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| DECISION DELEGATED TO HEAD OF PLANNING |
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|                 |                                                                                                 |            |                   |
|-----------------|-------------------------------------------------------------------------------------------------|------------|-------------------|
| Application No: | H09-0461-23                                                                                     | Applicant: | Mr & Mrs A Farmer |
| Proposal:       | Change of use of agricultural land to paddock including stable, storage building and greenhouse |            |                   |
| Location:       | Adj. 127 Dog Drove South Holbeach Drove Spalding                                                |            |                   |
| Terminal Date:  | 31st July 2023                                                                                  |            |                   |

#### 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    |
| 30 | Pollution                 |

##### National Guidance

##### National Planning Policy Framework 2021

Section 12 - Achieving well designed places

#### Representations:

|                                       | Object | Support | No Obj. | Comments |
|---------------------------------------|--------|---------|---------|----------|
| PARISH COUNCIL                        | 0      | 0       | 1       | 0        |
| 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 planning application that seeks permission to change the use of the land to paddock including stable, storage building and greenhouse adjacent to 127 Dog Drove South. The proposal includes two timber buildings, vegetable patch, small greenhouse and paddocks.

### **Site Description**

The site lies around 300m outside of the settlement boundary of Holbeach Drove as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The site sits directly adjacent to 127 Dog Drove South and access onto the site is through a small gate at the side of the property. There is a 2m high fence surrounding the area. Inside, the terrain is currently muddy and rough with access running along the northern boundary down to the bottom. There are trees situated at the rear of the property which will provide cover and will remain on site following the proposal. An existing barn and large shed is currently located on the site and the proposal will be similar to these existing buildings.

### **History**

H09-0726-20 - Change of use of land for storage and erection of steel framed building for private / personal storage - Refused

### **Consultation Responses**

#### Holbeach Parish Council

No objection.

#### South Holland Internal Drainage Board

No objections, have suggested that consent would be required under Byelaw 3.

#### Lincolnshire County Council Highways

No objection.

#### SHDC Environmental Protection

Request the following condition - No burning of bedding or manure to take place on site.

### **Planning Considerations**

#### Policy/Principle

The site is situated outside a settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan 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 proposal is for the change of use of agricultural land to paddock including stable, storage building and greenhouse. Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. It can also be considered that it meets the condition in terms of sustainable development needs in the area for community and environmental benefits as it will make good use of the land which has otherwise been left unoccupied and unkept over recent years. The paddocks will be used solely for keeping ponies for the applicants private use. The principle of such a use is considered incidental to a typically countryside use and is acceptable. Therefore, the principle of development for the proposal is

acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

### Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, 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.

The proposed buildings on site as part of the change of use would include a stable, storage building, vegetable plot, small greenhouse and paddocks. The stable will measure at 7300mm (length) by 3650mm (width), it will have two doors to make it suitable to hold up to two ponies on site, they will be located in the east side of the paddocks. The storage building is the same length and width as the stable but has one large central door, this will be used to store agricultural equipment to help maintain the site, this will be on the north east side of the property in the far corner. The greenhouse will be 1800mm (length) and 2400mm (width). The vegetable plot will be situated at the front of the site and will run the majority of the width at this section, it will provide adequate space for the residents. Finally, the paddocks will take up most of the area to provide enough space for the ponies to roam around, they can be split into one large paddock or two smaller paddocks divided centrally.

The materials the stables and storage building will made of will be similar to the existing stables that are on site currently and will be built from typical stable materials in a similar design. This will ensure that the proposed buildings on site will be in keeping and match what is already there therefore meaning they won't stand out. They will also be concealed from public view due to existing fencing and trees being located at the rear. Whilst the stables and buildings of this nature are not common within the area they will not appear unsympathetic. It is considered that the proposal, despite being located near residential properties, would not materially harm the street scene or the character or appearance of the rural locality.

### Impact upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The storage barn, situated on the north east side of the site is approximately 60m away from No. 131 and the stable is approximately 50m away. It can be considered that these are adequate distances away from any neighbouring properties with trees situated near the development also that will provide cover to nearby residents. The height of the buildings would not create any unacceptable impact upon the residents of No. 131 Dog Drove South. The main parts of the development being at the rear also benefits the scheme in terms of any potential overlooking or overshadowing issues that could arise. Given the separation distances involved it is considered that the proposal would not materially harm the amenity and any potential overshadowing or overlooking caused would be very minimal and therefore not impact greatly upon the neighbours.

There were no issues or concerns raised by Environmental Protection or residents in terms of noise and disturbance or odour, it is therefore safe to assume that there will be minimal issues caused by this and a condition has been applied to ensure that no burning of bedding or manure will take place on site and therefore this ensures that the residents nearby will not be effected by the potential of this and any smell that will arise should not effect them drastically. It can therefore be considered that the proposal would not harm the amenity of nearby residents in terms of odour or noise.

The proposal is in accordance with Policies 2, 3 and 30 of South East Lincolnshire Local Plan, 2019 in this respect.

### Flood Risk

The site is situated within Flood Zone 2 on the Environment Agency Maps. However, it is within an area of no hazard within the SHDC Strategic Flood Risk Assessment.

### Highway Safety

Lincolnshire County Council Highways have not objected to the proposal as no new access onto the highway is being proposed, the existing vehicular access from 127 Dog Drove South is suitable for the development. There is an existing field gate to the west corner of the site which can be used to allow access for horse boxes, a second field gate is to be installed behind this to allow any vehicle to pull off the road and further provide additional highway safety.

### Planning Balance

The proposed change of use of agricultural land to paddock including stable, storage building and greenhouse does not materially harm the character or appearance of the locality, or amenity of nearby residents in terms of issues such as noise and disturbance, odour, etc. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4 & 30 of the SELLP and Section 12 of the NPPF

The planning balance is therefore in favour of the proposal.

### **Conclusion**

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.