

Present:

Chairman: Councillor Tom Ashton  
Vice-Chairman: Councillor Alison Austin

Councillors: Peter Bedford, Katie Chalmers, Paul Goodale,  
Jonathan Noble, Paul Skinner, Yvonne Stevens,  
Chelcei Trafford, Peter Watson and Judy Welbourn

Officers: Assistant Director - Planning, Legal Advisor, Legal Services  
Lincolnshire and Democratic Services Officer

## **102 APOLOGIES**

Councillor David Brown and Councillor Deborah Evans tabled apologies. No substitute members in attendance.

## **103 MINUTES**

With the agreement of the committee, the Chairman signed the minutes of the previous meeting held on the 29 April 2021.

## **104 DECLARATION OF INTERESTS**

Standing declarations of interest are recorded for the following Members of the committee:

Councillors Tom Ashton, Alison Austin and Paul Skinner in their respective roles as Lincolnshire County Councillors.

Councillors Tom Ashton, and Peter Bedford in their respective roles as members of the South East Lincolnshire Joint Strategic Planning Committee and Councillors Jonathan Noble and Paul Skinner in their roles as substitute members' of the said committee.

Councillors Tom Ashton, Peter Bedford and Paul Skinner in their respective roles as representatives of the Internal Drainage Boards.

Councillor Peter Watson declared that he had called-in Planning Application B 21 0158 based only on information from the planning department. Councillor Watson confirmed he had held no discussion with any party in respect of the application and would determine it with an open mind based on the evidence presented.

## **105 PUBLIC QUESTIONS**

No public questions.

**106 PLANNING APPLICATION B 21 0158**

**Planning Application B/21/0158**

**Proposed horse walker for up to four horses**

**Holly Cottage, Drainside North, Kirton, Boston PE20 1PE**

**Mr Thomas Strickland**

The Assistant Director – Planning presented the application to committee, confirming that it had been called-in, due to the planning history on the site. As such, it was agreed that a transparent determination by the committee was required for this application.

The application site had an area of approximately 0.01 hectares, and consisted of a hard-core / gravel-surfaced area of land. Part of land sited a shipping container used for the open storage of materials and machinery. In addition, the site had a 3m-high deciduous hedge to the north, a paddock to the west and a large barn/stable building to the east

The site formed part of a much larger property that consisted of a two-storey building, a one-and-a-half storey garage block, an equestrian ménage, stables, storage buildings and extensive paddocks. The surrounding area was rural in character with four other dwellings within approximately 200m. The surrounding land including much of that to the north and south already had horses on them.

The horse walker, which the application indicated would be used in connection with the domestic use of the site, would be 10 metres in diameter with the fences standing 1.7 metres. It would form a circular structure with inner and outer mesh fences and a rubber-surfaced walkway for the horses. It would be un-roofed and un-lit.

Addressing the history of the site, the Assistant Director – Planning advised that it had been subject to various planning permissions with the most recent being in 2019, when permission was granted for a timber barn for use as a stable and for private use.

Confirming there had been no response from any of the statutory consultees, the Assistant Director – Planning advised that representation had been received from the neighbour at Spittal Farm, citing concerns that the surface water would flow onto their land increasing future flood risk. The neighbour further stated they felt the application was contradictory concerning the disposal of surface water as the application indicated the use of a soakaway, but the Flood Risk Assessment suggested that water would disperse into the surrounding ground. Officers had conditioned a scheme for the provision and implementation of surface water be submitted.

Representation was received from Mr Henty in objection to the application that included the following:

Reiterating the opening comments of the Assistant Director – Planning, Mr Henty referenced the history with the applicants and stated he was pleased the application had come before committee for transparency of the decision making.

He advised that ongoing development at the application site had resulted in damage to his land. Referencing the hedge identified within the report for surface run-off, he confirmed that the hedge was on his land and that the size of the intended site required soakaways be used for run-off water and not his hedge. Referencing the barn built in 2019, Mr Henty stated that the application had no drainage conditions thereon, with his hedge used ever since for run-off water from the ten stables and the barn. Whilst he had tried to take enforcement action, he had been unable to do so, due to the lack of conditions. He did not want that to happen with the current application. Mr Henty stated that the applicant had the opportunity to use substantial drains on the opposing boundary owned by Black Sluice Internal Drainage who would give consent. In conclusion, Mr Henty questioned the impact of the horse walker throughout the day and its exact siting in respect of the boundary.

The Chairman invited committee members to ask questions of Mr Henty – *Mr Henty's responses noted in italics:*

In response to questions from Members, the Assistant Director – Planning provided visual reference to siting of Mr Henty's property in relation to the applicants property, and the location of the optional drainage provision.

Was the neighbouring property on higher ground than Mr Henty's property?  
*Yes it was*

Thanking Mr Henty for his attendance, the Chairman invited Committee to deliberate and determine the application.

Overall Members acknowledged the history of the site and the issues resulting from the ongoing developments thereon. However, they agreed that the rural setting with the existing equine activity in the surrounding area was in keeping with the application. There were no spatial concerns in respect of the siting of the facility in relation in neighbouring residences. Rubber flooring addressed any concern of noise disturbance and the hedges were a good height to assist with noise and run-off water.

However, some Members were concerned at the potential issue of surface water run-off and drainage on the site, in line with the applicants' property being higher than the neighbours' property. Noting the consents on the previous applications and the lack of conditions thereon, they stated that that they would like to see a condition requesting that the applicant seek to use the Black Sluice drainage option to stop any water damage on Mr Henty's property.

Further concerns tabled noted that there was no condition in respect of lighting and once granted, the site could have lighting installed thereafter with nothing in place to control what type of lighting was permissible, if any lighting was at all. Furthermore, a roof could also be added at a later with no condition to be satisfied.

The Assistant Director – Planning addressed the above concerns as follows:

The report already had a condition to address the issues in respect of surface water drainage within the report – condition 4. It required a submission of a scheme for the provision and implementation of surface water drainage.

This gave the Council control of the situation and the site itself and offered a number of options. Should that condition change to require the applicant to apply to Black Sluice alone, and they in turn refused, then the applicant would need a variation.

What the Council could do would be to add an informative to the recommendation, which would advise the applicant of the committee's preference of the use of the Black Sluice facility alongside the site. Condition 4 would stand but the informative would highlight that committee, whilst having granted the application, would prefer Black Sluice as the operator for drainage of the site.

Any addition of a roof would require planning permission and as such, come through planning. Should committee agree the need for a lighting condition, to avoid any light pollution in a rural area, one could be included.

It was moved by Councillor Jonathon Noble and seconded by Councillor Paul Skinner that the committee grant the application in line with officer recommendation and subject to the conditions and reasons therein. Furthermore, committee agree the additional condition to restrict any future installation of lighting at the site and further agree a delegation to the Assistant Director–Planning to construct an informative in respect of drainage on the site.

**Vote:            11 in favour.            0 against.            0 abstention.**

**RESOLVED:**

That committee grant the application in line with officer recommendation, subject to the following conditions and reasons including the additional condition (No.5) in respect of any future lighting installations on the site and agreed the delegation to the Assistant Director – Planning to construct the additional informative (noted below after the conditions) in respect of drainage.

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.

5. Notwithstanding the details submitted as part of this application, no lighting shall be installed at the site to serve the horse-walker hereby permitted.

**Reason:** In the interest of the character and appearance of the area, and to ensure that no lighting is installed which could have an adverse impact on the character and appearance of the countryside, and to ensure that the development accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan 2011-2036 and the intentions of the NPPF (2019).

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Informative:**

The applicant is hereby encouraged to use all reasonable endeavours to consider the potential for the surface water solution required under condition 4 to discharge to the Internal Drainage Board drainage ditch which runs adjacent to the site. The applicant is encouraged to provide evidence of such investigations as part of the discharge of condition request required in connection with condition 4

## 107 APPEALS REPORT

The Assistant Director – Planning presented the report advising that all the decision were contained within the report for reference.

9 decisions had been appealed of which 7 had been dismissed, 1 allowed and 1 was quashed in respect of enforcement on tall trees with a new application on going.

The Council's Appeal performance remained good and was better than the national target over the rolling two-year period, which was a good indicator of the quality of decision taking. It further reflected the current position within the local plan, which would have an effect in terms of guiding development and reducing the Councils exposure to speculative applications.

The Assistant Director – Planning referenced two notable applications of interest:

The first being the decision in respect of the Field Street application that the Inspector had supported which had been the first test of Policy 21 in respect of HMO development.

The second decision in respect of the Land north of Millstone Kirton End. An earlier application allowed on Appeal on a site not far from the Land was prior to the local plan and at a time where the Council had no 5-year housing land supply (5YHLS). This application within the same general area was dismissed, with the Inspector giving weight to the local plan and noting the existence of a 5YHLS.

Concluding the Assistant Director – Planning provided a short update on workload during the past year. He advised Members that the work progression for 2020/21 was comparable against the previous year. Of the 525 applications received the substantive amount were agreed, many through delegated decision. Moving on to housing completions, it was noted that 294 units were completed last year, 142 of which had been affordable.

Member comment praised the performance level and number of affordable houses coming forward. Referencing the Appeal decision notices a request asked for all Members to receive hard copies of the notices as had been the previous practice. It was then discussed whether they could be added to the electronic weekly list or circulated electronically. Members agreed that the Appeal decision notices were not only interesting they were also a very informative tool to aid in decision-making. A Member asked how the Council was fairing in regard of its housing completion targets and how it compared to other authorities.

The Assistant Director – Planning responded to the member comments by advising he would prefer to circulate the decisions electronically as all of them were available on the website anyway, and would discuss with the planning team to see how the system could provide the documents.

Addressing the housing completion targets' he advised that the Council was 16 down on the year with 294 completions against the targeted 310, but this was not unexpected given Covid19 had affected development with the closure of building sites. It was hoped that Government would give allowances for the closure of the site.

Trying to compare workloads was very difficult as each Council worked differently. However the general feeling was everyone was busy. What the figures do underline is the positive that development was still ongoing in the Borough with investors willing to build.

In conclusion, the Chairman stated he felt very reassured when Planning Inspectors agreed the decision making of the Council, it built confidence and the policies were working well. Housing delivery was good which was very important for the Borough and the SELLP was delivering the housing it had been set up to do. Finally, the Chairman noted he wished credit be paid to the planning team for their ongoing work in achieving such levels of performance.

**RESOLVED:**

That the committee received the Appeals Report and noted the contents therein.

Prior to closing the meeting, the Chairman wished to express his thanks to all of those who had worked hard to ensure that the meeting could go ahead in the hybrid format. Particularly IT, Guildhall staff and Democratic Services.

The Meeting ended at 11.25 am