

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H08-1075-22	Applicant:	D Deckland
Proposal:	Erection of 6 single cat pens, food store & sick bay (retrospective) and erection of further cat pen (2 doubles & 2 singles)		
Location:	Bank House Nursery Boston Road Gosberton		
Terminal Date:	5th January 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Sections 6 and 12 in the NPPF (2021)

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	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for the erection of 6 single cat pens, food store and sick bay (retrospective) and the erection of further pens (2 doubles and 2 singles), at Bank House Nursery, Boston Road, Gosberton.

Site Description

The site is situated in the open countryside, according to Policy 1 in the South East Lincolnshire Local Plan, 2019. Bank House is a detached dwelling is surrounded by sporadic residential and agricultural development along Gosberton Bank.

The site is well set back from the road, and is not completely visible as there is a large paddock to the front of the dwelling. The site has a variety of outbuildings, which accommodate a few horses on the site. The cat pens are situated to the rear of the dwelling, along the south eastern boundary.

History

No relevant planning history.

Consultation Responses

SHDC Environmental Protection

No objection. Requests the following condition: No burning of bedding or waste to take place on site.

Local Highway and Lead Local Flood Authority

No objection.

This proposal is for the erection of 6no. single cat pens, food store and sick bay (retrospective) and erection of further cat pen (2 doubles and 2 singles) which will utilise the existing access from Gosberton Bank which serves the current use and meets the guidelines set out in Manual for Streets for visibility. Adequate provision for car parking and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

Planning Considerations

- Principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety and parking;

Principle

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 proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan is therefore applicable. It states that development will be permitted in the countryside 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.

SELLP Policy 7 specifically relates to economic development and indicates that the South East Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity. New employment development/businesses or the extension of an existing business outside the allocated employment sites will be supported provided that the proposal involves the re-

use of previously-developed land or the conversion/re-use of redundant buildings. 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:

1. the development does not conflict with neighbouring land uses;
2. there is no significant adverse impact upon the character and appearance of the area;
3. the design is responsive to the local context;
4. there will be no significant adverse impact on the local highway network;
5. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
6. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
7. there is an identified need for the business location outside of identified employment areas on the Policies Map.

The above policies are in accordance with advice within the National Planning Policy Framework, March 2021, which promotes sustainable economic growth. Paragraph 84 specifically indicates that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

Addressing the above, the existing / proposed use is small scale and considered appropriate to a rural location. The scale and nature of the use is such that it would not impact upon any existing or allocated employment site. Paragraph 85 of the Framework indicates that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. No objections are therefore raised in principle subject to the proposal being acceptable on visual/residential amenity and highway grounds.

Character and Appearance

The existing 6 single cat pens, food store and sick bay are constructed using a timber frame material. It is of a functional design, but is appropriate in this rural location by virtue of the boundary screening and would not materially harm the character or appearance of the rural locality.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity Issues

The closest neighbouring residential dwelling (Bank End Cottage) is situated to the north east approx. 57m to the closest elevation, which is a considerable distance when considering potential privacy or overbearing issues.

The application states that client access will be limited to appointment only for drop off and collection. This will encourage the management of the level of customers on site, of which the customer would only be collecting or dropping off.

Environmental Protection have raised no objections and cats typically generate less noise than dog kennels for example. Subject to good management practices, it is considered that the proposal would not material harm the amenity of nearby residents in terms of odour, noise/disturbance, etc.

A separate licence would be required to ensure that standards of cat care and health and safety are complied with.

The agent has confirmed that the waste management would be dealt with by a private specialist company who provide storage wheelie bins and collect the waste approximately once a month, and in busier times this may be more frequent. If issues were to subsequently occur due to bad management practices they could be controlled under licencing or separate environmental legislation.

The part retrospective application satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity issues.

UJHighway safety and parking

An existing access would be utilised, with the inclusion of a proposed hard standing to the north of the driveway entrance for visitors. LCC Highways has raised no objections to the proposal on highway safety grounds. The proposal satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking.

Planning Balance

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.

A cattery use in such a location is acceptable in principle and will not materially harm the character or appearance of the locality or amenity of nearby residents. It is acceptable on highway and parking grounds. It is therefore considered to be in accordance with Policies 1, 2, 3, 7, 30 and 36 of the South East Lincolnshire Local Plan, 2019.

Conclusion

For the reasons outlined above the recommendation is for a delegated approval.

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.