DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0102-22**	**Applicant:**	**Miss S Chapman**
Proposal:	Change of use of garden area to equestrian amenity, erection of stables, barn & tack room including landscaping		
Location:	Le-Marsh Northgate Pinchbeck		
Terminal Date:	21st April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places
Section 15- Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	2
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the change of use of garden area to use for equestrian amenity and for the erection of stables, barn & tack room including landscaping to the property at Le Marsh, Northgate, Pinchbeck.

Site Description

The site is situated within the countryside, according to the South East Lincolnshire Local Plan, 2019. The property known as Le-Marsh is a detached dwelling situated on a spacious piece of land, with open fields surrounding. Properties can be found sporadically along the road of Northgate and to the south west along Money Bridge Lane.

History

No relevant planning history.

Consultation Responses

Pinchbeck Parish Council- Recommend approval.

Black Sluice Internal Drainage Board- Any soakaways or infiltration systems should be designed and proved in
accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the development should be submitted to the local planning authority for approval.

SHDC Environmental Protection Officer (contaminated land)- No comments with respect to land contamination

SHDC Environmental Protection Officer (noise and odour)- No objection but would wish to attach the following condition: No burning of bedding or manure to take place on site.

Local Highway and Lead Local Flood Authority- Does not wish to restrict the grant of permission.

Planning Considerations

Principle of development

The site is located in outside of a settlement boundary, as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy states that "in 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".

In this case the building would be used for a purpose ancillary to the proposed equestrian use of the land. The proposal is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built

environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed walls, doors and dividers to the stable building will be formed out of wood, with Onduline panels to the roof. The stables will be built onto a single base layer of engineering brick laid on appropriate equestrian mix concrete hardstanding. The stables will be an L shaped design, measuring a maximum width and depth of approx. 10m by 10m and an overall height of approx. 1.5m. The scale, location design and materials of the building are considered appropriate for the building and the rural character of the area. Given the minor scale of the development it is not considered to appear overly prominent within the countryside.

As such the development is not considered to result in detrimental to the character of the area and is therefore acceptable in terms of its design and siting.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

The closest residential dwelling to the application site is the applicants dwelling, which is located approximately 38m metres away from the proposed stable building. The properties to the west are located in excess of 100m away from the application site, which is considered to be a sufficient distance such as to not create unacceptable harm upon the existing residents in the vicinity by reason of noise and odours.

The proposal is therefore considered to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Paragraph 130 of NPPF (2021) in terms of neighbouring amenity.

Drainage

The Black Sluice IDB have requested that the proposed infiltration/soakaway system be designed in accordance with the BRE Digest 365 or other approved code. Since the IDB comments, the applicant has provided details of a rainwater recycling system. No further comments were received from the IDB.

Given the nature of the surrounding land (grass/agricultural fields), it is likely to be able to cope with the amount of run-off from the roof of the stables and is therefore in accordance with Policy 2 and 3 in the SELLP (2019) in drainage terms.

Planning balance

The principle of an equestrian use and associated stable building in this rural location is considered acceptable. The scale, height and position of the building would be proportionate with the rural character of the area. The external appearance is relatively standard of this type of development. In light of the separation distances between the building and the nearest neighbouring dwellings, no significant adverse impact is anticipated.

In summary, any adverse impact of granting permission to the proposals would not significantly and demonstrably outweigh the benefits of doing so.

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 considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPFF), 2021.

It is accordingly recommended to approve this planning 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.