DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-1183-22**	**Applicant:**	**Mrs J Bell**
Proposal:	Outdoor arena and associated fencing including drainage system		
Location:	Rose Cottage Northgate Pinchbeck		
Terminal Date:	13th February 2023		

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	0
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
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking planning permission for a proposed outdoor arena and associated fencing including drainage system to the property at Rose Cottage, Northgate, Pinchbeck.

Site Description

The site is situated within the countryside, according to Policy 1 in the South East Lincolnshire Local Plan, 2019. The property known as Rose Cottage is a detached dwelling located on a spacious piece of land, with open fields surrounding. Properties can be found sporadically along the road of Northgate.

History

H14-0453-22- Approved on 18-07-22- Change of use from residential to equestrian including erection of stable block and concrete base for muck heap.

H14-0773-01- Approved on 08-08-01- FULL- Proposed double garage.

Consultation Responses

Public comments (2), 2 objections

- The drainage is into the dyke to the north which has high levels of water in recent years.
- Any increase in the water flow to this dyke will lead to a backflow causing the system to fail.
- Requests that the arena drainage goes through a soak away system.
- Placing the arena further away from the dyke would prevent further flooding to the dyke.
- Request that lighting is restricted.

Black Sluice Internal Drainage Board

1. The Board notes the proposed use of underdrainage with an outfall to the watercourse to the north. The applicant must ensure that the watercourse is suitably maintained and there is an adequate flow route from the site to a Board-maintained system downstream.

2. The applicant is reminded of their common law riparian ownership and maintenance responsibilities for all watercourses crossing or bounding their property. If the applicant intends, now or at any time in the future, to place any structures, such as piped culverts, within any watercourse, then under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required. This is mandatory.

Local Highway and Lead Local Flood Authority

This proposal is for an outdoor arena and associated fencing including drainage system and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Planning Considerations

Principle of development

The site is located outside of any 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, outdoor arena and fencing for the recently approved equestrian use is synonymous with the countryside would be used for a purpose ancillary to the 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 outdoor arena will measure approx. 20m by 50m with an integrated drainage system. The arena will include a sand/fibre surface, with associated wooden fencing not exceeding 1.4m in height. The scale, location, design and materials of the arena are considered appropriate for the site, given the rural character of the area. Given the minor scale of the development it is not considered to appear overly prominent within the countryside and would largely be screened from the road by hedging.

As such, the development is not considered to result in detriment to the character of the area and would therefore accord with policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

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 level, 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 45m metres away from the proposed arena. The properties to the west are located in excess of 100m away from the application site and the residential property to the east is approx. 45m away, 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 applicant must ensure that the watercourse is suitably maintained and there is an adequate flow route from the site to a Board-maintained system downstream.

Comments have been raised in regards to the concerns over the high level of flooding of the nearby dyke to the north. However, the SUD's and IDB have commented that the applicant should ensure that the watercourse is suitably maintained and there is an adequate flow route from the site to a Board-maintained system downstream.

Given the nature of the surrounding land (grass/agricultural fields), it is likely to be able to cope with

the amount of run-off with some element of permeability from the proposed surface in the outdoor arena and is therefore in accordance with Policy 2 and 3 in the SELLP (2019) in drainage terms.

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 proposed outdoor arena and associated fencing with drainage system will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

Based on the reasons outlined above, the recommendation is therefore for a delegated 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.