DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-1023-22**	**Applicant:**	**P Capps Farming Ltd.**
Proposal:	Erection of 2 agricultural storage buildings		
Location:	Starborough, Far End Farm South Drove Quadring Fen		
Terminal Date:	17th November 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Representations:

	Object	Support	No Obj.	Comments
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is for a determination as to whether prior approval is required for the erection of 2 agricultural storage buildings under Class A of Part 6 in Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Site Description

The agricultural site is situated within the countryside, according to Policy 1 in the South East Lincolnshire Local Plan, 2019. The South Forty Foot Drain is situated approx. 42m to the east of the site. The site is surrounded by open fields, with only one nearby residential property to the south of the site along South Drove. Therefore, the site is very isolated and does not have any properties overlooking.

History

No relevant planning history.

Consultation Responses

Not applicable.

Planning Considerations

The proposal constitutes permitted development under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. This is subject to the developer applying to the local planning authority to determine as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.

The site is isolated and is not in a sensitive location. It is some distance from the nearest residential property not associated with the applicant. The proposed buildings are of standard agricultural appearance for the storage of bedding and feed and are set back from the public highway, also being screened by existing buildings. The prior approval of siting, design and external appearance is not considered to be required in this case.

Conclusion

Prior approval for the siting, design and external appearance is not required.

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.