DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-1001-22**	**Applicant:**	**Mr C Vinci**
Proposal:	Erection of timber donkey shelter (retrospective)		
Location:	6 North Road Gedney Hill Spalding		
Terminal Date:	9th December 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
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
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	8	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for a timber donkey shelter towards the rear of the site. The shelter measures 2.4 (depth) metres x 6.2 metres (width) and stand

at 2.1 metres in height.

Site Description

The application site is located to the rear of no.6 North Road in Gedney Hill. The site is located in the open countryside and comprises a large paddock enclosed by fencing. There are dwellings to the north-west and west of the site and residential gardens immediately to the north and south with open fields to the eat and further to the south.

History

No relevant planning history.

Consultation Responses

SHDC Environmental Health

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

Residents

8no letters of support have been received siting the following:

·The shelter is in keeping with the area and does not ruin any views
·The proposal would provide shelter to donkeys which graze on this paddock

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 structures in question will be used solely for providing shelter to the donkeys kept on the site for private use by the applicant. As such the principle of a donkey shelter which i 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 shelter is relatively minor in footprint, especially when viewed against the wider site. The visual impact of the structure is deemed acceptable upon the semi-rural character of the area.

In addition, several letters of support have been received from local residents stating that the proposed shelter is in keeping with the area and does not ruin any views and provides shelter for existing donkeys on the site.

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.

The shelter in question is sited relatively close to the shared boundaries with the neighbours to the north and south-west. However, given its modest footprint and height it is not considered to result in any overbearing impact or unacceptable overshadowing. In addition, given the relationship with these neighbours and the fact the shelter sits a significant distance from the closest dwelling (at least 90 metres).

The scale of the shelter is acceptable for private purposes and no significant noise and disturbance is anticipated as it would be used to shelter existing donkeys on the site. 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).

Planning balance

The proposed donkey shelter is considered acceptable in this semi-rural location. The building is quite minor in footprint in comparison to the overall site and surroundings therefore it would not create any unduly 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 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.