

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H07-0256-21	Applicant:	Mr G Nightingale
Proposal:	Proposed menage and 1.2m high post and rail fence - for private domestic use only		
Location:	The Beeches 31 North Road Gedney Hill		
Terminal Date:	7th May 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	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	0	1	0	0
-----------	---	---	---	---

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for a proposed menage and 1.2m high post and rail fence - for private domestic use only - at The Beeches, 31 North Road, Gedney Hill.

Site Description

The surrounding area is predominantly rural. The site sits behind frontage development of detached dwellings along North Road. 'The Beeches' is situated on a very spacious plot with a large gravelled driveway and access to the rear on both sides of the property. Located at the rear of the property is land primarily used for equestrian, with area's fenced off for use as such. Beyond the immediate equestrian area is paddock land, extending as far as residential properties on West Drove North.

History

No planning history relevant.

Consultation Responses

South Holland IDB

LCC Historic Environment Officer - No archaeological impact

SHDC Environmental Protection Officer - No comments or objections.

Local Highway and Lead Local Flood Authority - Does not wish to restrict the grant of permission.

Planning Considerations

Principle of development

The site is partly outside of the settlement boundaries of Gedney Hill as set out in the South East Lincolnshire Local Plan (SELLP), 2019. However, the principle of developing a menage for private use that is incidental to the enjoyment of a residential property is acceptable.

Layout and Design

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. 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 menage would be 40 metres x 20 metres. The 1.2m post and rail fence would surround the menage. The base materials would consist of sand/silica and/or synthetic fibres which are characteristic of such development. Given the proposal is situated to the rear of properties and is effectively rural in nature, it is not considered that it would have a material impact on the character and appearance of the area.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impacts upon Residential amenity

The closest residential properties are to the east/south-east. There are no residential properties to the north-west.

The scale of the menage is acceptable for private purposes and no significant noise and disturbance is anticipated from the horses which would adversely impact upon neighbouring amenity. The council's Environmental Protection Officer has been consulted and has no objection to the proposal, subject to a condition preventing the burning of bedding or waste on site.

The applicant confirms that there will be no floodlights to the menage, therefore there would be no light pollution impact.

Taking the above into account, the proposed menage is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Planning balance

The principle of developing a menage for private use is acceptable. The equestrian use would be in keeping with the existing paddock land and overall with the rural wider location. Drainage considerations have been appropriately addressed at this stage of the proposed development. No harm upon residential amenity is anticipated.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

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

The recommendation is for a delegated approval.