

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0237-21 **Applicant:** Miss H Wheatley
Proposal: Erection of stable/equine shelter - retrospective
Location: 8 Clough Road Holbeach Clough Spalding
Terminal Date: 4th May 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2019

NPPF 2021
Section 12
Section 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for a stable/equine shelter. The building would measure 7.4 metres x 4.8 metres and stand at 2.7 metres in height. It would be constructed using brown wood tongue and groove panels, 1 line of grey airated concrete blocks, red metal post supporters and aluminium box profile roof sheeting.

Site Description

The site is part of ribbon development comprising pairs of semi-detached properties sitting in long linear narrow sites. The frontage is on the eastern side of Clough Road. Opposite the countryside road, there are open agricultural fields as well as further to the east.

The property is a traditional 'brick-and-tile' two-storey semi-detached property. Very mature tall conifer hedgerow with some timber fencing heavily conceals the house from the road. The site access is adjacent to the southern boundary that leads to a paved drive with turning point to the side elevation of the house. The rear garden is bounded with nearly 2 metre high timber close board fencing.

History

H09-0883-19 - Proposed single-storey front and two-storey side extension - Approved

Consultation Responses

Holbeach Parish Council

Support.

Environmental Protection

No objection. A condition is recommended for no burning of manure, stable sweepings or other waste to take place on the site.

Resident

One local resident has objected to the scheme siting the following concerns:

- It detracts the amenity of our garden and blocks sunlight
- Concerns of safety of the wiring and electrical supply
- The smell produced from the stables on a warm day is very noticeable. In the summer, smells, rodents and flies will be an issue especially as the stable is situated so close to the house (10.50m).
- There is no guttering on the stables, so the run-off water will be affecting the fence.
- The manure pile is currently close to the boundary fence, this is a health hazard and will provide unpleasant smells from Spring through to Autumn.
- If retrospective planning was to be given, we would request that it is stipulated that all horse waste be removed from site.

Planning Considerations

Principle of development

The site is located in Holbeach Clough, outside any settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

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".

In this case the building would be used for a purpose incidental to the existing dwelling (no. 8 Clough Road). The proposal is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Design and layout

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. 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 as per Policy 2 of the SELLP.

The stables/equine shelter would be in the form of a block, within one building. The building would measure 7.4 metres x 4.8 metres and stand at 2.7 metres in height. It would be constructed using brown wood tongue and groove panels, 1 line of grey airated concrete blocks, red metal post supporters and aluminium box profile roof sheeting. The proposed materials are considered appropriate for the building and the rural character of the area.

The site layout of the development would relate well with the residential plot of 8 Clough Road and would not be detrimental to the character of the area.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

One local resident has objected to the scheme citing concerns that the development would block sunlight in their garden, concerns of safety of the wiring and electrical supply, the smell from the stables, location of the manure close to the boundary fence and concerns of water run-off.

The concerns are noted, however, on balance the scheme is considered acceptable. The building would be only 0.7 metres higher than the existing boundary fence therefore it would not appear overbearing or result in unacceptable overshadowing/loss of daylight. Safety of the wiring and electricity supply is not a material planning consideration therefore the scheme could not be resisted on this basis. With regards to concerns of the manure close to the neighbours boundary, it is not clear where manure is proposed to be stored/disposed therefore a condition has been appended requesting the submission of these details in order to fully assess the impact of this on neighbouring amenity. With regards to concerns about water run-off, again no detail have been submitted with regards to this therefore a condition has been appended requesting these details.

The stables would be set back from the applicants existing dwelling by approximately 11 metres. Although this is considered to be relatively close to the applicants house and that of neighbouring properties, given the modest size of the stables, the number of horses on the site would not be excessive. In addition, Environmental Protection has not raised any objections to the scheme. As such it is considered that the proposed development would not create unacceptable harm upon the existing residents in the vicinity by reason of noise and odours. Environmental protection has not raised any objections to this arrangement.

As such the proposal is on balance in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of neighbouring amenity.

Planning balance

The principle of developing stables in this rural location is considered acceptable. On balance, it would achieve sustainable development without impeding other opportunities that would lead with greater benefits in this respect.

The scale, height and position of the stables would be proportionate with the built environment in the area. The external appearance would be standard of this type of development. In light of the separation distances between the stables and the nearest dwelling at no.8 Clough Road, no significant adverse impact is anticipated.

In summary, any adverse impact of granting permission to the proposals would significantly and demonstrably outweigh the benefits of doing so.

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 considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019; and Section 12 of the National Planning Policy Framework (NPPF), 2021.

It is accordingly recommended to approve this planning 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.