

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0552-19 **Applicant:** Mr I Gresswell
Proposal: Proposed Menage
Location: Jiggles House Jekils Bank Moulton Eaugate
Terminal Date: 29th July 2019

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 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks permission for a proposed menage at Jiggles House, Jekils Bank, Moulton Eaugate, Spalding.

The menage would be for domestic use only.

Site Description

The site location is purely countryside characterised by open fields. Jekils Bank is a countryside road that connects Moulton Eaugate and Holbeach St. Johns. A few spread farmhouses are onto the road. The adjacent Elder Cottage sits in a long narrow site bounded by a drain. The property is close to the corner onto Quick Lane.

The residential plot of the application site encroaches to the south. Jiggles House is a two-storey detached property with a large gable pitched detached garage and stables and a hay barn further to the rear. Paddock land extends to the east behind the curtilage of Elder Cottage. It is bounded by a 2 metre hedgerow on the rear boundary from west to east. The land is split into different sections with picket fence.

History

None

Consultation Responses

South Holland IDB

No objection but it is stated that the application must be mindful of the Board's byelaws.

LCC as Highway and Lead Local Flood Authority

No objection

SHDC Environmental Protection

No objection. A planning condition with the following wording must be imposed: "No burning of bedding or manure to take place on site".

County Historic Environment Officer

No objection

Whaplode Parish Council

No objection

Planning Considerations

Principal of development

The site location is out of settlement boundaries as per the Policies Map of South East Lincolnshire Local Plan, 2019. Therefore, the site is within the countryside. Policy 1 of the Local Plan states that "In the Countryside development will be permitted 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".

The proposed menage would contribute to meet the needs of the horse riding and would settle further the equestrian activity on the site which is in keeping with the countryside surroundings. No

burning of bedding or manure would take place. Measures should be taken when necessary as to the surface water management, no flood risk would be increased. Overall, the proposed development is deemed to not be against the wider sustainability objectives.

Design and layout

The menage would be 60m x 20m. It would be positioned from north to south adjacent to the residential plot. The menage would be accessed by a track coming from the existing vehicular access in Quick Lane and running in parallel with the drain that bounds the curtilage of Elder Cottage.

Athletic black track rubber on stabilizing fibres on silica sand on membrane on 40mm clean limestone would be the materials used for the menage. The perimeter would be bounded by a 1.3 metre high post and rail green timber fence. Four flood lights on 5 metre high poles would be on each side of the menage.

The site layout of the development would relate well with the residential plot of Jiggles House and would not be detrimental to the character of the area. The material and boundary treatment would be characteristic of this type of development.

Impact upon residential amenity

The proposed menage with associate features would not be unduly prominent so the visual impact of the development to the residents would not be significant.

The flood lights have 100W LED lamps facing the school. It is stated that they would operate 1 hour a day in early evenings. Given the light power of the lamps and their location, no disturbance is anticipated to the residents of Jiggles House and the adjacent Elder Cottage.

Conclusion

In light of considerations above, the proposed development is in accordance with Policy 1, 2, 3 and 30 of South East Lincolnshire Local Plan, 2019 and Section 12 of National Planning Policy Framework, 2019.

It is therefore recommended to approve this application via 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.