

DECISION DELEGATED TO HEAD OF PLANNING

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Application No: H11-0784-23 **Applicant:** Mrs F White-Andrew

Proposal: Use of land for dog walking including proposed fencing

Location: Chase Farm 4 Vicarage Lane Long Sutton

Terminal Date: 16th February 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed and beautiful places
Section 16 - Conserving and enhancing the historic environment

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	1	1

RESIDENTS	1	0	0	0
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at Chase Farm, 4 Vicarage Lane, Long Sutton for the use of land for dog walking, including proposed fencing. The proposal seeks to change the use of unused agricultural land that measures 0.91 hectares in size. The application form states that the field was last used for agricultural purposes in 1995.

The submission identifies that the boundary of the site will be bordered by 1.8 metre high wire mesh fencing; however, beyond a single photo of a similar fencing design, details have not been forthcoming as to the exact siting or finer detail in this regard.

Some obstacles, such as jumps, will be placed within the field when in operation. The submission also states that motion sensor spotlights will be sited at 5 points around the boundary facing into the site, to provide lighting when required, with these lights being turned off when the site is not in use. Bins will also be placed on the site for dog waste; although specific details of their location and means of collection have not been demonstrated. A gravel parking area utilising an existing vehicular access will be sited in the north-west corner of the site, with a double gate back entrance to the rear of the site. The applicant will be the sole employee of the business.

A site visit was conducted on 23 November 2023.

An amendment was registered on 10 January 2024 to update the proposed opening hours to 7am to 8pm Monday to Sunday.

SITE DESCRIPTION

The application site is outside of defined settlement limits and as such, in planning terms, the site is designated as being located in the open countryside. The site is currently bordered by post and rail fencing to the north, with trees and hedging to the west, adjacent to the vehicular access serving Chase Farm. There are open boundaries to the east and south.

The Grade II Listed Seagate Hall is located 50 metres north-west of the vehicular access. 1, 2 and 3 Summer Lane are dwellings located 33 metres to the west of the site, with The Bungalow at 3 Vicarage Lane located to the north-west of the site approximately 20 metres from the vehicular entrance.

The site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard area with a maximum predicted flood depth of 1 metre. As the proposal is not for habitable rooms, there is not a requirement to raise site levels or finished floor levels in this location.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 16 November 2023 and 07 December 2023)

Lincolnshire County Council - Highways & SUDS - 20 November 2023

No objection:

"The scale of the proposed operation, as described in the submitted details, would not be expected to overwhelm the local highway network. The facility is proposed to be accessed via the Application Site's existing field gate, which is on the outside of a bend in the road, where suitable visibility of any vehicles approaching from either direction is afforded to drivers entering the highway at this point. The site is remote from the nearest settlement boundary and it would therefore be necessary for visitors to travel to the site by motor vehicle, but that is the nature of this type of facility. Provided an adequate quantity of car parking spaces with room to manoeuvre are provided within the site and that the area is usable throughout the year, so that visitors are not compelled to have to park along the roadside, then Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) considers that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and does not wish to object to this planning application."

South Holland District Council - Conservation Officer - 21 November 2023

"I write to confirm that I have no objections to this proposal from a built heritage conservation perspective. The site is in open countryside, where the only nearby heritage asset is the Grade II listed Seagate Hall & the associated Stable Block, situated some ~55m from the closest position of the development site. The only substantive element of the proposal is the erection of a short fence. As a result, the minor nature of the alteration to the site and the distance from the heritage asset lead to me advise that this proposal would bear no material impact upon the local historic environment."

South Holland District Council - Environmental Protection Officer - 01 December 2023

"I request the following conditions be applied to this application:

No lighting shall be erected or utilised on site without prior consent in writing of the local planning authority.

Site shall only operate between the hours of 7am-8pm Monday-Sunday.

No more than 6 dogs and 2 cars shall be present on the site at any one time."

Long Sutton Parish Council - 13 December 2023

"There are no objections to this application if neighbours are happy with the proposals."

Responses Received Following Re-consultation (Consultation period between 10 January 2024 to 20 January 2024)

South Holland Internal Drainage Board - 10 January 2024

"Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make."

South Holland District Council - Environmental Protection Officer - 15 January 2024

"No comments regarding amendment 1."

Lincolnshire County Council - Highways & SUDS - 23 January 2024

"The amended details submitted do not alter Jon's comments submitted on the 20/11/23."

Representation by Members of the Public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, one letter of representation has been received.

This can be summarised as:

Noise from vehicular movements, banging doors, dogs barking and people shouting.
Dangerous location and angle of pre-existing vehicular access.
Highway Safety.
Operational hours of 6am to 8pm will have "an adverse effect on my mental health and wellbeing."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking/Highway Safety
Conservation and Heritage Impact
Size of application site

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 above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this 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 in terms of sustainability.

Policy 1 (Spatial Strategy) of the SELLP indicates that '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. Within 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.

When assessed against the relevant criteria the following can be observed:

There is considered to be an economic benefit to the applicant from the proposal. There are not considered to be wider economic benefits from the application as the sole employee of the business is the applicant. However, there is not considered to be an economic impact on neighbouring land owners, and there are no other dog walking areas approved in the vicinity of the site. There is not considered to be an economic impact on other dog walking fields in the district from this proposal. There is considered to be a community benefit in that dog owners in the area can allow their dogs to run and play freely in a safe environment away from members of the public and busy narrow roads. Environmentally, whilst the majority of site users are expected to arrive by private vehicles, there is considered to be a benefit in that residents of Long Sutton will not have to travel greater distances to allow their dogs to enjoy leash-free exercise; albeit this would hold minimal weight.

Irrespective of the above, the use somewhat lends itself to a more 'rural' and edge of settlement location, where the extent of land can be provided that is suitable for such a use.

As such, when viewed as a whole, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, parking provision, flood risk, and listed building impact which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal predominantly relates to the change of use of land for dog walking. The description of proposal and submission does however, also specify that a car park, boundary fencing, obstacles and lighting would also be provided in association with the development. No further physical development is proposed beyond this.

The proposed use, given the modest extent of physical alteration, is not considered to result in an unacceptable impact to the character or appearance of the area. The extent of use, which is to be secured by condition, would ensure this further.

The site is 0.91 hectares in size and the proposal is not considered to represent overdevelopment. Furthermore, the site can be returned easily to agricultural use, or changed to another use when the dog walking business ceases to operate.

The submission states that the boundary of the site would be bordered by 1.8 metre high wire mesh fencing, with motion sensor lighting being sited at five points around the boundary facing into the site to provide lighting when required, with these lights being turned off when the site is not in use. The details submitted suggest that two lights are proposed for the eastern boundary, two on the western boundary and one covering the parking area in the north-west corner of the site, with these lights being motion sensed. However, beyond this and a single image of a similar concept for each element, no further details have been provided. As such, while it is considered that the erection of fencing of a similar nature on the site parameter given its permeable design, along with a clear need for lighting during the use of the site, would not give rise to an imposing or enclosing impact on the character of the surrounding area, further detail in respect of the design and location is required and have therefore been sought by condition.

Furthermore, there are a number of high fences, walls and hedges at 1.8 metres in height and above in the vicinity of the site; therefore the proposed fencing is not considered to set a development precedent in the area.

Some obstacles such as jumps will be placed within the field when in operation. In addition, it has also been stated that bins will be placed on the site for dog waste. Again, the need for waste collection bins is apparent given the nature of the use; however, the siting, number and provision for collection is to be secured by condition.

A gravel parking area utilising an existing vehicular access will be sited in the north-west corner of the site, with a double gate back entrance to the southern rear of the site. The proposed gravel parking area is designated for two cars and measures approximately 16 metres in depth and 20 metres in width. Whilst this parking area can accommodate more than two cars, as the field will be booked on an hourly basis, the number of private vehicles parked is not likely to exceed two on a regular basis.

Taking account of the design, scale and nature of the development, when coupled with the recommended condition, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 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.

There is not considered to be an overlooking or overshadowing impact from the proposal; given the

separation distance to the nearest property, which is approximately 20 metres away. In addition, fencing is to be provided; albeit the details are secured by condition and as such, this provides a further level of segregation.

With regard to noise, a member of the public has expressed concerns with regard to noise from vehicular movements, banging doors, dogs barking and people shouting. Vicarage Lane is not heavily trafficked; however, vehicular movements are expected to occur on an hourly basis and there is not considered to be a material impact from these vehicular movements. The County Highways & SUDS Officer has no objections to the proposal in respect of highway safety.

Banging doors from car users is a matter that is beyond the remit of planning; however, the extent of use is not considered to be unreasonable as to result in an unacceptable adverse impact upon the residential amenities of nearby occupier's that would warrant the refusal of permission.

Dogs on site may bark and this is somewhat unavoidable to some extent. However, the proximity of the site to any adjacent properties is not considered to be such to cause a material noise impact that would warrant refusal of permission.

The Environmental Protection Officer has stated *"No lighting shall be erected or utilised on site without prior consent in writing of the local planning authority. Site shall only operate between the hours of 7am-8pm Monday-Sunday. No more than 6 dogs and 2 cars shall be present on the site at any one time."* The applicant has submitted an amendment to amend the opening hours to 7am-8pm Monday-Sunday. An example has been provided of the proposed lighting; however, exact details relating to brightness, siting and height of the lighting would be addressed by condition. Finer details of fence design and location will be secured by condition. Additionally, details of the design and location of waste bins, as well as the means of collection will be secured by condition.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking/Highway Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

In respect of highway matters, 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. 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.

The proposed gravel parking area is designated for two cars and measures approximately 16 metres in depth and 20 metres in width. Whilst this parking area can accommodate more than two cars, as the field will be booked on an hourly basis, the number of private vehicles parked is not likely to exceed two on a regular basis. The access by which the parking is accessed is already in existence, therefore concerns expressed with regard to the location and manoeuvrability at the access does not carry material planning weight. The Highways & SUDS Officer has no objections to the submitted details.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National

Planning Policy Framework.

Flooding Considerations/Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 1 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "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" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard area with a maximum predicted flood depth of 1 metre. As the proposal is not for habitable rooms, there is not a requirement to raise site levels or finished floor levels in this location. Additionally, aside from gravelled parking, fencing, lighting and waste bins there will be no further development on or above the land. It is therefore considered that surface water drainage is not materially impacted by the proposal as the the majority of the site will remain as a grassed field with unhindered drainage.

Conservation and Heritage Impact

The application site lies with the Grade II Listed Seagate Hall being located approximately 50 metres north-west of the vehicular access.

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

The National Planning Policy Framework (NPPF) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance

should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2023) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Furthermore, in assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

When consulted, the Conservation Officer has stated "I write to confirm that I have no objections to this proposal from a built heritage conservation perspective. The site is in open countryside, where the only nearby heritage asset is the Grade II listed Seagate Hall & the associated Stable Block, situated some ~55m from the closest position of the development site. The only substantive element of the proposal is the erection of a short fence. As a result, the minor nature of the alteration to the site and the distance from the heritage asset lead to me advise that this proposal would bear no material impact upon the local historic environment."

It is considered that the proposal, given the nature of the proposed use and minimal extent of physical built form, would not result in an unacceptable impact being caused to the character of the area, or setting of the aforementioned listed building and as such, it is not considered that harm would be caused to the asset itself.

Overall, the proposal is not considered to cause harm to any designated asset and as such adequately conforms to Policy 29 of the South East Lincolnshire Local Plan and Section 16 of the National Planning Policy Framework (December 2023) and is therefore acceptable.

Size of application site

The submitted application form states that the size of the proposal site is 1.12 hectares. However, when the red line boundary was measured from the submitted plans, the area covered measured 0.91 hectares.

The applicant measured the site from Google Maps which led to an inaccurate area measurement. They have confirmed in an email dated 11 January 2024 that if our measurement is more accurate, then to proceed with a proposed area size of 0.91 hectares.

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 open countryside. 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 (December 2023) when viewed as a whole.

An amendment has been submitted to update the proposed opening hours to 7am-8pm Monday-Sunday. These hours of operation are consistent with requested hours by the Environmental Protection Officer on application references H16-0455-23 and H06-0816-23.

To allow the Local Planning Authority to assess any potential noise or disturbance impact on the nearby properties, this application is to be recommended for a temporary three year approval.

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.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 4, 6, 12 and 16 of the National Planning Policy Framework (December 2023).

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be granted a temporary three year approval under Delegated Authority.

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.