DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0003-24**	**Applicant:**	**Ms S Munn**
Proposal:	Proposed Outdoor Manege		
Location:	Land Adjacent Fensever Further Old Gate Holbeach		
Terminal Date:	10th May 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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 12 - Achieving well-designed & Beautiful places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a domestic outdoor riding arena (manege). The manege is proposed to the south east corner of the field, which has a wider planning permission for equine use. The manege is located south of the existing barn and east of the existing store. A location plan, block plan as well as supporting information that describes the drainage and waste strategy.

Site Description

The application site is located within the open countryside and outside of any defined development limit as identified by the proposals map of the SELLP 2019. The application site is also located within flood zone 3 in accordance with Environment Agencies Mapping Systems.

The site is accessed from Further Old Gate and has a parking area to the front of the site. An agricultural building, which is located to the south of the site on the eastern boundary is sited, this was approved recently under planning application H09-1210-18. The wider site also recently received planning permission (H09-0790-23) from a change of use from an agricultural use to a personal equestrian use.

History

H09-0017-20 - Proposed dwelling (Paragraph 79 NPPF). Refused, Appeal dismissed 21-08-20
H09-1210-18 - Proposed Agricultural Store Building. Approved 11-01-19
H09-0790-23 - Change of use from agricultural to equestrian for personal Use. Approved 03.11.23

Consultation Responses

Environmental Protection
Ensure any external lighting is positioned in order to avoid glare or light pollution to nearby properties

IDB
The applicant proposes to discharge surface water to a watercourse via land drains beneath the permeable manege surface. This proposal will not require consent from the Board under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS).

Highways & Suds
No objections: The proposal is for an outdoor manage that will be for personal use. The local planning authority will be attaching a condition in relation to this to any decision notice. The access exists and is to an acceptable standard. The proposal will not have an adverse impact on the public highway given the rural nature of the road. 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.

Parish
No objection

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received, by the same resident/adjacent business. They state:

We are a little concerned that if the rainfall on this area is drained straight into existing drains whether it may increase the risk of flooding to our property or the road. In principal we are not against the idea as long as this issue is properly considered. AND

This development will be less than15 metres from our house,(overlooked by kitchen and bedroom windows), so would like assurance that the current hedge/tree line will be maintained or improved, and that there will be no extra lighting involved, as this would have a detrimental effect on both our house and our bat and owl populations

Planning Considerations

The main issues and considerations in this case are (but are not limited to):
Principle of Development
Environmental Issues/Amenity
Drainage/Flood Risk
Highway Safety
Character Impacts

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 (December 2023) 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.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of development

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework 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 in respect of sustainable development 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.

The application site is located within the open countryside and outside of any defined development boundary. Of these areas policy 1d states:

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. 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.

An expansion in relation to this is contained within the policy justification regarding the countryside,

it states "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan"

Material to this assessment is that the wider field was approved for a personal equine use under H09-0790-23. This proposal is therefore ancillary to that wider permission. The proposal in any case does represent outdoor recreation and so supportable under SELLP Policy 1.

On this basis the proposal is considered acceptable in principle.

Environmental Issues/Amenity

SELLP Policy 2 and 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.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning

The applicant proposes a manage to the south eastern corner of the field. The closes neighbouring property is 'Fersever' which is located to the east, there are existing dog kennels located to the rear of this property. The proposal appear to be for a manege only, there are no details in relation to any proposed lighting.

Environmental Protection have been consulted and have stated that 'Ensure any external lighting is positioned in order to avoid glare or light pollution to nearby properties'. Given that no lighting appears to be proposed it is considered reasonable to attach a condition that no external lighting will be allowed unless first agreed in writing with the local Planning Authority.

The use itself would not give rise to unacceptable amenity issues, given that the entire field already benefits from an equine use. Furthermore, a dog kennels is located close by that is likely to give rise to greater noise related impacts that which would emanate from this application site.

On this basis it is considered that the proposal would accord with SELLP Policies 2 and 30.

Drainage/Flood Risk

Policy 4 of the SELLP sets out the district authorities' approach to flood risk and drainage. Point F is relevant, it states "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, where it demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall"

The proposal is for outdoor recreation which is considered as 'water compatible' development under Annex 3: Flood risk vulnerability classification table. The proposal then to formulate an outdoor manege to form a personal equine use is therefore acceptable.

The applicant has shown that a grid drainage system will be installed under the manege. The IDB have been consulted and have no objections to this solution, they have provided a link to the Non-Statutory technical standards for sustainable drainage systems to assist the applicant.

A representation has also been received that raises concerns in relation to drainage and potential for surface water to entre the road. However, the IDB have no concerns following review of the solution proposed.

On this basis the proposal is considered acceptable and would accord with SELLP Policy 4.

Highway Safety

SELLP 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The application site benefits from an existing access and car parking area. The proposed manege is ancillary to the wider use. The car park and access are to remain unaltered and would provide acceptable infrastructure for a domestic manege.

The Highway Authority have been consulted and have no objections on the basis that the manege is used for domestic purposes. This will be reinforced through planning condition.

Given the aforementioned mitigation it is considered that the proposal would accord with SELLP Policies 2, 3 and 36.

Character Impacts

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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states that "Ã???¢?¦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 proposed manege is to be located to the south of an existing barn and east of a store building. It is also bounded to the south and west by an existing hedge. The manege is unlikely to have much affect therefore upon the areas character, any impacts are certainly localised and acceptable in this rural setting.

On this basis the proposal is therefore in accordance with SELLP Policies 2 & 3.

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 countryside location, being for outdoor recreation. 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 South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework 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.

Other Issues

The application was submitted in January and validated in February. Given the scale of the application and the time it was submit BNG is not mandatory.

Conclusion

The proposal is considered to be an ancillary function to the wider equine use of the application site and considered acceptable. Condition removing the ability to install any external lighting will be attached as will the domestic nature of the manege as a commercial manege would require a

different assessment.

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.