

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-0166-23 **Applicant:** K Martin & Son Ltd.
Proposal: Proposed Reservoir
Location: Guys Nursery Watergate Quadring
Terminal Date: 3rd May 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) Order 2021

Representations:

	Object	Support	No Obj.	Comments
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is an agricultural determination application for a proposed reservoir at Guys Nursery, Watergate, Quadring. The proposal seeks to provide a 30 metre by 30 metre reservoir, which is 3 metres deep. Beyond which is banking that measures 0.5 metre high and approximately 4.4 metres wide around the edge of the liner. The total area of the proposed development is 1500 square metres.

The purpose of the reservoir is to utilise rainwater as a more sustainable means of irrigation. The total unit size of the holding is 1.635 hectares in size. The reservoir is located toward the rear of the field to the west of the existing glasshouses.

SITE DESCRIPTION

The site is outside of defined settlement limits in the open countryside. The surrounding area is characterised by non-nucleated linear development of varying ages and designs. Watergate is located to the south of the site with arable fields beyond. An established line of trees is located to

the western boundary with the residential garden of a dwelling beyond. A Welland & Deepings Internal Drainage Board maintained drain is located to the north of the site. Glasshouses are located to the east of the site with the agricultural dwelling associated with the site to the south-east.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

Welland & Deepings Internal Drainage Board

No objections. No part of the reservoir should be within 9 metres of the board maintained drain to the north. Any discharge or overflow pipe to the drain requires the prior consent of the IDB.

PLANNING CONSIDERATIONS

Compliance with the General Permitted Development Order

The proposal does not comply with Class B of Part 6 because:

The area of land covered by the development exceeds 1000 metres. Whilst the reservoir is 30 metres by 30 metres, the banking is a further 4.4 metres around which brings the size of the development to 1500 square metres. The banking is an engineering operation and therefore needs to be considered as part of the total area of the unit.

PLANNING BALANCE

The proposal does not accord with the relevant criteria of Class B, Part 6 of the General Permitted Development Order (2020).

CONCLUSION

This application is recommended for refusal.

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.