

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-1147-21	Applicant:	Mr & Mrs D Rouse
Proposal:	Change of use of land from agricultural to paddock and manege.		
Location:	Benner Glenside South Pinchbeck		
Terminal Date:	21st January 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

Sections 8, 12, 14 and 15 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application at Benner, Glenside South, Pinchbeck for the change of use of land from

agricultural to paddock and menage. The proposal seeks to provide a menage located in the south-eastern corner of the site that measures 40 metres in width and 25 metres in depth. The menage will be constructed from 150mm compacted hardcore, 50mm sand blinding layer, a geotextile membrane with a sand covering. The fencing will be 1.5 metre high post and rail.

The boundary will have four floodlights on the northern boundary and four floodlights on the southern boundary. Exact details of the lighting would be addressed by condition.

SITE DESCRIPTION

The site is located in the open countryside to the west of the defined settlement limits of Pinchbeck. The menage site is currently scrubland that has not been subject to recent agricultural activity. The surrounding area is predominately rural and characterised by linear development of varying ages and design. Walnut Tree Nursery is located 121 metres to the north-west of the menage. Glenside Nurseries is located 270 metres to the west of the proposal, with Minninglow House to the east 310 metres away. The site is located in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre toward the southern most extent of the site. As the proposed menage is not for residential use there is not a need to raise the level of the land to address maximum flood depth.

HISTORY

H14-1147-21

Full - Demolition of former rear extensions and erection of a two storey rear extension - Approved - 20 January 2022.

CONSULTATION RESPONSES

SHDC - Environmental Health Technician

No objection.

Welland and Deepings Internal Drainage Board

No comment.

Pinchbeck Parish Council

No objection.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

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.

When assessed against the above criteria the following can be observed:

Economically there will be a small term benefit to the local economy from construction jobs when the menage is being installed. There will not be a wider community benefit from the proposal but there will be a benefit to the applicant from being able to stay active and enjoy their equine pursuits within the vicinity of their property. Environmentally, by having a menage on site vehicular journeys would be reduced, compared to stabled horses elsewhere in the district. A condition will be added to ensure that manure and waste will be stored and transported safely from site to minimise pollution on site. Additionally light pollution from lighting columns would need to be minimised when further

details of lighting for the menage are addressed by condition.

Use of land as a paddock/grazing land is an appropriate rural use. Therefore, the principle of the proposed development is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the menage is commensurate with other menages across the district. The positioning to the rear of the site means that it will not be visually prominent and will not materially impact the character and appearance of the surrounding area. The exact details of the lighting provision will be secured by condition to ensure that the lighting is only provided where necessary and does not cause unsuitable levels of light pollution. No trees will be removed to facilitate this proposal.
2. The design is a standard menage design and means of construction. The orientation is such that it is as far away from the highway as possible but accessed from the adjacent private roadway in the site for transportation purposes.
3. Materials of construction are considered to be appropriate for the proposed menage.
4. The proposal is not considered to materially impact the existing access or vehicle generation levels. The menage is for private use only.
5. The proposal is not considered to impact existing community services and infrastructure.
6. There is not considered to be a noise or disturbance impact from the proposal by virtue of the remote location away from other dwellings. With regard to odour a waste management plan condition will be placed on this application to ensure the safe storage and removal of waste. With regard to visual impact there is not considered to be an overlooking, overshadowing, overbearing or overdevelopment impact on the surrounding area given the distances to other properties not within the applicant's ownership. With regard to lighting, this will be addressed by condition. Lighting must only be used when the menage is in operation and should only light the areas of site that require lighting. This will help to reduce the impact of light pollution on animals and members of the public.
7. The site is located in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre toward the southern most extent of the site. As the proposed menage is not for residential use there is not a need to raise the level of the land to address maximum flood depth.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. There is not considered to be an impact from a sense of place arising from this proposal. The size, scale and layout of the menage is commensurate with other menages across the district. The positioning to the rear of the site means that it will not be visually prominent and will not materially impact the character and appearance of the surrounding area. The exact details of the lighting provision will be secured by condition to ensure that the lighting is only provided where necessary and does not cause unsuitable levels of light pollution. No trees will be removed to facilitate this proposal.
3. The landscape character of the area is considered to be improved by this proposal. The site has not been used for agricultural purposes for a long time and has been used for the illegal dumping of items by the previous owner of the site.
4. The dwelling and menage can only realistically be reached by private transport due to the site being located appropriately in a rural area.
5. Refuse and cycle storage, as well as parking provision is unaffected by this proposal.
11. There is not considered to be a noise or disturbance impact from the proposal by virtue of the remote location away from other dwellings. With regard to odour a waste management plan condition will be placed on this application to ensure the safe storage and removal of waste. With regard to visual impact there is not considered to be an overlooking, overshadowing, overbearing or overdevelopment impact on the surrounding area given the distances to other properties outside the applicant's ownership. With regard to lighting, this will be addressed by condition. Lighting must only be used when the menage is in operation and should only light the areas of site that require lighting. This will help to reduce the impact of light pollution on animals and members of the public.
12. The site is located in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard

area with a maximum predicted flood depth of 1 metre toward the southern most extent of the site. As the proposed menage is not for residential use there is not a need to raise the level of the land to address maximum flood depth.

This application accords with SELLP Policy 3

Assessment against SELLP Policy 30 - Pollution

This proposal is assessed against SELLP Policy 30 titled - Pollution. This policy states:

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.

Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:

9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.

Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.

When assessed against the above relevant criteria the following can be observed:

1. Provided an appropriate lighting scheme and waste storage / removal scheme can be brought forward then there it not considered to be a material impact on the health and safety of the public.
2. The amenities of the area are not considered to be impacted positively or negatively by this proposal as it is for private use only, and will be conditioned as such.
3. The natural environment is considered to be improved by this proposal as unsightly waste and dirtied unused agricultural land will be put back into use.
4. Air quality will not be materially impacted subject to an appropriate waste management plan being brought forward.
5. Noise should not impact any members of the public due to the distance to the nearest properties. Walnut Tree Nursery is located 121 metres to the north-west of the menage. Glenside Nurseries is located 270 metres to the west of the proposal, with Minninglow House to the east 310 metres away.
6. Light levels from the lighting columns should not impact other properties or vehicle users of Glenside South if appropriate details are brought forward to address the proposed lighting condition.
7. Land quality and condition is considered to be improved by this proposal as unsightly waste and dirtied unused agricultural land will be put back into use.
8. Surface and groundwater quality is not considered to be impacted by this proposal.
9. There will not be an impact on the menage by poor air quality from identified sources.
10. The proposed development will not impact air quality subject to submission of an appropriate waste management scheme.

11. There are no impacts on the amenity of the site from existing uses due to the distance to neighbouring properties and uses.

This application accords with SELLP Policy 30.

PLANNING BALANCE

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.

The proposal will not materially harm the character or appearance of the locality, or amenity of nearby residents in terms of issues such as noise and disturbance, odour, etc. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within Sections 8, 12 and 15 of the National Planning Policy Framework (NPPF), 2021.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above, subject to mitigating conditions.

CONCLUSION

This application is recommended for 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.