DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H19-0001-21** | **Applicant:** | **Mr R Condell** |
| **Proposal:** | Proposed Menage | | |
| **Location:** | Ashleigh House 43 Guanockgate Road Sutton St Edmund | | |
| **Terminal Date:** | 9th April 2021 | | |

**Planning Policies**

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

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |

**National Guidance**

**National Planning Policy Framework 2019**

Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 1 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| NORTH LEVEL INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 1 | 0 |

## CASE OFFICER ASSESSMENT

### Proposal

This is a full planning application that seeks permission for proposed manege Ashleigh House at 43 Guanockgate Road, Sutton St Edmund, Spalding.

### Site Description

The area is predominantly rural. The site is fully surrounded by open flat fields other than the public road. A cluster of residential properties is approximately 185 metres to the south-west. A few more 165 metres to the north-east. There is also a sizeable agricultural holding between Guanockgate Road and the Main Level Drain.

The topography is such that the public road is slightly above the levels where Ashleigh House is. The main dwellinghouse is a large two-storey building set back from the road between 31 and 65 metres. Little Eau Drain borders the site to the west.

Paddock land extends from the front of the house to the edge of the carriageway. A mixture of rail and post and mesh fencing delimits the land for horses. The manage would be constructed on this piece of land.

### History

H19-0664-09 - Two-storey extension and single-storey extension - Approved

### Consultation Responses

Sutton St Edmund Parish Council

No objection.

North Level IDB

No objection.

It is reminded the compliance with Board's byelaws.

LCC Highwaus/SUDS

No objection.

SHDC Environmental Health

No objection.
Requests to add the following condition should permission be granted: "No burning of bedding or waste to take place on site"

### Planning Considerations

Principle of development

The site is within the settlement boundaries of Long Sutton as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of developing a manege for private use that is incidental to the enjoyment of a residential property is acceptable.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall

quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed manage would be 44.30 metres x 20.55 metres. The resulting footprint would fill approximately 36% of the paddock land. Post and rail fencing would delimit the riding arena. A brown timber gate would allow access to the arena. The base materials would be characteristic of such development comprising limestone base, weed membrane and drainage pipes beneath the equestrian surface. A 6 metre high pole with LED lighting would erected on each corner of the manege.

Flood risk and drainage

Any surface water runoff would be drained from the manege to a soakaway. It is unknown that the wider location has low permeability for infiltration. Furthermore, flood risk from surface water is very low according to Environment Agency Flood Map.

North Level IDB has been consulted and no objection has been raised. It is minded though that the proposed manege should comply with Byelaw No. 10 which states that no structure should be within 9 metres of any of their drains.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There are no residents living immediately adjacent to the application site. The scale of the manage is acceptable and no significant noise and disturbance is anticipated from the horses. Furthermore, SHDC Environmental Health has been consulted about the lighting and no objection has been raised. The prohibition of bedding/waste burning has been requested by way of condition though.

Planning balance

The principle of developing a manage for private is acceptable for the enjoyment of a residential property. The footprint is significant at some extent but it would not create any unduly harm upon the built form within the curtilage. In fact, the proposed fencing would be tantamount to the existing boundary treatment onto the adjacent drain.

The equestrian use would be in keeping with the existing paddock land and overall with the rural wider location. Drainage considerations have been appropriately addressed at this stage of the proposed development. No harm upon residential amenity is anticipated.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

## Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2, 3 and 4 as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

## 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.