DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0817-22**	**Applicant:**	**Mr & Mrs McLeod**
Proposal:	Change of use of area of paddock to form horse exercise area with post and rail fence (for private use)		
Location:	Willow Manor 57 Mole Drove Gedney Hill		
Terminal Date:	10th October 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

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	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission change of use of area of paddock to the rear of Willow Manor to form horse exercise area with post and rail fencing for private use. The area measures 40 metres x 20 metres. It would be enclosed by a timber 3-rail post and rail fencing incorporating a '5-bar' timber farm gate. The riding surface is to be built onto a free draining base of clean, local stone.

Site Description

The application site is located to the rear of Willow Manor, 57 Mole Drove in Gedney Hill. It comprises a parcel of land to the north-west of Willow Manor measuring approximately 40 metres x 20 metres. The wider site is a large holding comprising various residential and agricultural buildings. The immediate area is mainly open countryside with a small number of dwellings scattered along the road.

History

H07-0850-11 - Replacement stable block and change of use of land to paddocks - Approved

Consultation Responses

Environmental Protection

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

South Holland Internal Drainage Board

No objections subject to compliance with the Board's Bylaws.

Planning Considerations

Principle of development and impact on the character of the area

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

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 site is outside any defined settlement boundary as set out in the South East Lincolnshire Local Plan (SELLP), 2019. However, the principle of developing a menage/horse exercise area for private use that is incidental to the enjoyment of a residential property is acceptable. The proposed menage would be 20 metres x 40 metres and would be enclosed by post and rail fencing. The base materials would consist of a specialist equestrian sand finish with a geotextile filter membrane. materials are characteristic of such development and therefore acceptable.

The proposed post and rail fencing is also characteristic of this type of development and in keeping with the open character of the area.

In summary, given the proposal is situated in a semi-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 1 and 2 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 residents living immediately adjacent to the application site. The closest residential dwelling is to the east of the site at no.61 Mole Drove which is located at least 50 metres from the application site. Given the high level boundary trees and the relationship with this neighbour no unacceptable impact would result on residential amenity.

The scale of the menage/horse exercise area 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 if for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3. Please note 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. 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). The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary, Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). 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.

An informative has been appended to this effect advising the applicant of the drainage boards bylaws.

Given 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 using the area of paddock to form horse exercise area for horses with post and rail fencing is acceptable for the enjoyment of a residential property. The footprint is significant at some extent but it would not create any unduly harm upon the built form within the curtilage as the site would remain largely the same. The use would be in keeping with the existing paddock land and overall with the rural wider location. 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 Section 12 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.