

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0925-23 **Applicant:** Mr N Beehoo

Proposal: Change of use from agricultural land to equestrian use including erection of stable block and menage - Retrospective

Location: Adj The Acorns 10a Risegate Road Gosberton Risegate

Terminal Date: 29th March 2024

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
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
 Section 12 - Achieving well designed and beautiful places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 16 - Conserving and enhancing the historic environment

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
SHDC INTERNAL	0	0	1	2
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal retrospectively seeks full planning permission for the change of use to a commercial equestrian use. The land in question is a former agricultural plot which is now used as an extension of land for the use by 10a Risegate Road.

The application includes the erection of a stables and menage. It is of note that this is a retrospective application, with the works having been completed in 2021.

The stables are constructed of timber, with a green steel roof. The stables house six horses, with an adjoining section for tack and feed. In all, the stables measure 26.69 metres in length, with a width of 10.84 metres. The stables feature a dual pitch roof, with a maximum ridge height of 3.4 metres. To the eaves it measures 2.56 metres.

Adjacent to the stables, to the immediate south, is the menage. The menage measures 30 metres (width) by 44 metres (length). The menage is bordered by a one-metre-high post and rail fence. Six light posts are positioned around the menage.

The use would be commercial in nature, with the stables being used to house six horses for clients. Clients primarily access the site on weekends but will not be prevented from doing so on weekdays. The hours of use initially proposed were 8:00 - 19:30, although discussions between the applicant and the Local Planning Authority have arrived at hours comprising 09:00-18:00 on Monday-Friday and 09:00-16:00 on Saturdays, Sundays and Bank Holidays.

It is proposed that riding lessons will be provided for clients, including those who bring their own horses. The frequency of these lessons is low, with no more than two lessons per week being stated. Once a month, between May and September, it is proposed that a training day for up to ten clients will be held.

Site Description

The site abuts, but falls outside of, the settlement boundary of Gosberton Risegate. As such, the proposal is considered to be located within the countryside in planning terms. The site is located approximately 100 metres south of Risegate Road, along an access track between 16 and 18 Risegate Road. The site is located approximately 100 metres south-west of the Grade II listed cottage to the rear of 28 Risegate Road. The site is abutted to the south, east and west by agricultural land. To the north are residential dwellings.

The site itself is functionally part of the domestic curtilage of 10a Risegate Road, with this site (as outlined in red) being a curtilage extension granted under H08-0140-11. The location is well screened and as such is not visible from the road. 10a Risegate Road is a two-storey dwelling of fairly modern design featuring light brown brick work and white UPVC windows.

Relevant History

H08-0274-92 - Outline. Erection of a dwelling. Approved 06/11/92.

H08-0496-93 - Reserved Matters. Erection of chalet bungalow. Approved 15/07/93.

H08-0425-09 - S191. Use of dwelling by persons not employed in agriculture (Condition 5 of H08/0274/92). Approved 21/12/09.

H08-0099-10 - Modified Agreement. Modification of Section 106 Agreement to allow the surrounding land to be occupied by someone not involved in agriculture. Refused 19/07/10.

H08-0140-11 - Full. Change of use from agricultural land to domestic garden (retrospective).

Approved 19/04/11.

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Conservation Officer

"The proposal site is within a visual range of a nearby Grade II listed building. However the proposed building is of a type which is not alien to the immediate setting, with several such agricultural-style outbuildings featuring within visual proximity of the proposal site and the associated listed building. Because of this and the distance of the proposal from the listed building shielding it from harmful visual intrusion from this relatively low-level structure, I do not wish to raise any objections to the proposal."

SHDC Environmental Protection

Initial comments, received 18/01/24

"No comments regarding land contamination"

Further comments, received 24/01/24

"no burning of bedding or manure permitted on site to protect amenity of adjacent properties"

Highway and Lead Local Flood Authority

No objections:

"The proposal is for the change of use from agricultural land to equestrian use including erection of stable block and menage. The application is retrospective and so the proposal is already happening on site. There are 10 parking spaces, the business will be run by the property owners for 6 horses and 5 clients. Movements will be at weekends 5 vehicles arriving and departing between 9-5 and weekday 4 arriving and departing between 9-6. Access is via the private drive with secure access gates that require a code. Two lessons occur - Monday-Saturday with clients bringing their own horse in a horse box. Once on a Saturday through the summer there will be training sessions where up to 10 cars/horses will participate. The access with the public highway is good in both directions and the former use would have received similar movements if not more to the proposed use. Dimensions of the access track has been provided which shows that two way traffic is possible in parts and that there are places in which vehicles can wait for oncoming vehicles to pass. Anyone entering the short access road can see if a vehicle is parked at the electric gates. Vehicles parked behind the electric gates have sufficient room to reverse onto the applicants drive and clear the road for safe access. There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has

been received.

This can be summarised as follows:

-Concerns regarding the burning of waste

Key Planning Considerations

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.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 goes on to detail that "The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside".

While the site does display a clear relationship with Gosberton Risegate, it is located outside of the settlement boundaries and, as such, is considered to be within the countryside in planning terms. Policy 1D of the SELLP states: "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."

In this regard, it is considered that an equestrian use, such as that proposed in this instance, somewhat necessitates an area of land that is particularly characteristic for out of settlement locations. Equestrian uses are commonplace in the countryside and would be inappropriate in an urban or settlement setting. There, in principle, the application site is suitable for such a type of development.

Principle - Policy 7 Evaluation

In addition to the above, Policy 7 of the SELLP relates to Improving South East Lincolnshire's Employment Land Portfolio. This policy, beyond expressing the 'Main Employment Areas', 'Local Employment Areas', 'Restricted Employment Areas', and 'Established Employment Areas', details that in respect of 'New Employment', development/businesses or the extension of an existing business outside allocated employment sites will be supported to specific criteria.

Policy 7 goes on to detail that: "Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map"

Assessing the proposal against the above criteria, the following is considered:

- a. The development would not conflict with neighbouring land uses. The countryside location is suitable for an equestrian use, while adequate distance has been maintained between the site and nearby dwellings as to minimise conflict.
- b. The equestrian nature of the business necessitates a countryside location. The use of paddocks for equestrian purposes is common within the wider area. Both of these factors combine to ensure that the proposed use would not be out of keeping with the area. The site is well set back from the road and obscured via boundary treatments and dwellings, preventing any developments from being seen and in turn reducing the character impact of the proposal.
- c. The design of the stables and menage is typical of equestrian uses. The use has been positioned away from residential properties in order to minimise its impact. As such, it is considered that the design is responsive.
- d. As is discussed in further detail below, the proposal would not have an adverse impact upon local highway networks. The response from the Highway Authority has affirmed this.
- e. The proposal would have no impact upon the viability of other employment sites.
- f. The proposal displays a good relationship with the adjacent village of Gosberton Risegate. This would help to ensure users can, if required, access the site on foot or via public transport through Gosberton Risegate.
- g. The use necessitates a countryside location due to the land required and the nature of the business itself.

As such, it is considered that the proposal conforms to Policy 7 of the SELLP.

It is of note that the proposed use of the site for training days and events would only occur once a month between May and September. This would result in the use occurring approximately five times. This is far below the allowance within Part 4, Class B of the General Permitted Development Order, 2015 (as amended), which enables the temporary use of land for this purpose for no more than 28 days per year, of which 14 are consecutive. As such, it is considered that the use for events described within this proposal constitute permitted development under Part 4 Class B of the General Permitted Development Order. Therefore, the principle of this use has not been assessed.

Therefore, the proposal is considered to conform to Policy 1 and 7 of the SELLP for the reasons set out above. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The equestrian use is considered to be in keeping with the rural character of the area. Equestrian uses such as this are somewhat typical within rural areas in the district, ensuring it does not appear out of keeping.

Likewise, the materials are typical of equestrian developments, ensuring the proposal does not appear out of keeping. The scale of the proposal is proportionate to the size of the plot, further reducing the potential impacts. The site is not readily visible from any highway or right of way, ensuring the impact upon the character of the area is reduced.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Both Policies are supported by Policy 30, relating to pollution, including noise pollution.

Due to the significant levels of screening, and the relatively small scale of the stables, no overshadowing would occur due to the proposal. Due to the nature of the proposal no overlooking would occur.

The proposal is located a good distance away from the nearest dwelling, with a separation distance of over 60 metres to the rear elevation of the nearest dwelling. At this distance, the potential impacts of any noise pollution are reduced. Furthermore, the ample screening on the site will reduce the level of noise reaching neighbouring dwelling. The potential for noise pollution would be at its highest during the hours of operation, when customers would be present.

It is considered that the proposed hours of use, as amended through discussion (maximum 09:00-18:00 and 09:00-16:00) are not overly sensitive times, thereby reducing the potential impacts of the development.

The waste management plan proposes that waste will be removed by a local farmer. The waste will be stored in an adjacent field in the interim. This is considered to be acceptable given the scale and nature of the site. The waste would be stored away from any neighbouring properties, in order to reduce the potential amenity impacts. In order to prevent an unacceptable amenity impact, in line with the received comments, it is considered appropriate to request that no burning take place on the site. This shall be recommended by condition.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land

users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The site would have no significant adverse impact on the local highway network. The volume of traffic proposed is low and infrequent enough as to prevent any significant impacts. The comments of the Highway Authority confirm this, stating that the works would not have a significant adverse impact upon highway networks.

Users would be able to access the site via sustainable modes of transport due to proximity to Gosberton Risegate. As such, this location is considered to be more sustainable than alternatives which may be located further away from settlements.

Ample parking space is provided on site. Provisions are available to accommodate up to 18 vehicles, which is significantly greater than the expected number of vehicles on the site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The sequential approach is required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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 SELLP 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.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as not at risk of flooding. As such, the actual risk of flooding on the site is considered low. Nevertheless, the use as a livery yard falls under the "water compatible development" classification within Annex 3 of the flood risk and coastal change section of the Planning Practice Guidance. As such, it is considered that the proposed use is in a suitable location in flood risk terms.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Heritage and Conservation

Policy 29 of the SELLP requires all proposals to enhance or preserve the historic environment. This is consistent with Section 16 of the NPPF and the provisions of the Town and Country Planning Act 1990 as amended by the Levelling Up and Regeneration Act, 2023.

Policy 29 (The Historic Environment) of the South East Lincolnshire Local Plan states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, Conservation Areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

This goes on to detail that "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building".

In respect of any buildings or other land in a Conservation Area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, in assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The National Planning Policy Framework (NPPF) (December 2023) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2023) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

The site is located approximately 100 metres south-west of the Grade II listed cottage to the rear of 28 Risegate Road. This distance, coupled with the significant levels of screening, means that there is no clear relationship between the sites functionally or visibly. As such, the impacts of this proposal on 28 Risegate Road are limited. The potential impacts are lessened by the relative

typicality of the proposal, with several comparable structures already present in the wider area.

The Conservation Officer has raised no objection to the proposal, stating that the works are unlikely to cause harmful visual intrusion to the setting of the listed building.

Therefore, the proposal is considered to be in accordance with Policy 29 of the SELLP as well as Section 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 29, 33, and 36 of the SELLP, as well as Sections 9, 12, 14 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

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

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.