DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0996-24**	**Applicant:**	**Mr P Grooms**
Proposal:	Details of storage and disposal of waste and boundary treatments (Conditions 2 and 3 of H20-0872-23)		
Location:	The Stables Goochgate Sutton St James		
Terminal Date:	20th January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 2 and 3 of permission H20-0872-23. Permission H20-0872-23 granted retrospective consent for the erection of pole barns for the use of agricultural cattle pens.

Condition 2 requires the submission of the proposed method of storage and the disposal of waste from the site. Condition 3 requires the submission of details of the boundary treatments within the

site.

Site Description

This site is located outside any defined settlement limits as identified within the Local Plan. The site is within a predominately rural area, characterised by non-nucleated linear development of varying ages and designs. The nearest dwelling to the west is Zion House which is approximately 400m from the site, and Charlton House which is approximately 390m to the east.

Relevant Planning History

H20-0581-11: (Full Application) Change of use to mixed use agricultural and to hold auctions - refused 08 November 2011

H20-0872-23: (Full Application) Erection of pole barns for the use of agricultural cattle pends (retrospective) - approved 29 November 2023

H20-0092-24: (Condition Compliance) Details of method of storage & disposal of waste & boundary treatments (Conditions 2 & 3 of H20-0872-23) - refused 28 March 2024

Consultation Responses

Environmental Protection: No observations and no comments regarding land contamination.

Key Planning Considerations

Condition 2 reads as follows:

"2) 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."

Condition 3 reads as follows:

"3) 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 council's environmental protection team have reviewed the submitted information and have confirmed that they have no observations or objections to the discharge of the conditions.

Consent to discharge conditions 2 and 3 was previously refused under application H20-0092-24 as there was insufficient information relating to fly and odour management. Previously, it was proposed to store slurry/muck from the stables on a field next to the site and for this waste to then be collected by a local farmer for use on another farm. Under the current proposals, it is proposed for

waste to be collected immediately by the farmer rather than being left on site. The slurry/muck will be placed on the land as a result of clearing the cattle sheds three times per year. This slurry/muck should therefore not be stored for long periods of time in the open given that the arrangements are for the waste to be collected from the site immediately. This reduces the potential for odour disturbance.

In terms of boundary treatments, a 1.2m timber post and wire fence is located around the site and no hedging is proposed. The visual impact of the boundary treatments is acceptable.

Conclusion

The submitted details address the requirements of conditions 2 and 3 of permission H20-0872-23.

Recommendation

Discharge conditions 2 and 3.

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.