

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0079-24 **Applicant:** Mr & Mrs M Weibel
Proposal: Erection of private stable block
Location: Copelade Lodge Little Lane Whaplode
Terminal Date: 5th July 2024

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01 Spatial Strategy
02 Development Management
03 Design of New Development

National Guidance**National Planning Policy Framework 2023**

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the erection of a private stable block at Copelade Lodge, Little Lane, Whaplode.

Site Description

Copeland Lodge is a detached bungalow in a large garden plot, accessed from Little Lane. The dwelling was originally approved as an agricultural dwelling however the agricultural condition was subsequently removed following a submission of proof that the dwelling had not been used as such.

History

H23-0718-18 - Change of use of land from paddock to builders yard (retrospective). Erection of fencing and the installation of a septic tank - Refused

H23-0732-18 - Single-storey extensions with room in roof - Approved

H23-0670-19 - Single-storey extensions with room in roof - Modification to Condition 2 of H23-0732-18 - Alterations to previously approved drawings - Approved

H23-0212-24 - 2 dormer windows to front elevation - Approved

Consultation Responses

Whaplode Parish Council

No comment.

South Holland Internal Drainage Board

No comments.

Lincolnshire County Council Highways

Additional information has been requested stating 'The access is grass, it needs upgrading to Lincolnshire County Council specification and a note should be added to the proposed site plan. Will the proposal lead to an increase in vehicle movements?'. Following correspondence between the Agent and Highways, a new comment has been submitted and is as follow:

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for the erection of a private stable block, the existing access is in a bad state of repair and in order to remove the hazard of loose material being dragged onto the public highway it will need to be upgraded to Lincolnshire County Council Specification as per the approved block plan. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Informatives

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

South Holland District Council Conservation Officer

The proposal is minor enough in scale comparatively with the distance from the nearby listed assets (Westgate House & Holly House Farmhouse) that I am comfortable asserting that the proposal would not risk harming or indeed influencing the setting and therefore value and significance of the nearby historic environment.

I therefore have no objections.

South Holland District Council Environmental Protection

No comments regarding land contamination. Standard conditions for proper disposal of waste and no burning on site- to protect amenity of nearby residents.

Key Planning Considerations

- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Heritage Impact

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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 South East 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 are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture

and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The walls of the proposed private stable block will be a timber frame and cladding using stable doors and sliding windows across the elevations. The roof shall feature a black onduline roofing with galvanised ridge on smartply boarding. Whilst the materials would not particularly match the host dwelling, this is of traditional materials used for stables such as this, furthermore, it is over 116m from the highway and should not cause any material harm to the street scene or locality in this regard.

On the northern elevation the length will be around 11400mm with the eastern length being slightly more at around 12600mm. The widths on both the west and south are 3600mm, to the eaves the stable shall be 2250mm and have a total height of 2963mm; the gable roof will have a slight overhang of around 900mm. These measurements are considered to be acceptable as the stable provides a modest area to operate within with an internal floor space of approximately 68.5 metres squared.

Internally, the barn is split into six separate rooms/ areas. Along the rear there is a large corner hay barn (6000mm by 3600mm), a track room (1800mm by 3600mm) and another hay barn/ store adjacent to this (3600mm by 3600mm). Furthermore, along the eastern side there are three pony box of the same size but are all split (3600mm by 3000mm). As mentioned above, the size of the stable allows it to appear proportionate and these measurements for each room are also acceptable for the residents to operate within the development.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There are no concerns surrounding the potential for material overlooking or overshadowing as a result of this development. There is a total distance of over 116m to the south, 135m to the west, 50m to the north west and 300m to the east to the nearest neighbouring building. Of course, the stable is closer to the boundaries than the distance to actual properties, however, there are no properties on the immediate adjacent land that could face any significant or material overlooking or overshadowing. Additionally, due to these aforementioned distances the development will not be overbearing either.

Furthermore, as the building, once constructed, will operate as a private stable block South Holland District Council's Environmental Protection Team were consulted on this application. Their comments are as follows:

- No comments regarding land contamination
- Request standard conditions for proper disposal of waste and no burning on site - to protect amenity of nearby residents

As such, the requested condition will be included within the decision notice should the application be approved to ensure there is no harm on the residential amenity in regard to odour and/ or fumes from burning.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Heritage Matters

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

Copelade Lodge is sited directly opposite Westgate House and to the south east of Holly House Farmhouse, both being Grade II Listed Buildings, as such the Conservation Officer was consulted to ensure the development would not effect the setting of either Listed Building. No objections were raised through this consultation with the comments stating that 'The proposal is minor enough in scale comparatively with the distance from the nearby listed assets that I am comfortable asserting that the proposal would not risk harming or indeed influencing the setting and therefore value and significance of the nearby historic environment'. It is therefore considered that there are no grounds within Policy 29 of the SELLP to object to this proposal.

Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

In respect of highway matters, 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.

Initial concern was raised by Lincolnshire County Council and led them to request additional information following the initial consultation process. They stated that 'The access is grass, it needs upgrading to Lincolnshire County Council specification and a note should be added to the proposed site plan. Will the proposal lead to an increase in vehicle movements?'. The agent later confirmed that the access track to the side of the stable block is gravel and not grass and there will be no additional vehicle movements as 'the stables are for private use by the occupants of the dwelling and will remain as such so there will be nobody travelling to or from the site as a result of the stables'. As a result of this, Lincolnshire County Council's new comments stated that 'The proposal is for the erection of a private stable block, the existing access is in a bad state of repair and in order to remove the hazard of loose material being dragged onto the public highway it will need to be upgraded to Lincolnshire County Council Specification as per the approved block plan. The proposal will not have an adverse impact on the public highway'.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2 and 3, and Section 9 of the National Planning Policy Framework.

Other Matters

Amended plans were needed outline a dividing boundary between the existing domestic land and the proposed new equestrian land. On 0432/24/01B the blue area indicates the domestic curtilage which has a total area of 4954sqm and the red boundary is equestrian which has an area of 4809sqm, this shows there is still more domestic land than equestrian paddock. The total loss of domestic land is around 25m which in comparison the land as a whole is insignificant and unsubstantial, therefore the layout is considered to be acceptable in this regard. Furthermore the land will end from an existing post and rail fence which is to be retained as a separation, this is also considered to be acceptable and is able to set a clear boundary whilst also meaning the two sets of land should not overlap.

Planning Balance

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

The proposal represents appropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents through overlooking, overshadowing or odour. It causes no unacceptable impact on the highway or the nearby heritage asset, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3, and 29 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.