

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0107-25 **Applicant:** Mr C & Mrs L Martin
Proposal: Change of use of land from agricultural to equestrian - Retrospective
Location: The Old Farmhouse Black Hole Drove West Pinchbeck
Terminal Date: 1st April 2025

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
- 28 The Natural Environment

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

National Guidance

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	1	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the change of use of the site from agricultural land to a paddock for grazing horses. According to the application form, the use started in November 2024 and as such the application is retrospective.

Site Description

The application site comprises approximately 0.9ha of land around The Old Farmhouse, Black Hole Drove, approximately, 2.8km to the north-west of Pinchbeck Bars.

The site is within a rural area, however, there are some dwellings located to the north and south of Black Hole Drove near to the site. The site is outside any defined settlement limit and as such is within the countryside in planning policy terms.

Planning History

No applications have previously been submitted within the site.

Consultation Responses

Lincolnshire County Council - Highways and SUDS: No objections. The proposal is for the Change of use of land from agricultural to equestrian - Retrospective. The land is used for Donkeys from the sanctuary and a pony. No infrastructure is required as there are existing stables on site. The application is Personal to applicant only. The proposal will not have an adverse impact on the public highway.

Environmental Protection: No comments regarding land contamination or environmental protection.

Pinchbeck Parish Council: No response received.

Cllr S A Slade: No response received.

Cllr J Avery: No response received.

Cllr E J Sneath: No response received.

Black Sluice Internal Drainage Board: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

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 adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The

relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located. A Neighbourhood Plan has been designated for Long Sutton, however, a draft version of the plan has not yet been issued.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Flood Risk; and
- Biodiversity.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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 this case, the site comprises land within the countryside, outside of any settlement boundary. Section D of Policy 1 sets out that development within the countryside 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.

Paragraph 3.2.15 of the supporting text states that "The countryside of South East Lincolnshire is a precious resource, mainly in its role of agriculture but also for recreation". It goes on to explain that some types of development require a countryside location, and also that other users may diversify from agriculture and forestry, for example for recreation and tourism, and these can meet the broad sustainable objectives of the Local Plan. Paragraph 3.2.16 states that "Some land uses may also require a countryside location because of their functionality".

Paragraph 88 of the NPPF sets out that planning decisions should enable sustainable leisure developments which respect the character of the countryside.

The application seeks consent to change the use of the land from agricultural land to a paddock and therefore for equestrian use. It is considered that the keeping of donkeys in a field that lies within the countryside is appropriate as the use is recreational. The principle of development is therefore acceptable, as the proposed use comprises an appropriate form of development for the location which would accord with Policy 1 of the Local Plan.

Design and Visual Impact

Policy 2 of the Local Plan similarly 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.

Policy 3 accords with the provisions of Section 12 of the NPPF as 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.

The site comprises a flat field which is relatively open to the surrounding area. No operational development is proposed. Post and rail fencing has been installed around the site perimeter. It is unclear when the fencing was installed. The visual impact of the fencing is acceptable as it has a rural character. The change of use would have an acceptable impact on the character of the area and the proposed use is appropriate. The proposed development would therefore have an acceptable impact on the character and appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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 Local Plan sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site is adjacent to the Old Farmhouse, which is where the applicant lives. The other nearest dwellings to the site include Sunset View, which is located to the west of the site, Royce Farm Bungalow which is located to the north-west of the site, and 1 and 2 Royce Farm Cottage which are located to the north-east of the site. No objections have been received from neighbouring properties and the use of the land for grazing is not considered to generate significant levels of noise, disturbance or odour. No objections have been raised by the council's environmental protection team.

The site would not be used for commercial purposes, only for personal use. This can be secured by condition for clarity.

The proposed use of the land is therefore expected to have an acceptable impact on the amenity of the nearest dwellings. As such, the proposed development accords with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zones 1 and 2 as identified by the Environment Agency's flood risk maps.

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 Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met. The site is not within any specific hazard area within the SFRA, therefore no specific mitigation is recommended by the SFRA.

The application is accompanied by a Flood Risk Assessment (FRA). No operational development is proposed and as such the impermeable area within the site would not be increased. The submitted FRA does not recommend any specific mitigation measures and as such it is not considered necessary to recommend any conditions to secure mitigation. proposed development would not pose an increase in risk to people. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in this regard.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural

environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units.

The application is accompanied by a biodiversity net gain exemption statement. The applicant considers that the proposed development would fall under the de minimis exemption as no operational development is proposed. The local planning authority agrees with this assessment. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

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 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 when viewed as a whole. 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.

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.

Conclusion

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4 and 28 of the Local Plan, along with the identified sections 2, 4, 11, 12, 14 and 15 within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.