

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0733-22 **Applicant:** Mr D S Rous

Proposal: Change of use of grassland to paddocks for grazing and erection of stables - part retrospective

Location: Rear Of Irby House Millgate Whaplode

Terminal Date: 19th September 2022

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 8. Promoting healthy and safe communities.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

RESIDENTS	1	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use of land to paddocks for grazing and erection of a stable block with tack room and feed store above. It is part retrospective because the building has been constructed.

Site Description

The site (mainly grassed) is part of former horticultural premises located at the rear of Irby House and to the south of Little Lane. It includes the building to be converted to a stable block, which is of brick and concrete tile construction, plus a former brick boiler house. The site can be accessed off both Millgate and a roadway off Little Lane.

Residential properties are situated further to the east fronting Millgate, including the applicant's property. Westgate House (grade II listed) is situated to the north-west on the western side of the Little Lane access. A mobile home (currently unauthorised) is located to the north-east.

History

H23-0742-16 - Full - Proposed log cabins and touring caravan site - refused 26 September 2016.

H23-1270-16 - Outline - Residential development (proposed house and garages) - Refused 7 February 2017. Dismissed on appeal 26 October 2017.

H23-0370-17 - Full - Log Cabins and Touring Caravan Site (re-application after refusal of H23-0742-16) - Refused 13 June 2017.

H23-0260-21 - Full - Erection of garden room, playroom & store - retrospective - Refused 9 November 2022

H23-0662-22 - Full - Siting of caravan (retrospective) - Under consideration.

Consultation Responses

Whaplode Parish Council

Supported.

South Holland Internal Drainage Board

No comments.

Public

Objection received (summarised):

- Another ploy to keep the illegal building without amending the height;
- Muck trailer will cause odour issues.

Policies/Constraints

Outside a defined settlement limit.

Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance;
- The Likely impact upon the amenity of nearby residents;
- Highway issues;
- Other material considerations such as pollution, drainage and flood risk.

Principle

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. Paragraph 3.2.15 of the SELLP indicates that there are types of development that require a countryside location such as agriculture, but also other uses such as recreation.

The accompanying statement indicates that the proposed stables and paddock are for private use only for the applicant and his family. Such a use is generally considered acceptable in principle in this type of location, subject to the proposal being acceptable on visual/residential amenity and highway grounds, etc.

Character/Appearance

Policies 2 and 3 of the SELLP 2019, amongst other matters, seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The building is of brick and tile construction and could be adapted for use as a stable block. Use of the land as a paddock and use of the building as a stable block would be an appropriate rural use that would not materially harm the character or appearance of the rural locality or affect the setting of Westgate House (grade II listed) some 100 metres to the north-west on the opposite side of the Little Lane access.

The proposal therefore accords with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity Issues

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

Residential properties are situated further to the east fronting Millgate. Westgate House (grade II listed) is situated to the north-west on the western side of the Little Lane access. A mobile home (currently unauthorised) is located to the north-east, which is on land owned by the applicant.

The proposal involves a change of use of land to paddock and conversion of an existing building to a stable block. The nature of the use is relatively low-key and the type of use appropriate to a countryside location. The stable building would be sited some distance from neighbouring residences unassociated with the applicant, the nearest being Westgate House further to the north-west. Waste would be stored in a trailer and collected by a local farmer once full. No objections are raised on amenity grounds, subject to no burning of bedding or manure on site and the trailer being re-positioned further to the south-east near the former boiler house/store.

It is considered that the proposal would not materially harm the amenity of nearby residents in terms of lack of privacy, overlooking, odour, noise/disturbance, etc, subject to mitigating conditions.

The proposal satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity issues.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

The site can be accessed via Irby House to the north-east or via a concrete roadway off Little Lane. Satisfactory parking is available on site. No objections are raised to the proposal on highway safety grounds.

The proposal satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety.

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site is within Flood Zone 1 of the Environment Agency Maps and within an area designated as no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test. Moreover, the proposal is classified as a less vulnerable use. The exceptions test need not be applied.

In terms of drainage, foul water would be disposed of to a septic tank and surface water to soakaways.

The submitted details are considered to be satisfactory and in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

No additional tree planting or bio-diversity measures are shown. These matters can be addressed by means of conditions.

Planning Balance

The development is considered appropriate in this location and the building is considered acceptable to be converted into a stable block. The proposal would not materially harm the character or appearance of the rural locality or affect the setting of Westgate House (grade II listed). Nor would the development materially harm the amenity of nearby residents, subject to mitigating conditions. There are no objections on highway safety or flood risk grounds.

The proposal satisfactorily accords with Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and is in accordance with advice within the National Planning Policy Framework, 2021. There are no adverse issues in this case that outweigh factors in favour of the proposal.

Conclusion

For the reasons outlined above the planning balance lies in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers.