DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-1136-21**	**Applicant:**	**Mrs R Twinn**
Proposal:	Proposed menage including post & rail fence & lighting		
Location:	Moorswood Cottage Moorswood Gate Long Sutton		
Terminal Date:	6th January 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
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	0	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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for a proposed horse menage measuring 25 metres x 60 metres, enclosed by a fence standing at 1.4 metres with 6no 8 metre high lighting columns.

Site Description

The application site is located in Long Sutton, outside any settlement boundary and within the open countryside. The site is currently a paddock enclosed by post fencing with Moorswood Cottage located to the north of the paddock. There are small clusters of residential properties along the road and the wider area is mainly open countryside.

History

No relevant planning history.

Consultation Responses

Environmental Protection

No objections but comment that no burning of bedding or waste to take place on site.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission

South Holland Internal Drainage Board

If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Planning Considerations

Principle of development

The site is outside of the settlement boundary of Long Sutton as set out in the South East Lincolnshire Local Plan (SELLP), 2019. However, the principle of developing a menage for private use that is incidental to the enjoyment of a residential property is acceptable.

Design and layout

Paragraph 130 of 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; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of 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.

The proposed menage would be 25 metres x 60 metres and would be enclosed by post and rail fencing. The base materials would consist of silica sand and binding fibre. The menage would be enclosed by 1.4 metre post and railing fencing. These materials are characteristic of such development and therefore acceptable

Given the proposal is situated in a rural area, it is not considered that it would have a material impact on the character and appearance of the area.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places

with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There are no residents living immediately adjacent to the application site. The closest residential dwellings are to the north-east of the site located some 290 metres from the proposed development. As such no unacceptable impact would result in residential amenity.

The scale of the menage is acceptable for private purposes and no significant noise and disturbance is anticipated from the horses which would adversely impact upon neighbouring amenity. Furthermore, SHDC Environmental Protection has been consulted and no objection has been raised subject to the prohibition of bedding/waste burning on the site. A condition has been appended to this effect.

As such no unacceptable impact is considered to result on neighbouring amenity.

Planning balance

The principle of developing a menage for private is acceptable for the enjoyment of a residential property. The footprint is significant at some extent but it would not create any unduly harm upon the built form within the curtilage.

The equestrian use would be in keeping with the existing paddock land and overall with the rural wider location. No harm upon residential amenity is anticipated.

The proposed lighting would not result in any undue impact, especially given the fact there are residential properties in the immediate vicinity.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

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 above, this application accords with Policies 1, 2, 3, 4 and 30 as well as Section 12 of the National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this 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.

RECOMMENDATION

The application is approved under delegated powers.