DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0706-21**	**Applicant:**	**Mr S Hastings**
Proposal:	Proposed horse menage, fencing and 2 floodlights - applicants use only		
Location:	Tabeal Farm Fen Gate Moulton Chapel		
Terminal Date:	25th August 2021		

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 2019

NPPF 2021
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	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 40 metres x 20 metres, a fence standing at 1.4 metres in height and 2no floodlights.

Site Description

The application site is located in Moulton Chapel, outside any settlement boundary and within the open countryside. The site is currently a paddock enclosed by post fencing with Tabeal Farm located to the north of the paddock. There are small clusters of residential properties to the north-east and south-east of the site and the wider area is mainly open countryside.

History

H13-0488-11 - Demolition of cart sheds and erection of stables/tack room - Approved

H13-0250-11 - Extension and alterations to dwelling - Approved

Consultation Responses

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and 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). Any alterations to a watercourse will require consent from the Board Byelaw 4).

LCC Historic Environment Officer

No archaeological input required.

Environmental Health

No objections but comment that no burning of bedding or waste to take place on site and all lighting to be oriented so that it does not overspill or affect other residential properties.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission

Planning Considerations

Principle of development

The site is partly outside of the settlement boundary of Moulton Chapel 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 40 metres x 20 metres and would be enclosed by post and rail fencing. The base materials would consist of sand/synthetic fibres/crushed aggregate which are characteristic of such development. 2no 4 metre high poles with flood lighting would erected on the 2 corners of the menage fronting Fen Gate.

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.

Flood risk and drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has not raised any objections to the scheme but has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and 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). Any alterations to a watercourse will require consent from the Board Byelaw 4). A condition has been appended to this effect and an informative added advising the applicant of the Boards Byelaws.

Subject to the above advice the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

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 east of the site located some 60 metres from the proposed development.

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 Health has been consulted about the lighting and no objection has been raised. The prohibition of bedding/waste burning and for the lighting to be oriented so that it does not overspill or affect other residential properties. Conditions have 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.

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 and 4 as well as Sections 12 and 14 of 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.