



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

28 October 2020



S20/0940

Proposal: Change of use from agricultural land to a mixed agricultural and leisure use comprising general agricultural, allotments and dog agility.

Location: Land Adjacent Haconby Grange, Stainfield Road, Stainfield, Lincolnshire, PE10 0XB

Applicant: Parish Clerk, Haconby and Stainfield Parish Council, 13 Dovecote Estate, Rippingale, PE10 0SY

Application Type: Full Planning Permission

Reason for Referral to Committee: Major Development

Key Issues: Principle of Development
Impact on the character of the area
Impact on Residential Amenity
Highway Issues
Flood Risk and Drainage

Technical Documents: Design and Access Statement
Flood Risk Assessment

Report Author

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Corporate Priority:

Decision type:

Wards:

Growth

Regulatory

Aveland

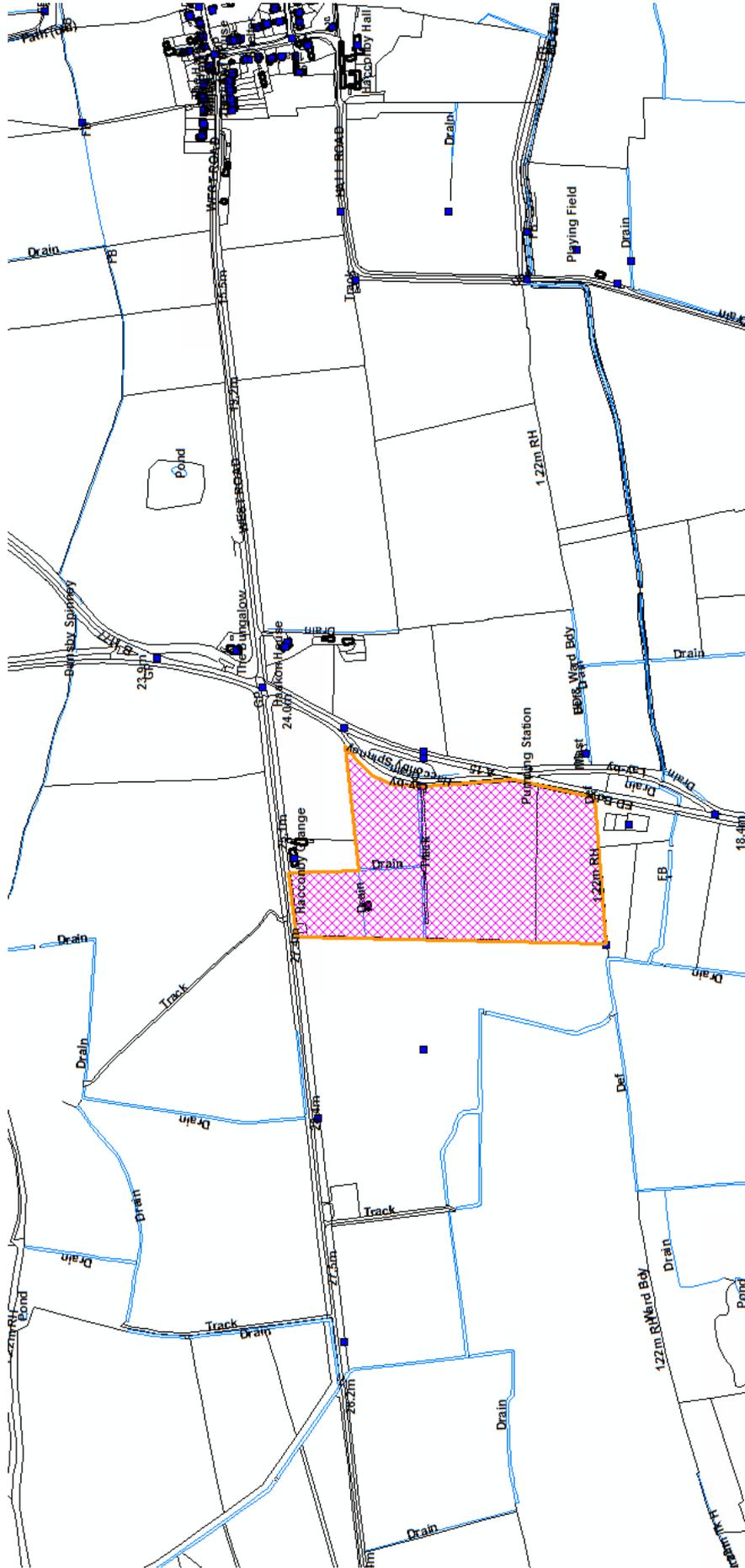
Reviewed by:

Phil Jordan, Development Management Planner

12 October 2020

Recommendation (s) to the decision maker (s)

That the application is approved conditionally



Key



Application
Boundary



1 Description of Site

- 1.1 The application site comprises 8.6 hectares of agricultural land located to the west of the A15, 1km to the north of Morton which is owned by Haconby and Stainfield Parish Council. The site is divided into several smaller fields, which are bound by hedgerows. To the east of the site is Haconby Spinney and a lay-by adjacent to the A15, where the site can be accessed. Adjacent to the north-east part of the site is a residential property known as Haconby Grange.
- 1.2 Both the A15 to the east of the site and West Road to the north of the site are classified roads. There is a public right of way the runs east-west across the site from the access point in the lay-by.
- 1.3 The wider site is sub-divided into plots rented by tenants and Lincolnshire County Council and is collectively known as 'Parish Land'. The use of the Parish Land has evolved from allotment gardens and farm allotments to include grazing, hay crops and leisure space (including personal dog exercising and agility training).

2 Description of proposal

- 2.1 Planning permission is sought to change the use of the land from agricultural land to a mixed agricultural and leisure use comprising general agricultural, allotments and dog agility. This would effectively regularise the current uses of the land and provide the Parish Council with flexibility for future rents should the current tenancies end.

3 Relevant History

- 3.1 No relevant planning history

4 Policy Considerations

- 4.1 **SKDC Local Plan 2011 - 2036**
Policy SD1 - The Principles of Sustainable Development in South Kesteven
Policy DE1 - Promoting Good Quality Design
Policy EN5 - Water Environment and Flood Risk Management
- 4.2 **National Planning Policy Framework (NPPF)**
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

5 Representations Received

- 5.1 **LCC Highways & SuDS Support**
 - 5.1.1 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed

changes of use would not be expected to have an unacceptable impact upon highway safety and accordingly, does not wish to object to this planning application.

5.2 **Lincolnshire County Council - Footpaths Officers**

5.2.1 Haconby Public Footpath No. 16 is affected by the proposed development.

- 1) It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.
- 2) The proposed development should not pose any dangers or inconvenience to the public using the right of way.
- 3) Vehicles should not be parked on the public footpath.
- 4) The surface of the public footpath should not be disturbed without the prior consent of the County Council.
- 5) The County Council may authorise the installation of new gates on the footpath for stock control purposes. All new gates must be licenced by the County Council and the applicant should carefully consider the layout of the plots in order to minimise the need for additional kissing gates.

5.3 **Environment Agency**

5.3.1 No comments to make.

6 Representations as a Result of Publicity

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and no letters of representation have been received.

7 Evaluation

7.1 The proposal relates to the change of use from agricultural land to a flexible, mixed agricultural and leisure use. There are no buildings proposed as part of the development proposal. This proposal is considered to be acceptable in principle and in accordance with Policy SD1 (Presumption in Favour of Sustainable Development) of the adopted Local Plan subject to assessment against site specific criteria. These include the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

7.2 **Impact on the character and appearance of the area**

7.2.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that to ensure high quality design is achieved throughout the District, all development proposals will be expected to make a positive contribution to local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the streetscene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area. Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of

sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

7.2.2 There is no built form proposed as part of the development and the proposed uses would be appropriate for this rural context. Therefore, the proposed use of the land is considered to be in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

7.3 **Impact on the neighbours' residential amenities**

7.3.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 127 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.3.2 Taking into account the nature of the proposal, small scale, and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

7.4 **Drainage and Flooding**

7.4.1 Local Plan policy EN5 together with NPPF Section 14 seeks to direct development to areas with the least probability of flooding, together with implementation of SuDS drainage where possible, in order to minimise surface water runoff.

7.4.2 The proposed land uses would not increase the risk of flooding elsewhere and are low risk in terms of the type of uses proposed. Neither the Environment Agency nor Lincolnshire County Council as Local Lead Flood Authority have raised any objections to the proposal. The proposal is therefore in accordance with the NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change) and Local Plan policy EN5.

7.5 **Highway Issues**

7.5.1 Paragraph 109 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.5.2 It is noted that the Local Highway Authority have raised no objections, and it is considered that the proposal would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.

8 Crime and Disorder

- 8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

9 Human Rights Implications

- 9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

10 Conclusion

- 10.1 Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 9 and 12) and Policy DE1 of the South Kesteven Local Plan. There are no material considerations that indicate otherwise although conditions have been attached.

RECOMMENDATION: that the development is Approved subject to the following conditions

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- i. Location Plan received 5th August 2020

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

Ongoing Conditions

- 3 The land shall not be used for any purpose other than those shown in the Design and Access statement received 5 August 2020 or for temporary uses permitted by Schedule 2, Part 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), unless otherwise agreed in writing by the Local Planning Authority. Before any new use is commenced the owner shall

submit a plan showing the location and nature of any new use(s) to the Local Planning Authority for written approval.

Reason: For the avoidance of doubt and the use of the land for any other purpose would need further consideration by the Local Planning Authority.

Standard Note(s) to Applicant:

- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.
- 2 Haconby Public Footpath No. 16 is affected by the proposed development.
 - i) It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.
 - ii) The proposed development should not pose any dangers or inconvenience to the public using the right of way.
 - iii) Vehicles should not be parked on the public footpath.
 - iv) The surface of the public footpath should not be disturbed without the prior consent of the County Council.
 - v) The County Council may authorise the installation of new gates on the footpath for stock control purposes. All new gates must be licenced by the County Council and the applicant should carefully consider the layout of the plots in order to minimise the need for additional kissing gates.