DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H19-0921-20**	**Applicant:**	**Mr M Walsh**
Proposal:	Proposed Stable Block		
Location:	Luttongate Farm 15 Luttongate Gedney Hill		
Terminal Date:	11th January 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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a domestic stable block to be located at the rear of a recently approved garage block (ref. H19-0273-20). An existing dilapidated outbuilding would need to be removed to accommodate the development.

Site Description

The site is located in open countryside on the western side of Luttongate. An existing dwelling is located upon the site, which was recently extended. There are no immediate neighbours.

Planning History

H19-0185-16 - Full - Proposed two-storey extension and alterations - Granted 31 March 2016

H19-0249-17 - Full - Proposed extensions - Granted 11 April 2017

H19-0411-18 - NMA - Proposed extensions - approved under H19-0249-17. Amendments to change garage to kitchen - Approved 1 June 2018

H19-0273-20 - Full - Detached garage - Granted 29 July 2020

Consultation responses

Sutton St Edmund Parish Council - No response.

Environmental Protection (Contamination) - No comments or objections

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance and amenity;
- Highway issues;
- Flood Risk.

Policy/principle

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan 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, the proposal is for a stable block in conjunction with an existing dwelling. Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019

Character/Appearance

The proposed stable block would be constructed in timber cladding with a red pantiled roof. A dilapidated outbuilding would need to be removed to accommodate the development, which would be partially concealed from public view due to existing high frontage hedging and tree planting. It is considered that the proposal would not materially harm the street scene or the character or

appearance of the locality.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

The proposal would be set at the side of the property and there are no adjoining neighbouring dwellings. Given the separation distances involved it is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, noise and disturbance, odour, etc. This is subject to conditions relating to the storage and disposal of waste and also any additional external lighting.

The proposal is in accordance with Policies 2, 3 and 30 of South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

Ample car parking is available upon the site and would not be prejudiced. There are therefore no highway safety issues in this case.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps. However, it is within an area of no hazard within the SHDC Strategic Flood Risk Assessment.

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.

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 stable block does not materially harm the character or appearance of the locality, or amenity of nearby residents in terms of issues such as noise and disturbance, odour, etc. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2019.

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.