

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H08-0333-25      **Applicant:** Miss C Southgate

**Proposal:** Change of use from agricultural land to equestrian, erection of stable block and riding arena

**Location:** Joanne Belnie Lane Gosberton

**Terminal Date:** 9th July 2025

**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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

**National Guidance****National Planning Policy Framework December 2024**

Section 12: Achieving Well-designed Places  
Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Section 15: Conserving and Enhancing the Natural Environment

**Representations:**

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	0	0	0	1

## **CASE OFFICER ASSESSMENT**

### **Proposal**

Planning permission is sought to change the use of the land for equestrian use. A building, comprising a tack room, hay store and three stables, is proposed adjacent to the northern boundary of the site. The building has a length of 18.1metres, width of 3.58metres with an eaves height of 2.25metres and ridge of 3.15metres. The walls of the structure will be clad in brown shiplap boarding and the roof will be covered with black onduline, with one clear sheet for light to each stable.

A menage is proposed to the south of the building, measuring 25metres by 45metres with a post and rail fence to the boundaries.

The stable building and menage will utilise the existing access track running along the western boundary of the site.

The applicant has advised the facility is for personal use only in conjunction with the existing residential property.

### **Site Description**

The application relates to a parcel of agricultural land within the ownership of a detached bungalow, 'Joanne', situated in countryside within the parish of Gosberton. The residential property 'Joanne' within the applicant's ownership, forms part of a sporadic group of residential properties located adjacent to Beline Lane.

An agricultural building and access track within the applicant's ownership are located to the west adjacent to a neighbouring residential property.

### **History**

H08-0375-25: Single storey extension to rear of bungalow. Approved 03.06.2025

### **Consultation Responses**

#### **Responses Received (consultation period between 17th April 2025 to 11th May 2025)**

##### **Gosberton Parish Council**

No response received.

##### **Highway and Lead Local Flood Authority**

No objection.

##### **Environmental Protection Officer**

No comments regarding land contamination or environmental protection.

##### **Historic Environment Officer**

The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

#### Biodiversity Net Gain Ecologist

There has been sufficient evidence provided to be confident that this development will achieve 10% biodiversity net gain. However, minor changes need to be made to both the metric and post development habitat plan.

#### Environment Agency

Do not wish to make comments.

#### Conservation Assistant (Tree Preservation)

No response received.

#### Natural England

No response received.

#### Welland and Deepings Internal Drainage Board

No response received.

#### Lincolnshire Wildlife Trust

No response received.

### **Public Representation**

The application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance one representation has been received, the main planning issues referred to are:

- It is not clear whether the proposal is commercial or for the applicant's own use, this has implications on the amenity of the nearest neighbours and traffic movements to and from the site.
- New build in the open countryside and loss of agricultural land merits significant tree and structure planting to reduce the impact of built form.

### **Planning Considerations**

The main issues and considerations in this case are:

Principle of Development and Sustainability  
Effect on the Character and Appearance of the Area  
Impact on Neighbouring Property  
Access and Parking  
Flood Risk Considerations  
Biodiversity Net Gain

### **Evaluation**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside

adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

#### Principle of Development and Sustainability

The National Planning Policy Framework (Framework) December 2024 sets out the Government's planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; an economic objective, a social objective, and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. The Policy further advises in the countryside, development will be permitted that is necessary in 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 proposal is for an equestrian use and considered an acceptable form of land use in the countryside. The development therefore requires a rural location and in this regard the principle of the proposal accords with the requirements of Policy 1 of the South East Lincolnshire Local Plan, 2019, subject to the consideration of all other material factors which are assessed in the sections below.

#### Effect on the Character and Appearance of the Area

The Framework advises, at paragraph 131, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The Framework further states, in paragraph 187(b), planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside.

Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to its landscape surroundings.

The proposed building will be located adjacent to the northern boundary of the site and whilst relatively large the structure is not of a significant height, the eaves and ridge being 2.25metres and 3.1metres respectively. Moreover, the siting of the building will be viewed in the context of the applicants' dwelling and neighbouring house and its impact on the wider landscape will be further mitigated through planting proposed to the north and west as part of Biodiversity Net Gain. The menage although visible is not considered intrusive and the proposed timber post and rail fence around the arena is an appropriate form of boundary treatment in a rural landscape.

The proposal will not cause detriment to the character and appearance of the area and in this regard would accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, along with advice contained within Section 12 of the National Planning Policy Framework, December 2024.

#### Impact on Neighbouring Property

The Framework advises, at paragraph 135, development should create places with a high standard of amenity for existing and future users.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and

the relationship to existing development and land uses is a main consideration when making planning decisions.

An existing residential property is located to the south of the site with several residential properties located on the opposite side of the highway. A representation received has raised concern at the proposed use of the facility and the implications of a commercial use on neighbouring amenity. The applicant has confirmed the stables and manage are to be used for personal use and a condition can be attached to any permission granted to restrict the use to that incidental to the enjoyment of the existing property.

The proposed building is located adjacent to the northern boundary with the menage located to the immediate south with access taken from an existing track to the west. The submitted application form advises external LED lighting is proposed to the stable frontage and arena, although no details have been provided. Whilst low level lighting may be acceptable, details of the amount, location and height of lighting is required which can reasonably attached as a condition.

In respect of the disposal of manure the applicant has advised a muck trailer is to be used to store equestrian muck which is to be removed and used as a fertiliser by a local farmer.

The development is considered an appropriate distance from neighbouring dwellings and subject to the imposition of appropriately worded conditions there will be no significant detriment to the level of amenity currently afforded to the occupants of neighbouring property in terms of noise and disturbance, loss of light of creating an overbearing or enclosing impact.

In this regard the proposal accords with the provisions of the Framework and Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

#### Access and Parking

Paragraph 116 of the Framework advises that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, considering all reasonable future scenarios.

Policy 2 of the Local Plan states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 of the Local Plan details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards required for development proposals.

The development will be accessed via an existing track taken from Beline Lane, with acceptable visibility in each direction. Adequate parking and turning facilities exist within the site to serve the development, again noting the personal and non-commercial nature of the proposed use which is unlikely to generate a discernible increase in vehicle movements. Moreover, the highway authority has no objection to the proposal.

It is considered the proposal accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019, and Section 9 of the National Planning Policy Framework, December 2024, in that the proposal would not cause detriment to highway safety.

#### Flood Risk Considerations

Paragraph 170 of the Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Further stating, where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 173 states a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding, with the aim of steering new development to areas with the lowest risk of flooding from any source.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how

flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites.

Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The application site is located within Flood Zone 2 and 3, equestrian development is classed as 'less vulnerable' development within Annex 3 of the Framework and Table 2 of the PPG (Flood risk vulnerability and flood zone incompatibility) confirms an Exception Test for less vulnerable development within Flood Zone 3 is not required.

A site specific Flood Risk Assessment has been provided as part of the application which provides mitigation measures including, the floor level of the stables would be a minimum of 100mm above ground level and the exercise area will include drainage layers. In addition, rainwater from the roof of the stable block will be collected by guttering and discharged into a water container which will then be used for the general care of horses. These measures can be attached as a condition to the planning permission and will ensure the development is made safe for its lifetime and will not increase the risk of flooding elsewhere.

The proposal accords with Policies 2,3 and 4 of the South East Lincolnshire Local Plan, 2019 and the intentions of the National Planning Policy Framework (December 2024) in this regard.

### Biodiversity Net Gain

Biodiversity Net Gain (BNG) is required under a statutory framework introduced under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) and requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

The Council's Ecologist advised there has been sufficient evidence provided by the applicant to be confident that the development will achieve 10% biodiversity net gain. However, the Ecologist advised that minor changes were required to both the metric and post development habitat plan, these were:

- 1) It appears on the baseline habitat map that there are two small trees within the ruderal/ephemeral habitat area. These trees will need to be added to the baseline metric. Even with these additions, 10% net gain will still be able to be achieved.
- 2) The tight spacing for new tree planting as suggested in the post-development map is unfeasible. For example, individual trees should be provided approximately 2.5 m of space if they are to grow to moderate condition. In this case, the proposed tree spacing appears to be a maximum of 1m apart. However, If the proposed trees were to be spaced out across the North Eastern border on the tussocky field margins and remaining cropland, there should be appropriate planting distance between trees. Any changes made to tree planting plans should be altered in the post-development habitat map and metric as appropriate.

An amended metric and post development habitat plan have been submitted by the applicant to accord with the requirements of the Council's Ecologist to ensure the development achieves the mandatory 10% biodiversity net gain.

## **Planning Balance**

As detailed above, Section 38(6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The development proposed is a rural activity and an acceptable form of land use within the countryside. The proposal will not cause detriment to the character and appearance of the area and subject to appropriately worded conditions will safeguard existing levels of amenity. There will be no implications for highway safety and the development will not increase the risk of flooding elsewhere.

The proposal accords with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole. In this instance there are no material considerations that weigh against the proposal and as such the planning balance is in favour of the development.

## **Conclusion**

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4 and 28 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework(December 2024). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

## **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**

Based on the assessment above, it is recommended that the proposal should be approved under Delegated Authority.