

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-1219-22 **Applicant:** Mrs S Cross
Proposal: Change of use of agricultural land to paddock
Location: Cordon Villa 24 Station Road Gedney Hill
Terminal Date: 28th February 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
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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for change of use of agricultural land to paddocks for keeping of horses for the applicant's personal use only.

The application also refers to the construction of a lake on the site, however, it is not part of this application and will be sought permission for under a separate application.

Site Description

The application site is located off Station Road in Gedney Hill. The site is adjacent to but outside the Gedney Hill settlement boundary. The site comprises an open field with a small number of trees along the north-western boundary. Residential dwellings are located to the east of the site.

History

No relevant planning history.

Consultation Responses

Local Highway and Lead Local Flood Authority

No objections provided the use of the site is non-commercial.

South Holland Internal Drainage Board

Further information would be required with regards to the lake proposed (not part of this application). If the lake will discharge to a watercourse, consent may be required under Byelaw 3. If works are proposed to alter the watercourses at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

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 proposed to be 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 will be used solely for keeping horses for the applicants private use. The principle of such a use is considered incidental to a typically countryside use and is therefore acceptable.

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.

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 use of the site would be small scale for personal use only and relatively minor,

especially when viewed against the wider site. No physical changes are proposed at this stage therefore no unacceptable visual impact would result on 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 residential dwellings to the east of the application site, fronting Station Road. Given the minor nature of the proposals and the fact the site would be used for private purposes only no unacceptable impact would result on residential amenity. The proposed use is considered in keeping with the rural character of the area and no significant noise and disturbance is anticipated from the horses which would adversely impact upon neighbouring amenity.

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 not stated whether the proposed lake (subject to a later application) would be self-contained or if it will discharge to a watercourse. If the lake will be self-contained, further information is required to identify how the lake will be sized to cater for the surface water generated on site, as well as additional rainfall events that will occur when the lake is already at capacity from onsite water. If the lake will discharge to a watercourse, consent may be required under Byelaw 3. If discharge to a watercourse is proposed for the site, contact will need to be made with this office by the applicant to discuss the potential requirement for consent at their earliest convenience. Any forthcoming drainage strategy should consider these factors in more detail. There are riparian watercourses adjacent to the north-eastern, south-western, and north-western site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourses, or if works are proposed to alter the watercourses 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.

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.

Highway safety

The LCC Highways Authority has not objected as the proposal is for non-commercial use. The existing vehicular access to the host dwelling, 24 Station Road, is suitable for use by a horsebox and the field also has an established field access onto West Drove South that would be suitable for access.

Planning balance

The principle of change of use of the land from agricultural to paddocks is considered acceptable. The equestrian use would be in keeping with the existing paddock land and overall with the rural wider location. The proposals do not change the overall appearance of the land therefore it 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.