DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0378-20**	**Applicant:**	**Gulfstream Falcons (Dubai) Ltd**
Proposal:	Falcon Hack Pens		
Location:	Falconers Rest Jekils Bank Moulton Eaugate		
Terminal Date:	10th August 2020		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 6, 11, 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal is for open air hack pen enclosures for the training and exercising of falcons in conjunction with an existing aviary on site for the breeding of falcons.

There are 4 no. hack pen enclosures proposed which are a hexagonal shape measuring 20m x 20m overall with a central pole (height some 4 metres) that supports netting. The enclosing walls are some 3 metres in height. Each hack pen has an internal area in the region of 318 sq.m. There are 2 no. covered ancillary spaces between the hack pens for catching the falcons.

Site Description

The site (approximately 0.3 ha) is currently grassland located to the north of an existing bungalow, annexe and aviary (Falconers Rest) for the breeding of falcons. It is accessed via a grassed roadway and has trees along its northern, southern and western boundaries.

Planning History

H23-0250-13 - Full - Conversion of existing domestic outbuilding to staff annexe, including extension and alterations - Granted 21 May 2013

Consultation Responses

Whaplode Parish Council

No response.

LCC Highways/SUDS

Does not wish to restrict the grant of permission. Note concerning drainage.

SHDC Environmental Protection

No objections.

Planning Considerations

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 development is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the SELLP is therefore applicable. It states that development will be permitted in the countryside 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. Explanatory text accompanying Policy 1 indicates that this can include agricultural, recreational and leisure related uses that require a countryside location.

The above policies are in accordance with advice within the National Planning Policy Framework, 2019. Paragraph 83 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and also sustainable rural leisure developments which respect the character of the countryside. Paragraph 118 indicates that planning decisions should recognise that undeveloped land can perform many functions such as recreation.

The proposal is for open air hack pen enclosures for the training and exercising of falcons, including for racing and hunting within the Middle East and Central Asia. They would be used in conjunction with an existing aviary on site presently used for the breeding of falcons. The latter did not need planning permission in its own right because of the nature and scale of the venture, involving one

member of staff resident on site.

Falcons need to be reared and trained in a relatively isolated location that offers peace and quiet with limited human contact. The nature of the proposal is such that a rural location is necessary, as opposed to within a defined settlement. It is also required in conjunction with an existing small scale venture on site. It is considered to be appropriate and necessary in this type of location and is in accordance with Policy 1 of the SELLP.

Character/appearance

4 no. hack pen enclosures are proposed which are a hexagonal shape measuring 20m x 20m overall with a central pole (height some 4 metres) that supports netting. The enclosing walls are some 3 metres in height and would be constructed in profiles sheet metal (Olive Green). They would be set in a landscaped setting and would not cause material harm to the character of the countryside.

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

Amenity

The nearest residential neighbours are Woodland Lodge and a small caravan park some 300 metres to the south west.

Birds of prey can potentially be noisy, especially during the breeding season. However, the site is in a relatively isolated location. SHDC Environmental Protection has raised no objections. It is considered that residents within the area would not be materially affected by reason of noise and general disturbance.

The proposal is therefore in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway issues

Ample parking is presently available. LCC Highway has raised no objections on highway grounds.

Flood risk/drainage

The site is within Flood Zone 1 on the Environment Agency's Flood Maps and within an area of no hazard within the South east Lincolnshire Strategic Flood Risk Assessment. Moreover, the proposal is not a more vulnerable use. No objections are therefore raised on flood risk grounds.

The structures would have an open top with a gravel surface. The existing grassed surfaces around the structures would be retained. There are no significant drainage issues.

Conclusion

The proposal satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. It is therefore recommended that the application be approved under delegated powers.

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.