

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H07-0800-22	Applicant:	Mr A Bedford
Proposal:	Change of use of agricultural land to pony paddocks, sand ring, stables, ancillaries and field shelters		
Location:	Mole Drove South Gedney Hill Spalding		
Terminal Date:	25th November 2022		

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
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for change of use of agricultural land to pony paddocks, installation of a sand ring, 4 x field shelters and an L-shaped building comprising 6x stables, 1x tack room, 1x rest room and 1 x hay barn store. The sand ring would measure 36 metres x 71 metres. The field shelters would measure 3.8 metres x 7.2 metres. The L-shaped building would measure 18.8 metres x 26.3 metres with an additional covered area to the front.

The stables and shelters would be constructed from red facing bricks and terracotta roof tiles.

It should be noted that the applicant has installed temporary mobile field shelters on the site which are not on the submitted proposed plans. These are being investigated separately by the Planning Enforcement Team and the applicant will be advised to submit a separate application for these if required.

Site Description

The application site is located off Mole Drove South in Gedney Hill. The site is located in the open countryside and comprises a large parcel of land enclosed by fencing hedging and a small number of trees. There are dwellings to the north and east with open fields to the south, south-east and south-west.

History

No relevant planning history.

Consultation Responses

Environmental Protection

No objections but comment that no burning of bedding or waste to take place on site.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

No objections subject to ground investigation being carried out to determine infiltration potential and compliance with the Boards Byelaws.

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. The site is used for non-commercial horse grazing.

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 paddocks and the proposed structures will be used solely for keeping horses for private use. As such the principle of siting field shelters and stables which are incidental to a typically countryside use, and for the maintenance of such land, is acceptable.

Impact on the character of the area

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. Likewise, Policy 2 of the SELLP states 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.

The development overall appears commensurate with its setting in terms of scale, mass and bulk. The proposed sand ring, stables and field shelters are relatively minor in footprint, especially when viewed against the wider site. The visual impact of the structures is deemed acceptable upon the semi-rural character of the area.

In summary, given the proposal is situated in a rural area it is not considered that it would have a material impact on the character and appearance of the area and would therefore comply with Policies 2 and 3 of the SELLP and Section 130 of the NPPF.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

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 50 metres from the proposed development. Given this distance and the nature of the proposal no unacceptable impact would result on residential amenity.

The scale of the stables is acceptable for private purposes and no significant noise and disturbance is anticipated from the horses which would adversely impact upon neighbouring amenity. Furthermore, SHDC Environmental Protection has been consulted and no objection has been raised subject to the prohibition of bedding/waste burning on the site. A condition has been appended to this effect.

As such no unacceptable impact is considered to result on neighbouring amenity and the scheme is considered to accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Drainage

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has advised that the applicant has indicated that they intend to dispose of surface water via infiltration, however the viability of this proposal has not been evidenced. It is recommended 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 the applicant would be expected to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that it is recommended 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. There are several watercourses adjacent to the site boundary, including a Board Maintained watercourse (E22 Highstock Drain - South) along the Western boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian 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). An informative has been appended to this effect advising the applicant of the drainage boards bylaws.

The Board also advised that consent would be required until byelaw 10 as the fence would be within 9 metres of the board maintained watercourse. The applicant has since submitted a revised plan showing the fence located 9 metres away from the board maintained watercourse.

Subject to the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the SELLP and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on drainage.

Planning balance

The principle of change of use of the land from agricultural to pony paddocks and installation of a sand ring, stables, ancillaries and field shelters is considered acceptable. The equestrian use would be in keeping with the existing paddock land and overall with the rural wider location. The proposed stables are quite minor in footprint in comparison to the overall site and surroundings therefore these would not create any undue harm on the area. 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.

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 above, this application accords with Policies 1, 2, 3, 4 and 30 of the SELLP as well as Sections 12 and 14 of the National Planning Policy Framework (2021).

Accordingly, it is recommended to approve 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.

RECOMMENDATION

The application is approved under delegated powers.