

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H07-0392-23	Applicant:	Mr R Dennis
Proposal:	Erection of timber horse shelter - retrospective		
Location:	8 North Road Gedney Hill Spalding		
Terminal Date:	21st June 2023		

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
30	Pollution

National Guidance**National Planning Policy Framework 2021**

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	5	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for the erection of timber horse shelter measuring 3.6 metres x 3.6 metre and standing at 3 metres in height (2.2 metres to the eaves).

Site Description

The application site is located off North Road in Gedney Hill. The site is outside any defined settlement boundary and within the open countryside. It is accessed via an existing entrance adjacent to the host dwelling which faces North Road. The site is a grazing paddock and is enclosed by a fence.

History

H07-0786-17 - O/A - Residential development (4 plots) - Granted 13 October 2017

H07-0869-17 - Full - Erection of dwelling and detached garage - Withdrawn 5 October 2017

H07-0987-17 - RM - Erection of detached house and garage - Approved 11 December 2017

H07-0086-18 - S73 - Erection of detached house and garage - approved under H07-0786-17 and H07-0987-17. Modification of Condition 1 of H07-0987-17 to allow amendments to previously approved plans - Granted 1 November 2018.

H07-1000-19 - Proposed stables - Approved 19 June 2020

Consultation Responses

No comments.

South Holland Internal Drainage Board

No comments as the proposed application does not meet our threshold for commenting.

Residents

6no letters of support have been received from local residents.

Planning Considerations

Principle of development

The site is located in Gedney Hill, outside any settlement boundary and within the open countryside 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".

The shelter will be used solely for keeping horses for the applicants private use. The principle of siting a horse shelter which is incidental to a typically countryside use, and for the maintenance of such land, is acceptable.

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 horse shelter in question has a modest footprint and height, especially when viewed against the wider site. Overall it appears commensurate with their setting in terms of scale, mass and bulk. The visual impact of the structures is deemed acceptable upon the rural character of the area. The external finish is considered appropriate for the proposed use and the rural character of the area.

Given the proposal is situated in a rural area where such uses and structures are common, it is not considered that it would have a material impact on the character and appearance of the area.

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.

There are residential dwellings immediately north/north-west of the application site and the horse shelter is sited close to the western boundary. Given the minor footprint and height of the structure no overbearing impact/unacceptable overshadowing results on the adjacent neighbours. Whilst the shelter is located close to the rear boundaries of the neighbours to the west/north-west it is sited a significant distance from these neighbouring dwellings given they benefit from long rear gardens. Furthermore the shelter is used to accommodate the applicant's own horses therefore it is not considered that the level of activity would unacceptably impact nearby neighbours. Environmental protection has raised no objections to the scheme. A condition has been appended for no burning of bedding or manure to take place on the site to avoid any unacceptable impact on neighbours in terms of pollution.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning balance

The principle of developing a horse shelter in this rural location are considered acceptable. The scale, height and position of the shelter is minor in relation to the wider site. In light of the separation distances between the proposed development and the nearest dwellings no significant adverse impact is anticipated.

In summary, any adverse impact of granting permission to the proposals would 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, 4 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

That the application be approved under delegated powers.