DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H20-0638-20**	**Applicant:**	**Mr A Ellis**
Proposal:	Water tank for crop irrigation		
Location:	Poplar Farm Old Fendyke Sutton St James		
Terminal Date:	4th September 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

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

The proposal would be sited 25 metres back from the highway and would be a circular tank 10 metres in diameter and 3 metres in height.

Site Description

The site is located within an area of presently uncultivated land on the western side of Old Fendyke opposite Poplar Farm Nursery.

Site History

None relating to this specific site.

Material 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 not in a sensitive location and is approximately 100 metres from White House Farm to the west. The tank would be constructed in grey corrugated steel. It is acceptable in terms of appearance. The prior approval of siting, design and external appearance is not therefore required in this case.

Conclusion

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

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.