DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H14-0613-20** | **Applicant:** | **Mrs J Jankiewicz** |
| **Proposal:** | Change of Use of site to include livery business | | |
| **Location:** | Orchard House Blue Gowt Drove Spalding | | |
| **Terminal Date:** | 2nd October 2020 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 07 | Improving South East Lincolnshire's Employment Land Portfolio |
| 30 | Pollution |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2019**

Sections 6 & 12 of the National Planning Policy Framework (2019)

6 - Building a strong, competitive economy
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 |
| RESIDENTS | 4 | 4 | 0 | 0 |

## CASE OFFICER ASSESSMENT

### PROPOSAL

This is a full planning application for the change of use of existing equestrian buildings to allow for an on-site livery business at Orchard House, Blue Gowt Drove, Spalding. The proposal site is to the rear of the residential land and has 7 stables, a tack room and a barn , with a 60 metre by 20 metre menage to the rear for dressage purposes. No additional buildings are being constructed to facilitate this proposal.

The applicant already has horses for personal use kept on site, so not all of the 7 stables will be in commercial use. The application is for a maximum of 4 stables in commercial use, with all care provision undertaken by the applicant's daughter. Paragraph 5.7 of the supporting statement states: "A livery agreement will be made with each owner stating among other things the agreed times of operation - Summer visits between 8am and 7pm Winter months due to daylight hours 8am and 5pm. All riding and care can therefore be undertaken within daylight hours and avoid any artificial light being necessary to avoid any light pollution."

### SITE DESCRIPTION

The proposal site is outside of defined settlement limits and the surrounding area is predominately rural with buildings of varying ages and design. The current use of the land is divided into paddocks for horse grazing. The existing stable building situated at the end of the vehicular access, provides stables for 7 horses, a tack room and a store. These take the form of a U shaped wooden building with a canopy which faces away from the road. To the front of the stables there is a concrete hardstanding which leads to the yard which is laid to gravel.

### HISTORY

H14-0310-93

Full - Siting of portacabin for office use in connection with Mortgage Broker Business - Approved - 17 May 1993.

H14-1221-98

Full - Siting of kennel block and use of land for keeping dogs (retrospective) - Approved - 01 March 1999.

H14-1048-02

Section 73 - Continuation of permission without complying with Condition 1 (Time Limit) of H14/1221/98) - Approved - 27 November 2002.

H14-0675-09

Full - Change of use of land from agricultural to paddock including stable blocks, storage barn and menage (retrospective) - Approved - 01 December 2009.

H14-0071-15

Full - Proposed single-storey rear extension, including raising existing lobby flat roof to match - Approved - 26 March 2015.

H14-0377-20

Full - Extension of existing menage (part retrospective) - Approved - 07 July 2020.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objection.

"Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application."

Councillor Avery - Objection

Condition of Blue Gowt Drove
The Orchard House site is not the issue.

SHDC - Environmental Protection Officer

No objection but would wish to attach the following condition:
No burning of bedding or manure to take place on site

Members of the public - 4 - Objections

Condition of Blue Gowt Drove.
Livery use is already in operation.
Increase in traffic
Width of access onto site
Previous business use on this site was refused

Members of the public - 4 - Support

"I am fully supportive of the application to provide a small livery business as outlined in their application - to see a young person so dedicated and passionate about their sport and finding a way to support themselves to attain their personal goals, become financially independent whilst providing top class facilities and a service to others."

"She is dedicated and passionate about her sport and we should fully support young people realise their potential and this small business would enable Sofia to become financially independent whilst pursuing her own dressage
career."

"I fully support the application to run a small private livery yard which will help start a new career for a young talented rider. Her own horses are already kept at the premises where she also lives. She is a conscientious and dedicated young lady who will ensure that the livery is run to provide a professional service to other horse owners without any concern for any neighbouring properties. I have known Sofia for many years and can vouch for her
professionalism and believe she deserves this opportunity to start to develop her career in training horses."

"...this planning application appears to meet the aspirations of the Local Plan and I fully support the proposal. No new development is proposed, the site is well screened and there will be minimal impact regarding traffic. In the current economic climate during the worst recession the UK has experienced the creation of small businesses is vital to help build the economy and applications such as this one should be encouraged. The application is well presented and the site appears to be well managed."

## PLANNING CONSIDERATIONS

This application is assessed against SELLP Policy 7 which is titled - Improving South East Lincolnshire's Employment Land Portfolio. This policy 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."

When assessed against the above criteria, the following observations can be made:

a. The proposed livery use is on an existing equestrian site which is not an uncommon feature in a rural context. There is not considered to be a material increase in the intensification of use of the site.
b. The proposed livery use will be utilising existing building and facilities, therefore there is not considered to be an adverse impact on the character and appearance of the area.
c. The proposed livery use will be utilising existing building and facilities, therefore there is not considered to be an impact from the existing design which is traditional timber stables that is a significant distance from the site frontage, and shielded on three sides by established trees and hedging.
d. The County Highways Officer has no objections to the proposal and there is not considered to be a material increase in traffic.
e. The proposal is for equestrian use which is best suited to a rural context.
f. The proposal will require vehicles to frequent the site, however, a livery use with sole care provision by the daughter of the applicant will minimise journeys when compared to livery uses where an element of external care is required.
g. The applicant has reported a high level of demand and equestrian use is best suited to a rural context.

The proposal accords with all the above criteria, therefore SELLP Policy 7 has been satisfied.

Topography

The topography of the site is flat. There are no new buildings to be constructed so an overshadowing or overlooking impact is not considered.

Condition of Blue Gowt Drove

The County Highways Officer has no objections to the proposal. As a professional, their opinion carries material weight when assessing highways matters on a planning application. It is not the responsibility of the applicant to maintain the highway.

Applicant response - We own a 7.5 tonne horse lorry - this is not related to business use, we purchased the property with stables and land and irrespective of a livery business will be using our lorry to travel for training and competitions regularly anyway. We turn right out of our driveway and pass no houses along Blue Gowt Drove and this does not interfere with any neighbouring property."

Livery use is already in operation

Whilst the potential livery business has been advertised online, no evidence of the livery use in operation was visible during the course of the officer site visit. No evidence has been submitted at any time to show that a livery use has commenced on site.

Applicant response - "I am not sure what this refers to - we have our own horses and a friend has her horses here for grazing - we have had a lot of interest for livery but awaiting planning to offer availability."

Previous business use on this site was refused

An extensive planning history search has not yielded any previous business use applications on this

site.

Width of access

Applicant response - " As mentioned we have a 7.5 tonne lorry with no access issues and have had deliveries of stone in 18 tonne 8 wheelers all of which can drive directly into our gateway from the road and we have sufficient turning space on our property so this does not interfere with any other road user. Our current gateway is over 17 feet wide."

Having conducted a site visit it is considered that the access width is sufficient to allow larger vehicles to enter and exit the site without difficulty nor damage to the carriageway or adjacent verge.

Potential for events on site

Applicant response - "I am surprised at this comment - we have one arena, we are not seeking to run competitions and if we offer training it will be on a one to one basis."

A comment was not raised by a member of the public but by the Planning Officer to address any future concerns.

Storage of waste

Paragraph 5.9 of the supporting statement states "Storage of waste - already in place is a requirement to have the muck heap removed - if this is residential with 7 horses or part business the requirement is the same. There is a contract in place for muck heap removal by a local contractor and this is done on a regular basis to avoid any build up or unpleasant odour - this is also next to the private garden of Orchard House. A dedicated purpose-built muck heap has been added in the past month."

Means of waste storage and removal has already been secured by condition under the recent approval for a menage extension under reference H14-0377-20. The Environmental Health Technician has no objections to the submitted details.

Pollution

Other than manure (the burning of which can be prohibited by condition) the business is not considered to generate any other pollution save for emissions from traffic movements.

Parking provision

Paragraph 2.7 of the supporting statement states "The yard is accessed via double gateway on to a private driveway (8 cars min) and in turn leads to further hard standing capable of parking 20+ cars and allows good access for farm machinery for hay cutting or muck heap removal including the turning of such vehicles."

The large amount of parking provision and manoeuvrability provided is considered to accord with the requirements of Policy 36 and Appendix 6 of the SELLP.

Increase in traffic

Applicant response - "As stated in our supporting document it is intended that the 4 livery places are on full livery and all care provided by us and therefore the horse owners would only come up when wishing to ride/train or see their horse. They would also be encouraged to access via the west off Mill Green Road and therefore not interfering with other properties further along our road."

There is not considered to be a material increase in traffic as a result of the proposal. It is expected that a regular maximum additional daily journeys would total 8 with owners going to and from the site. However some owners may not choose to frequent the site on a daily basis.

Impact on neighbour amenity

The site is well shielded from the host dwelling and other dwellings in the area and is not considered to impact the visual or aural amenity of neighbouring dwellings.

A condition can be added to preclude the installation of additional external lighting on site without the prior approval of the Local Planning Authority.

## CONCLUSION

The only concerns raised by the public and Councillor Avery were in relation to highways matters. The County Highways & SUDS Officer has expressed no objections to the proposal. The addition of a maximum of 4 additional horses on site at a time is not considered to raise a material increase in traffic levels or disturbance to neighbours. The maximum operational commercial hours for the site would be between 8am and 7pm which would be secured by condition and is considered standard and acceptable in this rural context.

The proposal is therefore considered to accord with Policies 1, 2, 3, 7, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 6 and 12 of the National Planning Policy Framework (2019).

The recommendation is one of approval.

## 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.