

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0065-20 **Applicant:** Mr Paul Crawford
Proposal: Proposed horse arena, including fencing, 6 flood lights and lunge pen
Location: West View Tydd Road West Pinchbeck
Terminal Date: 29th April 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
28 The Natural Environment

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for a proposed horse arena, including fencing, 6 flood lights and a lunge pen at West View, Tydd Road, West Pinchbeck. The proposal seeks to provide a 25 metre wide, 40 metre long horse arena, six 4.5 metre high lighting poles and a 15 metre diameter circular lunge pen. Beneath the woven membrane of the arena will be a 0.125 metre deep sand and fibre Economy Premix Track fully synthetic. The horse arena and lunge pen will be raised 0.285 metres above ground level. The arena and lunge pen would be bordered by a 1.4 metre high post and rail fence.

Site Description

The proposal is outside of defined settlement limits and the surrounding area is predominately rural, characterised by buildings of varying ages and design.

History

H14-0854-86

Outline - Proposed bungalow - Approved - 31 October 1986.

H14-1162-86

Full - Proposed new bungalow - Approved - 20 January 1987.

Consultation Responses

Environmental Health Technician

No objections. Requests a condition that no burning or bedding of manure is to take place on site.

County Highways & SUDS Officer

No objections.

Planning Considerations

Principle of development

The site lends itself to a domestic equestrian use. There are existing stables provided adjacent to the site and there are no other buildings or dwellings in the immediate vicinity, with non-nucleated frontage dwellings sited along Tydd Road.

Business / private use

Whilst it is acknowledged that the applicant does not intend to use the arena or lunge pen for business purposes, the consideration below is considered to demonstrate why a business use in this location would not be appropriate.

Section 7 of the SELLP is titled "Improving South East Lincolnshire's Employment Land Portfolio" and the section titled - Other Employment Sites states:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
 - b. there is no significant adverse impact upon the character and appearance of the area;
 - c. the design is responsive to the local context;
 - d. there will be no significant adverse impact on the local highway network;
 - e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
 - f. proposals maximising opportunities for modal shift away from the private car are demonstrated;
- and

g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

Assessed against the above criteria:

- a) A business use on this site would conflict with neighbouring land uses as the adjacent land is arable and residential use.
- b) There would be an impact on the character of the area as a result of the proposal as activity in the area would significantly increase.
- c) There are no other similar equestrian enterprises in the vicinity
- d) It is considered that a business use in this location and would generate an increase in vehicular traffic on Tydd Road, which is a narrow, badly maintained road.
- e) It is not considered that there would be an impact on the ability to deliver any allocated employment site as there are no employment sites in the vicinity.
- f) Due to the built nature of Tydd Road, there only realistic way of accessing the site is by private transport. The site is a significant distance from the defined settlement limits of West Pinchbeck and cannot be accessed via a footpath.
- g) There is not an identified need for an equestrian business in this area.

Should an equestrian business application be forthcoming on this site, it would not be supported.

Impact of arena lighting

There is not considered to be any impact from the proposed arena lighting. There are no immediately adjacent properties to the arena, and the lighting is directed downwards, toward the arena.

Impact of development

The arena and lunge pun can be accommodated without an impact on the character and amenity of the surrounding area. Matters such as lighting and storage of manure will be assessed by condition. A condition will also be added restricting the use to personal use only.

Conclusion

There are not considered to be any matters of material planning concern regarding this application, which is considered to accord with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2019)

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.