DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0092-24**	**Applicant:**	**Mr P Grooms**
Proposal:	Details of method of storage & disposal of waste & boundary treatments (Conditions 2 & 3 of H20-0872-23)		
Location:	The Stables Goochgate Sutton St James		
Terminal Date:	1st April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2023

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application at The Stables, Goochgate, Sutton St James for details of the method of storage and disposal of waste, as well as boundary treatments (Conditions 2 & 3 of H20-0872-23)

SITE DESCRIPTION

This is application is outside of defined settlement limits in a predominately rural area, characterised by non-nucleated linear development of varying ages and designs. The nearest dwelling to the west is Zion House 400 metres away, and Charlton House 390 metres away to the east. The site is in Environment Agency 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H20-0581-11

Full - Change of use to mixed use agricultural and to hold auctions/markets (retrospective) - Refused - 08 November 2011 - Appeal dismissed - 25 June 2012.

H20-0221-13

Lawful Use Certificate - Proposed use of field to hold auctions on no more than 14 days per calendar year - Approved - 15 May 2013.

H20-0872-23

Full - Erection of pole barns for the use of agricultural cattle pens - retrospective - Approved - 29 November 2023.

CONSULTATION RESPONSES

South Holland District Council - Environmental Protection - Diane Gordon - 28 February 2024

"Ensure appropriate fly management procedures are in place on site to reduce any impact from flies arising from the site. Manure heaps should be managed in accordance with good agricultural practice guidelines regarding their siting and usage to prevent odour nuisance and inappropriate run-off into water courses to protect amenity of nearby properties."

North Level Internal Drainage Board - 29 February 2024

No comments.

PLANNING CONSIDERATIONS

Compliance with Condition 2 of H20-0872-23 - Disposal of Manure from Stables

Condition 2 states:

"No burning of manure, stable sweepings or other waste shall take place anywhere on the site, and full details of the proposed method of storage and disposal of waste from the stable building/paddocks, including the location of storage and frequency of off-site disposal, shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of approval. The method of waste storage and disposal shall at all times thereafter accord with the approved details.

Reason: To prevent pollution and to protect the amenity of nearby residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019."

The submitted plan has a section of text stating "The cattle sheds will be cleared out 3 times per year of slurry / muck. The collected waste is piled in heaps on the adjoining field edged in blue. It is then collected by a local farmer for use on another farm."

Condition 2 of H20-0872-23 cannot be determined at this time due to lack of details related to the storage and removal of manure. A lack of detail has been provided regarding fly management and odour management. Therefore it cannot accurately be determined whether there will be a material impact on the character and amenity of the surrounding area.

Compliance with Condition 3 of H20-0872-23 - Details of Boundary Treatment

Condition 3 states:

"Within two months of the date of approval, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers. The current hay bale boundary treatment is temporary in nature and adversely impacts the visual amenity of the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

The submitted plan shows a proposed 1.2 metre high timber post and wire fence to the northern rear and eastern, western side boundaries. The frontage of the site will remain open.

It is considered that the proposed boundary treatment is acceptable for the site as it will create a barrier for the site without utilising close boarded fencing at a greater height. It is considered that fencing at a greater height in this location would constitute a jarring, discordant feature in a rural location.

Condition 3 of H20-0872-23 is considered to have been addressed.

CONCLUSION

Condition 2 of H20-0872-23 cannot be supported due to the lack of supporting detail related to the storage and removal of manure. Condition 3 of H20-0872-23 is considered to have been adequately addressed as the proposed boundary treatment is appropriate for the site.

The agent for the application was emailed on Tuesday the 26th of March 2024 to request that Condition 2 of H20-0872-23 was removed so that Condition 3 of H20-0872-23 could be approved, however a response has not been forthcoming. Therefore as the application description cannot be altered without the permission of the applicant / agent then both Conditions 2 and 3 of this condition compliance application must be recommended for refusal.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the application be 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.