

Officers Report

Planning Application No: 145547

PROPOSAL: Planning application for a horse exercise arena.

LOCATION: Glebe Farm Barns Willingham Road Fillingham Gainsborough DN21 5BL

WARD: Scampton

WARD MEMBERS: Cllr R Patterson

APPLICANT NAME: Mr Price

TARGET DECISION DATE: 16/11/2022 (Extension of time agreed until 2 December 2022)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the planning committee for determination as the applicant is an immediate family member of an officer of the Council.

Site Description and Proposal:

The application site is located in the open countryside approximately 1.3km to the west of Fillingham. The site is accessed directly from the adjacent Willingham Road and the site is set back from the road partly behind another residential house but also behind further agricultural buildings which form the agricultural yard. The existing barns at the site have recently been granted prior approval for the change of use to a dwelling.

The application seeks planning permission for the installation of a horse exercise arena, for private use by the occupiers of Glebe Farm Barns. The riding arena is to measure 50m by 30m and will be bounded by a 1.4m high post and rail fence. Surface materials are to consist of a stone base and a silica sand.

Relevant history:

No relevant planning history.

Representations:

Chairman/Ward member(s): No representations received to date.

Fillingham Parish Council: No representations received to date.

Local residents:

Glebe Farm, Willingham Road- We give our full support for the planning of a horse exercise arena.

LCC Highways/Lead Local Flood Authority: No objections. The proposal for a horse exercise arena to be located at the back of the property away from the Public Highway. Therefore, it does not have an unacceptable impact on the Public Highway Safety.

Archaeology: No representations received to date.

IDOX Checked: 08/11/2022

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Settlement Hierarchy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape Townscape and Views

LP26: Design and Amenity

LP55: Development in the Open Countryside

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF chapter 2 as they both seek to deliver sustainable growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 80 and paragraph 174 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. The above policies are therefore attributed full weight.*

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given)

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

• **Neighbourhood Plan**

There is currently no neighbourhood plan in preparation in the Fillingham Parish to consider.

Main issues

- Principle of Development;
- Visual Impact;
- Residential Amenity;
- Highway Safety;
- Surface Water.

Assessment:

Principle of Development

The application site is clearly located within the open countryside separated from nearby settlements by open fields and therefore principally falls to be assessed against Policy LP55 of the CLLP.

Policy LP55 sets out the considerations for development within the open countryside. Part E relates to non-residential development and states that Proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;

Other criteria are also stated but relate to neighbouring land uses, access and visual amenity which are discussed further within the report. The proposal is for a riding arena to be used by the applicant who resides at Glebe Farm Barns and is for private use only. In the event that permission were to be granted a condition would ensure that the use remained private and not for commercial purposes.

It is acknowledged that the development would serve the existing property and the nature of the proposals are commonly found in countryside locations and the principle of the development is therefore considered to accord with Part E of LP55, subject to an assessment of other material considerations as detailed below.

Visual Impact

Policy LP17 of the CLLP promotes the protection and enhancement of landscape, including having regard to maintaining and responding positively to any natural features within the landscape. All proposals should take into account views, into, out of and through the site. Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place.

The site is surrounded by well-established hedging to all boundaries which provides a good level of screening which would remain as existing. The surface materials to be used in the arena comprises of a silica sand mix, it is considered that the appearance of the surface is acceptable and would integrate well with the surrounding area. In terms of the post and rail fencing, such means of enclosure are commonly found in countryside locations, it is therefore considered to be appropriate.

It is therefore considered that the proposal would not have a detrimental impact on the character and appearance of the countryside. The proposal is considered to accord with Policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan and the NPPF.

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

Considering the countryside location of the site, there are limited neighbouring uses that may be impacted by the proposal. Glebe Farm, a residential property is located a large distance away, to the south of the application site. It is not considered that the private use would attract significant levels of traffic and there is no external lighting proposed. Overall, it is considered that the proposal would not unduly impact upon residential amenity and therefore accords to policy LP26 in this regard.

Highway Safety

Access is to be taken from an existing point to the south of the site. Lincolnshire County Council Highways Team have been consulted on the application and have no objections to the proposals and is therefore considered to be acceptable in highway safety terms and would accord to Policy LP13 of the CLLP.

Surface Water

The site is located within Flood Zone 1 and is at low risk of surface water flooding. The proposed arena will have a porous silica sand. The application form indicates that surface

water is to be discharged into a nearby drainage ditch, separate consent may need to be sought from the relevant drainage board in this respect. The arena is located in a large field away from the nearby associated residential property, it is not considered reasonable or necessary to request further information to be submitted in this respect.

Conclusion

The decision has been considered against Policy LP1: Presumption in Favour of Sustainable Development, LP2: The Settlement Hierarchy, LP13: Accessibility and Transport, Policy LP17: Landscape, Townscape and Views, Policy LP26: Design and Amenity and Policy LP55: Part E Development in the Open Countryside of the adopted Central Lincolnshire Local Plan, and guidance contained within the National Planning Policy Framework.

In light of the above assessment the principle of development is found to be acceptable with the open countryside location. No harm has been identified in terms of visual impact or harm to residential amenity. The proposal would not result in any highway safety concerns. It is therefore recommended that permission is granted, subject to conditions.

RECOMMENDATION: Grant permission subject to conditions

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Site Location Plan L- ADD-1330 01, Site layout Plan, drawing no.2, Drainage Plan, drawing no. 3 and proposed fencing details drawing no. 4 all received 21 September 2022. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

2. The materials to be used in the development hereby permitted shall match those as stated on the application form and as shown on the surface materials drawing received 18 October 2022.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

3. The development hereby approved shall only be used for purposes incidental to the enjoyment of the dwellinghouse at Glebe Farm Barns, Willingham Road, Fillingham, DN21 5BL and not for any business or commercial purposes.

Reason: To ensure any future business use and impacts would be adequately considered through the relevant planning application process in connection with policies LP1, LP55, LP17 and LP26 of the Central Lincolnshire Local Plan.

4. No external lighting must be installed on the site outlined in red on the location plan received 21 September 2022 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby properties and dark sky of the open countryside location to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012- 2036.