boundary is very high with the possibility of linked enclosures commonly known as 'ladder settlements'.

My colleague discussed the proposals with the applicant and was advised that the impacts would be minimal, however the revised plans indicate that there will be significant ground disturbance with a brick-built stable block, agricultural shed, a water tower, services, access roads, hardstanding for carparking and the yard, and significant landscaping proposals. This is likely to have a significant impact on any subsurface archaeological deposits which survive on the site.

As advised in our initial advice, there is currently insufficient site-specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed development.

Given the high potential for archaeological remains, but the as yet unknown character and extent, the applicant will need to provide the results of a trial trench evaluation which will aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which could be impacted by the proposed development as noted above.

This information should be provided with the application so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 194 and 205 and the South East Lincolnshire Local Plan (Policy 29).

Following the requested trial trench evaluation, a report was submitted and Historic Environment were reconsulted and provided the following comments.

"The submitted report indicates that the proposed development is unlikely to impact upon significant archaeological remains.

There are some issues with the report that will require amendments and I will raise these directly with the contractor, however for planning purposes, no further archaeological work is necessary in the area evaluated and there are no objections on archaeological grounds to the development proceeding as detailed.

If the plans change, specifically in relation to the location of buildings within the proposed site, I would welcome the opportunity to review this advice."

Lincolnshire Fire and Rescue

I can confirm that the specification of the proposed water supply would satisfy our objection.

SHDC Environmental Protection Officer

No comments

Environment Agency

We have no comments to make on the above application.

South Holland Internal Drainage Board

Thank you for reconsulting us on the below application. Please find further comments from SHIDB below:

Byelaw 3

We note from Drawing Number: 3544-1 (Rev B, 13/06/2023) that rainwater will be collected and stored in an Intermediate Bulk Container with any overflow discharging to a soakaway. We have no objections to this providing that the applicant is confident that the IBC and soakaway can contain water from high rainfall events, and has a plan to ensure the collected water will be suitably reused to allow space for additional events.

If the overflow is being discharged to an existing soakaway, we recommend that you satisfy yourselves that the soakaway will be able to efficiently dispose of the additional runoff. If new soakaways are proposed, we would advise that these are appropriately distanced from the existing soakaways and that infiltration testing in line with BRE Digest 365 (or equivalent) is undertaken to determine its efficiency.

Byelaw 10

We are pleased to see that the hedgerow along the northern and southern site boundaries stop 9 metres from the brink of the Board's arterial watercourse E15 Fleet Drain (DRN196P1504). Please

note, should any fencing be installed, or any other works carried out within 9 metres of this watercourse, consent will be required by the Board to relax Byelaw 10.

Our comments made on 24/03/2023 regarding treated foul water and Section 23, Land Drainage Act, 1991, remain.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received.

These can be summarised as follows:

- The road is not suitable for more traffic
- Will cause more aggravation to residents
- There are no passing places
- The road is regularly used by dog walkers
- Any lighting will become a nuisance to local residents and wildlife
- There is currently no water or electricity to the parcel of land
- No suggestions have been put forward on how effluent and nitrates from horses will be managed
- This will set a precedent for more agricultural land to be lost and used for other purposes

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Heritage Considerations
- Biodiversity

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy)

expresses the sustainable framework 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 in respect of sustainable development 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.

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

The application site in this instance lies outside of any defined settlement boundary and is therefore located within the open countryside. 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.

An expansion in relation to this is contained within the policy justification regarding the countryside, it states "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan".

Paragraph 88 of the National Planning Policy Framework (December 2023) is concerned with supporting a prosperous rural economy. It states that:

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

The Provisional Agricultural Land Classification (ALC) which Natural England provides shows that the application site is ALC Grade 2 land. The proposal is to change the use of the land to form equine land, along with the development of a stable block and tractor shed.

The proposal comprises a stable block that comprises eight individual stables within the singular built form, along with a tack room and hay store. In addition, eight paddocks are provided; seven being 1 acre in size, with the final paddock being $\frac{3}{4}$ acre and the remaining 3 acre field to the west of the paddocks remaining in agricultural use for 'the harvest of hay'. In addition, a tractor shed is proposed, alongside a menage that comprises an area of 40.0m by 25.0m.

The proposed stables, paddocks and menage would be utilised as part "private use for the clients own horses" and "part-livery for 5 horses" for mainly retired horses or horses undergoing rehabilitation. The supporting statement details that the applicants would "undertake either the turning out or bringing in of the horses on behalf of her clients, so limited activity during the middle of the day and in turn, limited vehicular movements", with the hours of operation for the facility being "8am to 7pm Monday-Friday and 8am to 6pm Saturday and Sunday".

The supporting statement is clear that "No shows or competitions will be held at the yard, it is predominantly the owners private use for their horses."

In terms of pasture requirements DEFRA guidance states "The area of pasture required per horse will depend on the type of grass, ground conditions, time of year, type of horse and degree of pasture management employed. As a general rule, each horse requires approximately 0.5 - 1.0 hectares (or 1.25 to 2.5 acres) of grazing of a suitable quality if no supplementary feeding is being provided. Each donkey requires a minimum of 0.2 - 0.4 hectares (a half to one acre). A smaller area may be adequate where a horse is principally housed, and grazing areas are used only for

occasional turnout. If stabling or a yard area is not available, a safely enclosed area of hard standing should be available to facilitate routine and emergency treatment, such as farriery, dentistry and veterinary attention." (Code of Practice for the welfare of Horses, Ponies, Donkeys and their hybrids', (2017). Section 1.2).

The business use of the proposal would be limited to five horses, with the remaining use being solely for the purposes of the applicants private horses. The business use comprises an equestrian use and facilities which lend themselves to an open, countryside, location, which would typically lie outside of the settlement boundaries. As such, given the somewhat suitable site location for such a use, along with its limited commercial/business use, the is considered to be acceptable. Furthermore, there is a trend in the area for the creation of rural diversification uses, with other uses of such nature being apparent within the district along with the likes of dog kennels.

Principle - Policy 7 Evaluation

In addition to the above, Policy 7 of the South East Lincolnshire Local Plan (2019) relates to Improving South East Lincolnshire's Employment Land Portfolio. This policy, beyond expressing the 'Main Employment Areas', 'Local Employment Areas', 'Restricted Employment Areas', and 'Established Employment Areas', details that in respect of 'New Employment', development/businesses or the extension of an existing business outside allocated employment sites will be supported to specific criteria.

Policy 7 goes on to detail that:

"Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

The proposal comprises an equestrian use that requires a larger parcel of land and a location such as that of the application site, as opposed to a more dense site or those outlined within Policy 7. Furthermore, the proposal is of a limited scale; solely providing a 'part-liver' for five horses, with the remaining development relating to private purposes.

The criteria of this aspect of Policy 7 is considered to be accorded with. Although the neighbouring site comprises an equestrian use that incorporates a business element, this proposal is of a limited nature and would be restricted, by way of suitably agreed conditions, to no more than five horses outside of the applicants ownership. As such, the extent of the use would not be such that would conflict unacceptably with neighbouring uses.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that 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.

These policies accord with the provisions of the National Planning Policy Framework and require that 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The development would be of an appropriate nature for the open countryside and agricultural location of the application site. The proposed development would include amenities comprising 8 paddocks, a large stable block measuring approximately 40m by 3.8m which would be constructed of timber, natural colour concrete blocks and metal, a tractor shed measuring approximately 12.1m by 24.1 which would be constructed of steel and corrugated metal and a proposed outdoor arena measuring approximately 40m by 25m bounded by a timber post and rail fence. The whole application site will be bounded by a hedgerow.

The stable block, tractor shed, outdoor arena and parking area would be located to the north east of the site with the 8 paddocks being located beyond the stables and tractor shed. To the rear of the site is a proposed hay field, for the applicant to produce their own hay.

The site is situated with ample separation distance from the main built form of Gedney Hill and overall, is not considered to be detrimental to the rural/agricultural character of the immediate area.

Whilst the development would result in a footfall of custom, this would be appropriate for the countryside location; ensuring that no significant adverse impact would be caused to the character or appearance of the area by way of its proposed use. The proposed stables, paddocks and menage would be utilised as part "private use for the clients own horses" and "part-livery for 5 horses" for mainly retired horses or horses undergoing rehabilitation. The supporting statement details that the applicants would "undertake either the turning out or bringing in of the horses on behalf of her clients, so limited activity during the middle of the day and in turn, limited vehicular movements", with the hours of operation for the facility being "8am to 7pm Monday-Friday and 8am to 6pm Saturday and Sunday".

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Agricultural land surrounds the site and therefore lessens the impact to any distanced neighbouring residents. There are no immediate residents given the semi-rural location of the site. The closest residential dwellings are to the north-east of the site and are located at least 300 metres from the proposed development. Given this distance and the nature of the proposal no unacceptable impact would result on residential amenity. Furthermore, SHDC Environmental Protection has been consulted and no objection has been raised.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises 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".

In respect of highway matters, Policy 2 details 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.

The development would not result in a significant adverse impact to highway safety, parking or turning facilities. The application proposes a 6m wide access. The highway authority has been consulted and have stated that "The proposed equestrian use of this field would not be expected to have any significantly greater impact upon the safety or the capacity of West Drove South than its historic agricultural use and therefore, the highway authority does not wish to object to the grant of Consent for this Application."

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Policy 4 of the SELLP sets out the district authorities approach to flood risk and drainage. Point F is relevant, it states "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, where ...demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall"

The proposal is for outdoor recreation which is considered as 'water compatible' development under Annex 3: Flood risk vulnerability classification table. The proposal then to change the use of the application site to form a equine use is therefore acceptable.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 29, 30, 32 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

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.