DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0237-23**	**Applicant:**	**Mrs A Nursey**
Proposal:	Proposed block of 3 stables for private use		
Location:	9 Tydd Low Road Long Sutton Spalding		
Terminal Date:	5th May 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
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 8. Promoting healthy and safe communities.
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.
Section 16. Conserving and enhancing the historic environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a block of 3 stables for private use measuring 10.8m by 3.6m with a maximum height of 2.9m. The stables would be constructed in wooden walls with Black Onduline roofing sheets.

Site Description

The application site is a detached dwelling which lies on Tydd Low Road in Long Sutton. The site is located in a rural location and is surrounded with open fields, with a large barn to the north west.

History

H11-1041-06 - Conservatory extension to side of dwelling - approved 19 June 2006.

Consultation Responses

Environmental Health

No objection but request the following condition: No burning or bedding or manure to take place on site

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.

The proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the SELLP 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. Paragraph 3.2.15 of the SELLP indicates that there are types of development that require a countryside location such as agriculture, but also other uses such as recreation.

The proposed stables are for private use only for the applicant. Such a use is generally considered acceptable in principle in this type of location, subject to the proposal being acceptable on visual/residential amenity and highway grounds, etc.

Character/Appearance

Policies 2 and 3 of the SELLP 2019, amongst other matters, seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The proposed stables would be constructed of wooden walls with Black Onduline roofing sheets. The stable block would be an appropriate rural use that would not materially harm the character or appearance of the locality. Due to the extensive screening on site, it is unlikely the stables would be visible from a public highway being located behind the existing barn, limiting its potential impact on the landscape.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan,

2019 in this respect.

Amenity Issues

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 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.

The closets residential property unassociated with the applicant is situated approx. 151m away to the south. Waste would be heaped in a suitable containment area and taken away by trailer on a regular basis. No objections are raised on amenity grounds, subject to no burning of bedding or manure on site.

It is considered that the proposal would not materially harm the amenity of nearby residents in terms of lack of privacy, overlooking, odour, noise/disturbance, etc, subject to mitigating conditions.

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

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.

The site can be accessed via Tydd Low Road. Satisfactory parking is available on site. No objections are raised 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.

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

A condition has been attached to increase the floor levels to 300mm.

Planning Balance

The development is considered appropriate in this location. The proposal would not materially harm the character or appearance of the locality. Nor would the development materially harm the amenity of nearby residents, subject to mitigating conditions. There are no objections on highway safety or flood risk grounds.

The proposal satisfactorily accords with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and is in accordance with advice within the National Planning Policy Framework, 2021. There are no adverse issues in this case that outweigh factors in favour of the proposal.

Conclusion

For the reasons outlined above 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.