DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0376-22**	**Applicant:**	**Dyson Farming Ltd.**
Proposal:	Replacement Pump House associated with an existing agricultural irrigation reservoir.		
Location:	Leadenhall Farm Leadenhall Road Holbeach St Marks		
Terminal Date:	1st June 2022		

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
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
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	1	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a replacement pump house in association with an existing agricultural reservoir (approx 3 hectares) which is used for the storage of water for crop irrigation.

Site Description

The site is located on the north-western side of a private roadway off Leadenhall Road, which serves Leadenhall Farm and a number of other properties. An associated lagoon/reservoir is situated to the rear (north-west).

Surrounding land is within the applicant's control. The nearest residential properties are a pair of semi-detached dwelling (nos. 1 and 2 Cardham Cottages) situated on the opposite side of the roadway. Leadenhall Farm is situated approximately 700 metres to the north-east.

Relevant Planning History

H09-0639-15 - Agri Det - Lined earth bank reservoir - Approved 28 July 2015.

Consultation Responses

Holbeach Parish Council

No observations.

Public

No comments received.

Planning Considerations

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.

Policy 1 of the South East Lincolnshire Local Plan (SELLP), 2019 indicates that new development will be permitted in the countryside where it 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, March 2021 promotes sustainable economic growth. Paragraph 83 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.

The proposal is a replacement pump house in conjunction with an existing irrigation reservoir owned and used by Dyson Farming Ltd. The proposal constitutes agricultural development in the countryside and is necessary in this location. It satisfactorily complies with Policy 1 of the SELLP in spatial terms.

Character/Appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

The proposal would replace an existing pump house, which is a relatively small green metal container. It would have dimensions of 3m x 2.2m, with a ridge height of 2.5 metres. It would be constructed in timber cladding, with timber doors. It is small scale and considered acceptable in terms of appearance.

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

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

Surrounding land is within the applicant's control. The nearest residential properties are a pair of semi-detached dwelling (nos. 1 and 2 Cardham Cottages) situated on the opposite side of the roadway, which it is understood are within the applicant's control. Residential properties are located approximately 580 m to the south-west, but are screened from the pump house by the existing bank serving the reservoir. Leadenhall Farm is situated approximately 700 metres to the north-east.

The nature and scale of the development and its general relationship to neighbouring residential property is such that the amenity of nearby residents would not be materially harmed in terms lack of privacy, noise and disturbance, pollution, etc. The development satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

Access to the pump house is off the existing private roadway serving Leadenhall Farm. Parking is available along it if necessary, plus the farm itself. There are no significant highway implications in this case.

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

Flood Risk/drainage

The site is within Flood Zone 3a on the Environment Agency Maps. The NPPG confirms that 'Land and buildings used for agriculture and forestry' is classified as 'Less Vulnerable'. Table 3 of the NPPG 'Flood Risk Vulnerability and Flood Zone Compatibility' states that less vulnerable development is 'appropriate' in Flood Zone 3. This fulfils the requirements of the sequential test.

The proposed pump house will not create any additional floor space as it will be a replacement for the existing pump house building and will be very similar in size and form. It is therefore concluded that the proposed development will not give rise to an increased risk of flooding in the locality. The proposal is therefore compliant with Policy 4 of the South East Lincolnshire Local Plan and national planning guidance relating to flood risk.

Planning balance

No objections are raised in principle to agricultural development in this location. The nature, scale, appearance of the development and its relationship to neighbouring property is such that it would not materially harm the character/appearance of the countryside or amenity of nearby residents. There are no highway safety concerns or flood risk issues in this case.

The proposal generally accords with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no issues in this case that outweigh factors in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal.

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

That the application be approved under delegated powers.