

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H19-0910-23	Applicant:	Mr M Broker
Proposal:	Change of use of site to pony paddock and stables - Retrospective		
Location:	Masons Lodge Coronation Avenue Throckenholt		
Terminal Date:	20th December 2023		

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
30	Pollution
36	Vehicle and Cycle Parking

National Guidance**National Planning Policy Framework 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application for retrospective planning permission for the formulation of paddock and associated stables. The application site is located to the north East of Masons Lodge and behind a row of frontage dwellings along Coronation Avenue.

Site Description

The application site is located just outside the settlement limits for Throckenholt and in the open countryside. The application site is also located within flood zone 3 in accordance with Environment Agencies flood mapping systems. The South East Lincolnshire SFRA shows the location in a 'white' zone and at low risk from flooding.

The stables and paddock are already in situ and are located within the open countryside to the north east of Masons Lodge and to the east (rear) of number 41 Coronation Avenue. The application site shares the same access as Masons Lodge.

The stables are of a modest size and made up internally of 3 number loose boxes and a covered walkway. They are timber framed built up from a concrete base, finished with a black weatherboard and composite tile effect roof.

History

H19-0271-20 - Erection of 4 bed two storey barn style dwelling with detached garages, new vehicular access, fencing and landscaping including existing stable to be removed. Approved 15-07-20

H19-0232-21 - Erection of 4 bed two storey barn style dwelling with detached garages, new vehicular access, fencing & landscaping, including existing stable to be removed - approved under H19-0271-20. Modification of Condition 2 to allow amendments to previously approved plans. Approved 05-05-21

Consultation Responses

North Level IDB

Please note that North Level District Internal Drainage Board have no objections to the above application.

Highway & Suds Support

No objection: The proposed use requires no new access from the highway and is very modest in scale. It is not expected that such use would have an unacceptable impact upon highway safety and therefore the highway authority does not wish to object to the grant of Consent for this Application.

Environmental Protection

No comment in regards to Land contamination. However I request the following environmental protection condition be applied to this application: No burning of bedding or manure to take place on site.

Parish

The Parish Council would like to ask that consideration be granted to the change of use being specific to this applicant only and at the point they relinquish ownership of the land it will then revert back to Arable use

Response: The applicant has confirmed that the use is personal, for the applicant and does not

seek a commercial venture.

Planning Considerations

Determining Development Proposals - Legislative and Policy Framework

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted Southeast Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies for the proposal subject to this advice, are detailed above. The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The proposal is located within the open countryside just outside of the development limits for Throckenholt. The application is for the retrospective permission for the erection of stables and formulation of paddock from agricultural land to form an 'personal' equestrian use.

The following issues are pertinent to this assessment. -

- Principle of development
- Flood Risk and Drainage
- Environmental Issues
- Highways Safety and Parking

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The application site is located within the open countryside and outside of any defined development boundary. Of these areas policy 1d 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.

An expansion in relation to this is contained within the policy justification regarding the countryside, it states "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan"

Paragraph 84 of the National Planning Policy Framework is concerned with supporting a prosperous rural economy. It states that:

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through

conversion of existing buildings and well-designed new buildings;
b) the development and diversification of agricultural and other land-based rural businesses;
c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

The application site would result in a modest area of land given over to outdoor recreation. The applicants redline boundary is tight to the paddock and stables. The development is located close to the residential curtilage of Masons Lodge and to the rear of dwellings fronting Coronation Avenue. The effect upon the open countryside is therefore limited as the proposal represents a minor encroachment easterly away from the settlement. Given the modest scale of the stables and size of paddock in conjunction with its location close to the settlement of Throckenholt it is considered that the harm upon the open countryside is limited and the proposal for outdoor recreation is acceptable, meeting the broad sustainable objectives of the SELLP.

The proposal is therefore considered to align with policy 1 of the South East Lincolnshire Local Plan.

Flood Risk & Drainage

Policy 4 of the SELLP sets out the district authorities approach to flood risk and drainage. Point F is relevant, it states "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where it demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall"

The proposal is for outdoor recreation which is considered as 'water compatible' development under Annex 3: Flood risk vulnerability classification table. The proposal then to change the use of the application site to form a personal equine use is therefore acceptable. Furthermore the IDB have stated that they have no objections to the application.

The proposal is therefore considered to align with policy 4 of the South East Lincolnshire Local Plan.

Environmental Issues

Paragraph 130 of the National Planning Policy Framework (2021) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning. It states that "Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided".

Environmental Protection have reviewed the application and have no objections to the proposal subject to a condition that there shall be no burning of bedding or manure to take place on site. No other concerns have been expressed. The applicant has not at this stage proposed any lighting, such fixtures have potential to impact neighbouring amenity. A condition will be attached to ensure that any proposed lighting is first agreed with the LPA prior to its use.

The operational activity associated with a 'personal' equine use is likely to have a limited effect upon the amenity of neighbouring land uses and therefore the proposal subject to the use being personal (which will be conditioned for amenity, character and highway safety purposes) is therefore considered necessary.

It is therefore considered that subject to the aforementioned mitigation the proposal would accord with policy 30 of the South East Lincolnshire Local Plan as well as paragraph 130 of the National Planning Policy Framework.

Highway Safety & Parking Provision

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The applicant seeks to retain the existing access arrangement that serves the dwelling and parking provision exists close to this access point. The highway authority have been consulted and have stated that they have no objections to the proposal. The operational nature of a personal equine use of this scale is unlikely to intensify the access to a point where mitigation is required.

Therefore, subject to conditioning that the use is personal the proposal would accord with policy of the South East Lincolnshire Local Plan and section 9 of the National Planning Policy Framework.

Conclusion

The applicant has justified that this amount of land is required to support the proposed use, the use which acceptable with policy 1 of the SELLP it is considered that there is limited detrimental impact in relation to character impacts, highways and amenity and is appropriate in flooding terms.

It therefore demonstrated that the development would meet with the broad sustainability objectives of the plan. The applicant is seeking a 'personal equine use' and this will be reinforced through condition to mitigate against, highway safety, character, amenity and flood related impacts.

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.