DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-0956-20**	**Applicant:**	**Ms S Price**
Proposal:	Siting of 2 stables and hardstanding (retrospective)		
Location:	Land Adj. 139 North Road Gedney Hill Spalding		
Terminal Date:	6th January 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of 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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for siting of 2 stables and hardstanding at land adjacent to No. 139 North Road, Gedney Hill, Spalding.

The applicant who lives at No. 139 purchased the land which was significantly untidy. Hardcore was laid on the surface in order to ensure safe access to the existing barn and park vehicles. Subsequently, two stables for private use were erected at the rear of the site. One is to host a small number of chickens and the other one, to store tools and domestic items.

Site Description

The area is predominantly residential. Most of the properties are residential although there is Gedney Hill Gold Club further to the south-west and Springfield Farm Campsite a few metres to the north-east opposite the road. The wider location is characterised by flat agricultural fields and drains.

The site is long linear narrow, and the property is a semi-detached property. Three further pairs of semi-detached form a short frontage of development onto North Road. The properties were possibly council housing.

The proposed site is land to the side of No. 139 and extends to the rear of No. 141. There is a vehicular access screened by hedgerow and timber fencing. An opaque metal gate ensure safety to the land. A low timber fence is adjoining the rear garden of No. 139. The two stables are adjacent to the rear boundary of the site. An old brick barn stands adjoining the rear of No. 141. The surface has hardcore. A little caravan, trailers and small scale structures are across the site.

History

None.

Consultation Responses

South Holland IDB

No objection.

Reminds that any formal surface water discharge should comply with Board's byelaws.

LCC Highways/Authority

No objection.

SHDC Environmental Protection Officer

No comments.

Planning Considerations

Principle of development

The site lies on the countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of sitting stables that are incidental to the enjoyment of a dwelling house is acceptable.

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. The key material considerations are addressed below.

Design and layout

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; and 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 SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 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 stables are two different units albeit positioned side by side. The length of both is 3.4 metres and the apex height of both is 3.04 metres. The large block has a width of 9 metres whereas the other one smaller is 7.3 metres wide. Given the size of the land and the scale of the buildings nearby, the stables are not excessive by reason of scale, mass and bulk.

Dark brown timber cladding is on the external walls of the stable blocks. Doors and window frames are tantamount to the cladding. Corrugated sheets form the roof. The resulting appearance does not detract from the rural character of the wider location.

Hardcore has been laid across the land. The surface has not been treated with tarmac or any other compact treatment. The infill land has been always enclosed. On balance, the use of hardcore does not unacceptable harm the rural character of the wider location.

The purpose of the units to host a small number of chicken and domestic storage. The poultry activity is solely for private enjoyment. Therefore, the development is incidental to the enjoyment of the dwellinghouse.

Residential amenity

The keeping of chicken is not a significant use that predominates the residential nature of the property. The vehicle movement associated to the cars and trailers is not significant to the extent which causes harm upon the amenity of residents nearby by reason of noise and disturbance.

The stable blocks have been positioned at the rear of the site. The separation distance of the nearest unit to No. 141 is in the region of 15 metres. Given the 3 metre height of the stables, the development at such distance does not appear overbearing to the adjacent residents neither causes any other harm on the grounds of residential amenity.

Planning balance

The breach of planning control to sit two stable blocks and lay hardcore across the land might have been detrimental since the site could have benefited from a more suitable use.

However, on balance, the development does not significantly harm the rural character of wider area by reason of appearance neither conflicts with the use of neighbouring land. The position of the stables at the furthest distance with the adjoining properties ensures no harm upon residential amenity. No adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

Conclusion

The development accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

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.