DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0593-25**	**Applicant:**	**Executors of Mr H Sharman**
Proposal:	Erection of a detached dwelling		
Location:	Land At Stamford House Farm 24 Peak Hill Cowbit		
Terminal Date:	8th October 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4- Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the demolition of an existing agricultural building, which itself benefits from Class Q approval, and the erection of a two storey dwelling, at the land at Stamford House Farm, Cowbit.

The dwelling would be of a contemporary and unique design, comprising an "L" shaped ground floor design, constructed from Natural Lincolnshire Limestone, with an overhanging first floor, finished in dark stained timber cladding. This would provide a total width of approximately 13.5m and a total length of approximately 20m. The maximum height would be 7.47m, of which the ground floor comprises 3m.

An area of planting would be located to the east of the site. An existing access point would be utilised, connecting on to a gravelled drive. A foul water package treatment plant is proposed to the front of the dwelling, beneath the drive.

Site Description

The site is located outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and as such can be considered to be within the countryside. The dwelling would be located to the south-east of Stamford House Farm, within a wooded area. The wider locale is characterised by linear residential development within a broadly agricultural area.

The agricultural building which currently benefits from class Q is located further north, closer to the other dwellings in the area. The building (former packing shed - circa 1950) is one of a group of agricultural buildings located at Stamford House Farm, along with an associated dwelling (No. 24) along the frontage.

Relevant History

H01-0055-24 - PAA - Change of use of agricultural barn to one dwelling - Approved 21-03-24.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Lincolnshire County Council - Highway/SuDS

Recommendation: Approve with conditions

Comments: The proposal is for Erection of a detached dwelling, and it does not have an impact on the

Public Highway or Surface Water Flood Risk.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response regarding drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application, and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Historic Places Team - Archaeology

It is noted that the applicant has not provided an assessment of the historic environment potential of the site, as outlined in the NPPF (paragraph 207).

The Historic Environment Record (HER) confirms that the site lies within an area of high archaeological potential. Cropmarks indicate the presence of prehistoric and Roman settlements both to the west and east of the present village, including an Iron Age saltern and domestic site (MLI23125), a Romano-British settlement (MLI23124), and Roman salt-making activity to the east of Stamford House Farm (MLI86347). Undated features, including an articulated dog burial, have also been recorded at Peak Hill (MLI98524). Although no site-specific investigations have yet been carried out, it is therefore likely that archaeological remains of a similar nature could survive within the site. The area also lies within the extent of both the recorded medieval (MLI23090) and post-medieval (MLI23091) settlements of Peakhill. Approximately 200 metres to the west, a Roman saltern was excavated and recorded as part of archaeological mitigation works undertaken during the construction of this segment of the A16.

The proposed development comprises: 'Erection of a detached dwelling'. The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218).

We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to an archaeological trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29). With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1YL, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works. It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

South Holland Environmental Protection - Contamination

I request a screening assessment form be completed and submitted complete with photographs.

South Holland Environmental Protection - Contamination - Secondary Comments

I have reviewed the screening assessment form with photographs dated 05.08/2025. I have no further comment to make regarding land contamination at this location.

Biodiversity Net Gain Ecologist

Documents reviewed:

- BNG Statutory Metric
- Preliminary Ecological Appraisal
- Arboriculturist report

Ecological Considerations:

- The applicant has provided a detailed PEA and we can have confidence in its conclusions. We support all mitigation recommendations provided by the ecologist in the preliminary ecology report.
- Due to the proposed site being a suitable habitat for nesting birds, we request that the following wording be set as a condition on discharge:
- "Vegetation should be cleared outside of the main bird nesting season (March to August inclusive) where possible. If works are justifiably required during the nesting season, then a nesting bird check/habitat inspection should be undertaken prior to work by an ecologists within 24 hours prior to clearance to ensure that there is not nest disturbance within the site. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign for clearance work to continue."

BNG Comments:

Overall, the BNG for this site is thorough, however, an amendment in the post-development habitats recorded is required as follows:
- As it is a dwelling being built, the grassland surrounding the new build must be classified as vegetated garden instead of retained modified grassland (please see page 51 of the Statutory Metric User Guide). However, this reduces the calculated biodiversity gain to below 10% (9.17%). Therefore, to achieve 10% BNG the mixed scrub planting area could be expanded from 0.042 to 0.044 ha, or the applicant could alternatively plant an extra small tree here to reach moderate condition.

- A HMMP and BNG Plan will need to be secured pre-commencement.

- Changes made to post-development habitat plan and the BNG metric must be finalized pre-commencement.

Conclusion: There has been sufficient evidence provided to determine this application. Some changes need to
be made to the BNG metric pre-commencement but we can have confidence that this application could
achieve mandatory 10% net gain onsite.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development and Sustainability

The NPPF outlines, within Paragraph 61, that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly". This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 of the SELLP is clear in that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements" is considered to be countryside, and as such the application site is considered to lie within the 'Countryside' in policy terms.

In assessing this matter, in respect of the principle of development in the open countryside, Policy 1 details that development within the countryside is limited to that where it "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 light of this, it is clear that a single dwelling within the open countryside, which does not meet a specific housing need, as illustrated within the supporting context of Policy 1, would typically be resisted in principle.

The supporting text to Policy 1 goes into further context regarding 'specific housing' need for such a location and states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". Exceptions can also be made, under Policies 22 and 23 of the SELLP respectively, for replacement dwellings in the countryside and reuse of existing buildings.

The wider site is occupied by an agricultural building, which at the time of writing, has yet to commence the work approved under H01-0055-24 (although it should be noted, as discussed later, that the building which benefits from this approval is not within the red-line for this new proposal). The proposal would see its removal, rather than conversion. As such, the proposal would not be eligible for assessment under Policies 22 or 23 of the South East Lincolnshire Local Plan (2019). The proposal has also not demonstrated a tangible need in line with Policies 19 or 20.

Principle of Development - Class Q

The site presently has prior approval for a change of use of an existing agricultural building, to form a single residential dwelling, as obtained under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015. Caselaw has demonstrated that Class Q consents are a legitimate fallback position when considering alternative proposals for development of the same site.

The relevant legal principles relating to this fallback were set out in R v Secretary of State for the

Environment and Havering BC (1998). In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted that there were three elements to the fallback test: "First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is "yes", a comparison must be made between the proposed development and the fallback use."

The notion of the Class Q fallback position was also comprehensively dealt within the Court of Appeal case, Mansell vs Tonbridge and Malling Borough Council (2017). It established that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority.

It stands to reason that, where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could (and perhaps should) be allowed to proceed.

It should be noted that the proposed dwelling would occupy a different footprint to the existing building, the conversion of which was considered under H01-0055-24. That being said, the site would still be within close proximity to the agricultural building and would still be within the same agricultural unit. On this basis, and for additional reasons discussed below, the relocation of the building is considered to be acceptable and would still be in accordance with the principles of a betterment application.

It is considered that the Class Q proposal is readily achievable, and therefore, the assessment of principle should focus upon whether the proposal would represent a betterment. Further discussion regarding whether the proposed dwelling would represent a betterment is found throughout the report, with this narrative being made within the context of this fallback position.

That being said, to briefly summarise the discourse to follow, the proposal is considered to represent a betterment over the previous scheme, as shown within the aforementioned Class Q. The design of the newly proposed dwelling is of far greater merit than the existing pack-house. Likewise, there is a clear betterment with respect to residential amenity, and biodiversity.

For these reasons, and those examined more thoroughly below, the proposal would be considered a betterment, and therefore, would be acceptable in this instance.

Principle of Development - Summary

To summarise the above, the proposal is considered to be contrary to Policy 1 of the Local Plan. The site is located outside of any defined settlement boundary, and as such, can be considered to be within the Countryside from a planning perspective. However, the wider has an existing class Q approval, which establishes the principle of a residential dwelling, in the form of a single conversion of an existing agricultural building.

The proposed new build dwelling, with any such permission also requiring the demolition of the existing agricultural building, would provide a betterment to the aforementioned scheme, which itself has a realistic prospect of being developed, through its enhanced location and resultant relationship with neighbouring built form and through its notably enhanced design; both matters of which are addressed further below.

As such, the proposal is considered to adequately demonstrate a betterment and can therefore be supported in principle.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December

2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

In respect of design, South Holland does not have a local design guide, meaning that supplementary guidance on design matters is principally driven by national documents, including the National Design Guide (NDG). The NDG outlines broad principles for well-designed places. Of particular note is Paragraphs 53 and 56 which, amongst other matters, relate that good design is built on an understanding of place and rooting a design in local vernacular. Paragraph 57 expands upon this, relating chiefly to materials of development.

The existing building is a mid-20th century, brick built structure of no significant architectural or cultural merit. The building is utilitarian, and whilst not of no visual merit, it cannot be said to warrant retention on architectural quality alone. The scheme granted under H01-0055-24 would not significantly change the appearance of the building, resulting in a not unpleasant design, but equally not affording an exemplary design. Internally and externally, the resultant dwelling, under the Class q proposal, would be entirely functional.

In contrast to this, the design proposed within this application is of significant architectural merit. The choice of materials is of a high quality. Both the stone and the dark timber cladding can be considered to be vernacular in the wider area, resulting in the proposal having a clear appreciation of historic design choices within Lincolnshire. The application of these vernacular materials has been done in a contemporary way, creating a bold design rooted in place. The two contrast well, providing a coherent but striking appearance. Tactile materials have been selected, increasing the warmth of the design. As such, the provisions of Paragraph 53, 56 and 57 of the NDG have been clearly met.

The design itself is contemporary and of high quality. The use of an overhang creates visual interest and further emphasises the deliberate division between ground and first floor. This creates further architectural interest, resulting in a unique appearance.

Whilst the proposal may not reflect the more typical dwellings found in the immediate locale, it can be said to improve the appearance of the immediate area. Paragraph 60 of the NDG expressly encourages this, stating: "Where the character of an existing place has limited or few positive qualities, then a new and positive character will enhance its identity". The proposal therefore can be said to show conformity to the NDG in this regard also. In any event, the site is well screened and so the tangible impact upon the character of the wider area is reduced somewhat; and therefore, any perceived contrast would be minimal.

The overall scale is well proportioned to existing dwellings within the area and the constraints of the plot itself. This result in a coherent narrative in the design.

The proposal is clear betterment over H01-0055-24 in terms of design.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The dwelling hereby proposed is located at a far greater distance to neighbouring dwellings than the existing scheme under H01-0055-24. As a result, the amenity impact would be bettered. Moreover, the new positioning within the woodland would provide greater screening, reducing potential overlooking or overshadowing. The new location would offer far more amenity space for the potential occupants, again resulting in a betterment.

The proposal is a betterment in residential amenity over H01-0055-24.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Adequate parking has been provided. The relevant access would be improved to LCC specifications. This improvement to the access would be an enhancement over H01-0055-24; however, this would not count significantly in favour of the proposal.

The Local Planning Authority have consulted Lincolnshire County Council, as Local Highway Authority. It has been advised that, subject to the imposition of conditions and informative, which have been recommended, the local Highway Authority have no objections to the proposal, and as such, it is not considered that the proposal would result in a severe impact upon highway safety.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 1 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of any identified hazard zones. As a result, the tangible risk of flooding on the site is negligible. That being said, in the highly unlikely event flooding did occur, a two-storey dwelling would be resilient than the one-storey proposal granted under H01-0055-24. Therefore, the proposal is a betterment in this regard; however, only minimal weight can be attached to this point as the risk of flooding is so low.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

The proposal would not meet any of the exceptions outlined in the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and therefore, the statutory biodiversity net gain condition is required, alongside the standard Habitat Management and Monitoring Plan condition.

It has been clearly demonstrated that the required 10% can be achieved on site. This has been ratified by the comments of the SELCP Ecology. This net gain would be a clear benefit over the previous scheme which provided no such gains. The proposal can be considered to be a betterment in this regard.

The proposal would involve works which may impact upon nesting birds. The submitted PEA has outlined potential mitigation strategies to limit the impacts. Should this mitigation strategy be followed, then no harm to species would arise.

Heritage and Conservation

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications which may impact upon the historic environment, including archaeological remains, should preserve or enhance historic assets.

Part C of Policy 29 concerns "archaeology and scheduled monuments". This Policy outlines five assessment points for an application which may impact upon archaeological remains, the first three of which are particularly relevant here:

"1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.
2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.
3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."

Paragraph 205 of the NPPF states:
"Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
a) assess the significance of heritage assets and the contribution they make to their environment; and
b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and

archaeological interest, will be discovered in the future."

In this instance, the historic environment record comes from the Lincolnshire Historic Environmental Record (LHER). The LPA's interpretation of the information within the LHER is informed via consultation with the Historic Places Team of Lincolnshire County Council (HPT), who maintain the LHER.

The public information relating to the LHER is taken from the Lincolnshire Heritage Explorer (LHE). The LHE is not a comprehensive database, and the information contained within it is constantly evolving. The LHE webpage is explicit that "the information provided through the Lincolnshire Heritage Explorer is only part of that held by the LHER, and will not be sufficient on its own to inform the planning process".

Sites of archaeological interest can broadly be separated into two categories: designated assets and non-designated assets. Designated assets, such as scheduled monuments, are far rarer and only occur in places where the requirements of the Ancient Monuments and Archaeological Areas Act 1979 can be applied. These are sites which have a pre-established significance to archaeological understanding at a wider national level, and must be designated by the Secretary of State as such. Accordingly, such sites are rare and are often designated after the scope of the asset has been established. The site in this instance is not designated.

Footnote 75 of the NPPF states that: "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."

It has been stated by the relevant consultee from the Historic Places Team that the site is in an area of potential archaeological interest. The site is within the medieval and post medieval settlement boundaries of Peak Hill (MLI23090 and MLI23091) and several other key finds have been found in the area. The site is also within the grounds of Stamford House Farm, Cowbit (MLI122805) which is recognised as a non-designated heritage asset in the LHER. On this basis, the site can be considered a site of archaeological interest, and a potential non-designated heritage asset.

On this basis, the Historic Places Team have recommended that, in the event the proposal is approved, the standard suite of archaeological conditions is imposed. The conditions would require the submission of a written scheme of archaeological investigation, followed by archaeological works to be done in accordance with the approved scheme. There is no evidence before the Planning Department which would indicate that this would be excessive.

Without the imposition of the requested condition, there is the potential for harm to a non-designated heritage asset, via the disturbance of a site of potential archaeological interest. On this basis, it is considered necessary to impose these conditions.

As outlined above, the site is within proximity of a NDH. However, the listing for Stamford House Farm, Cowbit (MLI122805) within the HER primarily refers to the original host dwelling, as opposed to the barn to be demolished. On this basis, it is not considered that the loss of this barn would be akin to the loss of an NDH. Likewise, the new development is sufficiently screened and visually differentiated from the Stamford House Farm as to prevent harm.

Other Matters

To ensure the quantum of development remains at one dwelling, and that the principles of a betterment proposal are adhered to, it is considered appropriate to impose a condition requiring the complete demolition of the existing barn prior to the first occupation of the dwellinghouse proposed.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

Overall, the proposal is considered to represent a clear betterment over the Class Q fallback. When considered against the realistic prospect of the implementation of the Class Q fallback, it is conceded that the approved Class Q is of a lower quality and would greater harm to the character and appearance of the area.

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.

Conclusion

Taking the above considerations into account, notwithstanding the identified conflict with Policy 1, the proposal is considered to be acceptable and would be in accordance with Policies 2, 3, 4, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

There are no significant factors in this case that indicate against the proposal and outweigh the consideration referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.