

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0750-22 **Applicant:** Mr T North
Proposal: Proposed Field Shelter
Location: 340 High Road Whaplode Spalding
Terminal Date: 21st September 2022

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 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for a wooden field horse shelter at the rear of 340 High Road. It would measure 3.6 metres x 3.6 metres and stand at 2.5 metres in height.

Site Description

The site is located on 340 High Road in Whaplode. It comprises a paddock of land to the rear of 340 High Road. The land is outside the residential curtilage of 340 High Road and also outside the defined settlement boundary. To the south of the site are residential dwellings, to the east and west

are rear gardens and to the north is open countryside.

History

No relevant planning history.

Consultation Responses

Whaplode Parish Council

Supports the scheme.

Planning Considerations

Principle of development

The site is located outside the Whaplode settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy 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".

In this case the building would be used for a purpose incidental to the existing dwelling (340 High Road). The proposal is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed horse shelter may be viewable from the open countryside to the rear of the site, however, it would have a modest footprint/height and would be sited well within the site, therefore it would not appear overly prominent. The external appearance is characteristic of such development and considered appropriate for the semi-rural character of the area.

As such the proposal is not considered to result in any unacceptable material impact on the character and appearance of the area.

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

The proposed shelter would be set back from the applicant's existing dwelling and the nearest neighbouring dwellings by some 50 metres. Given its modest size it has the capacity for only one or two horses which would not be excessive. As such it is considered that the proposed development would not create unacceptable harm upon the existing residents in the vicinity by reason of noise and odours given the minor nature of the proposals and its ancillary use.

Given the rural nature of this location, a condition is suggested to control potential lighting of the building or the site.

As such the proposal is on balance in accordance with Policies 2, 3 and 30 of the South East

Lincolnshire Local Plan, 2019 in terms of neighbouring amenity.

Planning balance

The principle of developing a horse shelter in this semi-rural location is acceptable for the enjoyment of a residential property. The footprint is fairly minor and would not create any unduly harm upon the built form within the curtilage.

It would be in keeping with the existing paddock land and overall with the wider rural location. No harm upon residential amenity is anticipated.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019; and Section 12 of the National Planning Policy Framework (NPPF), 2021.

It is accordingly recommended to approve this planning 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.

RECOMMENDATION

That the application be approved under delegated powers.