

BOSTON BOROUGH COUNCIL

Planning Committee - Planning Committee 29th June 2021

Reference No: B/21/0158

Expiry Date: 07-Jun-2021
Extension of Time: 2nd July 2021

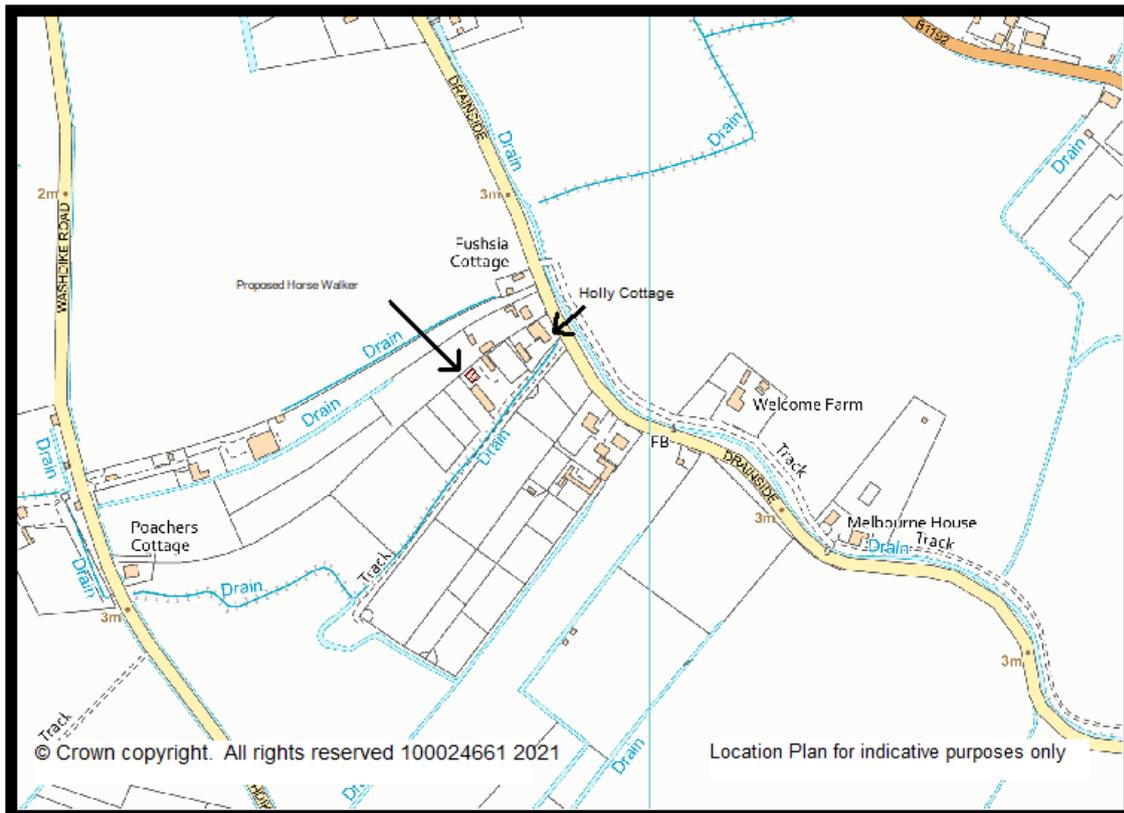
Application Type: Full Planning Permission
Proposal: Proposed horse walker for up to four horses
Site: Holly Cottage, Drainside North, Kirton, Boston PE20 1PE

Applicant: Mr Thomas Strickland

Ward: Kirton & Frampton Parish: Kirton Parish Council

Case Officer: Simon Eldred Third Party Reps: 1 received

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This item has been called in for consideration by the Planning Committee by Councillors Nigel Welton and Peter Watson, who indicate that owing to the planning history associated with this site and ongoing issues, this application should be determined by the Planning Committee in the interests of openness and transparency.

2.0 Application Site and Proposal

- 2.1 The application site has an area of approximately 0.01 hectares, and consists of a hard-core/gravel-surfaced area of land, part of which contains a shipping container and part of which is used for the open storage of materials and machinery. It has:
- a 3m-high deciduous hedge to its north;
 - shipping containers and a large, open-fronted storage building to its south;
 - a paddock to its west; and
 - a gravel-surfaced area (containing a horse-box at the time of the site visit) and a large barn/stable building to its east.
- 2.2 It is part of a much larger property which consists of (from east to west) a two-storey dwelling, a one-and-a-half storey garage block, an equestrian ménage, stable/storage buildings, and extensive paddocks. With the exception of the residential parts, the majority of the property is devoted to equestrian uses. The surrounding area is strongly rural in character, although there are four other dwellings within approximately 200m. Much of the surrounding land (including much of that immediately to the north and south) is used for the keeping of horses.
- 2.3 It is proposed to erect a four-horse Claydon horse-walker - a circular structure consisting of inner and outer mesh fences containing a rubber-surfaced walkway on which horses will walk, encouraged by four revolving 'pusher' arms extending from a central motor unit. The horse-walker will have a diameter of approximately 10m, the fences will stand approximately 1.7m in height, and the structure will be unroofed and unlit. The application indicates this is to be used in connection with the domestic use of the site.

3.0 Relevant History

- 3.1 In 2001, full planning permission (B/01/0169) was granted for the construction of a domestic storage barn.
- 3.2 In 2017, full planning permission (B/17/0251) was granted for the creation of a storage building for hay and grass cutting equipment.
- 3.3 In 2019, full planning permission (B/19/0129) was granted for a timber barn to use as a stable for private use.
- 3.4 Members should be aware that has been recent Enforcement activity in connection with the site, however, at this time, no breaches have been identified and no formal action has been taken.

4.0 Relevant Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.

South East Lincolnshire Local Plan 2011-2036

The following Policies are considered to be the most relevant to this proposal:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development; and
- Policy 4: Approach to Flood Risk.

National Planning Policy Framework

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 12: Achieving well-designed places; and
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

5.0 Representations

- 5.1 As a result of publicity, an objection was received from the occupant of a neighbouring dwelling (Spittal Farm). The objection can be summarised as follows:

- a horse-walker is unnecessary for private, domestic-scale equestrian use;
- surface water from the impermeable parts of the horse-walker will flow onto their land, increasing the risk of flooding. The application contains little (and contradictory) information concerning the disposal of surface water, with the application form indicating that a soakaway will be used, whilst the Flood Risk Assessment suggests that water will disperse into the surrounding ground surface;
- noise from the horse-walker's motor and the horses' feet will create a nuisance to nearby dwellings;
- given the proximity of the proposed horse-walker to their boundary, the horse-walker has the potential to unsettle their horses as they graze in their nearby paddocks or are being walked past;
- they also express concerns re.:
 - during what hours the horse-walker will be used; and
 - whether the horse-walker will be lit.

6.0 Consultations

- 6.1 Kirton Parish Council indicates that it has no objections.

7.0 Planning Issues and Discussions

- 7.1 The key planning issues in the determination of this application are:
- matters of principle;
 - impacts on the character and appearance of the area;

- impacts on neighbours' amenity;
- flood risk; and
- other matters.

Principle

- 7.2 Policy 1 of the Local Plan identifies 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.
- 7.3 It is considered that the addition of a horse-walker to a property which already contains an equestrian ménage, 4 stable/storage buildings, and extensive paddocks meets these requirements of Policy 1.
- 7.4 The objector questions the need for a horse-walker if the equestrian use at the property is of a private, domestic-scale. Whilst it is not the Local Planning Authority's role to consider whether a proposed development of this sort is 'needed', the principle of whether the equestrian use is of a scale or nature that could be considered commercial was considered as part of the assessment of an earlier planning application, B/19/0129. That assessment concluded that *"there appears to be no evidence to suggest that any current horse related activities being carried out at the site are commercial in nature."* That assessment was made as recently as August 2019, and there is no evidence to suggest that matters have changed significantly since that date. Nonetheless, that previous planning permission was granted subject to a condition to require the barn/stable to be used for domestic purposes only, and the use of such a condition is considered to be equally appropriate for this proposal.

Character and appearance of the area

- 7.5 Policy 2 of the Local Plan indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area.
- 7.6 The horse-walker is proposed to be located approximately 95m from any public vantage point, and in a location where it will have:
- a 3m-high deciduous hedge to its north;
 - shipping containers and a large, open-fronted storage building to its south; and
 - a large barn/stable building to its east.
- 7.7 Given the modest size of the horse-walker and the above surroundings, it is considered that the horse-walker will not be visible from any public vantage point. No lighting is proposed, and it is considered that the appearance of the horse-walker will be entirely in keeping with that of its surroundings, where equestrian uses, buildings and structures predominate. All of which are of a scale which is considered to be commensurate with the domestic use of the site, and would not be considered to be unusual within a countryside setting such as this.

7.8 In all, it is considered that the proposal: will be in keeping with the established local character; will not have adverse impacts upon the character and appearance of the area; and meets these requirements of Policy 2.

Neighbours' amenity

7.9 Policies 2 and 3 of the Local Plan require the amenity of neighbouring land users to be protected.

7.10 The objector argues that noise from the horse-walker's motor and the horses' feet will create a nuisance to nearby dwellings.

7.11 There are four dwellings in the surrounding area, but all are a substantial distance from the location of the proposed horse-walker:

- Fuschia Cottage is approximately 100m to the north-east, with a 3m-high deciduous hedge and stable buildings in the intervening space;
- Spittal Farm is approximately 75m to the north-east, with two large barn/stable buildings in the intervening space;
- Tenacre is approximately 115m to the south-east, with two 3m hedges in the intervening space; and
- Woodrey is approximately 150m to the south-east, with two 3m-high hedges and Tenacre in the intervening space.

7.12 Given the modest size of the proposed structure, the nature of the proposed use, the above separation distances, and the intervening hedges and buildings, it is considered that the horse-walker will have no adverse impacts on these nearby dwellings in terms of over-shadowing, loss of light, harm to outlook, or overlooking/loss of privacy.

7.13 Given that a horse-walker's motor must operate in great proximity to horses, it is designed to generate only modest noise levels, and the rubber-surfaced walkway will minimise noise from the horses' feet. Given these factors and taking into account the separation distances and the intervening hedges and buildings, it is considered that the proposal will not have adverse impacts on nearby dwellings in terms of noise generation. It is also noted that the horse-walker will be located in proximity of the paddock associated with the neighbouring Spittal Farm as opposed to a core part of its residential amenity space or the dwelling itself and thus, an objection on amenity grounds is not considered to be sustainable.

7.14 In all, it is considered that the proposal will not harm neighbours' amenity and that it therefore meets the requirements of Policies 2 and 3.

Flood risk

7.15 Policy 4 of the Local Plan seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.

7.16 The application is accompanied by a Flood Risk Assessment which indicates that *"the structure does not contain a roof. Water will be dispersed evenly across the site. Slight elevation from the anti-slip permeable rubber matting*

used. Creating a capable layer of water holding. Excess water run-off falls onto surrounding hardstanding. With the added benefit of being near to a hedge, providing water absorption.” In contrast, the application form indicates that surface water will be disposed of to a soakaway.

7.17 Given:

- that the application form indicates that the horse-walker will have an impermeable concrete base;
- the proximity of the horse-walker to the property to its north; and
- the lack of clarity with regard to proposed surface water disposal methods, it is considered that the proposal has the potential to increase flood risk to the neighbouring property. In these circumstances, it is considered necessary to impose a condition to require the submission of scheme for the provision and implementation of surface water drainage.

7.18 Subject to the above condition, it is considered that the proposal meets the requirements of Policy 4.

Other matters

7.19 The objector argues that, given the proximity of the proposed horse-walker to their boundary, the horse-walker has the potential to unsettle their horses as they graze in their nearby paddocks or are being walked past. It is considered that the intervening 3m-high hedge will ensure that views of the horse-walker will be obscured. Whilst the hedge is deciduous, and will therefore provide a less effective screen in the winter months, it is nonetheless considered that its thickness will ensure that views will still be substantially curtailed. Given that a horse-walker's motor must operate in great proximity to horses, it is designed to generate only modest noise levels, and the rubber-surfaced walkway will minimise noise from the horses' feet. Thus, it is considered unlikely that noise will be generated that might unsettle the neighbouring horses.

7.20 The objector express concerns about whether the horse-walker will be lit. The drawings and photographs illustrating the proposal show no lighting.

7.21 The objector expresses concerns about the operating hours for the use of the horse-walker, and it would be an option for a condition limiting operating hours to be imposed. However, given that no adverse impacts upon neighbouring land users have been identified, it is considered that such a condition is unnecessary.

8.0 Summary and Conclusion

8.1 The proposal:

- will have no unacceptably adverse impacts on the character and appearance of the area;
- will have no unacceptably adverse impacts on neighbours' amenity;
- subject to a condition, is acceptable in flood risk terms; and
- meets the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2011-2036.

9.0 **Recommendation**

9.1 It is recommended that Committee GRANTS Planning Permission, subject to the following conditions and reasons:-

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

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the application received 01-Apr-2021 and in accordance with the associated plans and documents referenced:

- Location Plan;
- Block Plan;
- Photo image of horse-walker; and
- Photo-image of single pusher.

Reason: To ensure that the development is undertaken in accordance with the approved details, and to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.

3. The horse-walker hereby approved shall be used for domestic purposes only that are considered incidental to the enjoyment of the occupiers of the dwelling known as Holly Cottage, and no commercial activity shall take place from the site.

Reason: The horse-walker hereby approved has been assessed as being for domestic purposes only and the impact of running any commercial venture from this site has not been assessed. The approved development accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan 2011-2036 and the intentions of the NPPF (2019).

4. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

Reason: To prevent the increased risk of flooding in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan 2011-2036.

