DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H02-0189-26** | **Applicant:** | **Mr & Mrs M Gill** |
| **Proposal:** | Change of use of existing outbuilding to ancillary living accommodation and minor alterations to external elevations - retrospective | | |
| **Location:** | Hides Farm The Common Crowland | | |
| **Terminal Date:** | 27th April 2026 | | |

**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 |
| 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 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 1 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |

| | | | | |
|---|---|---|---|---|
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

The application seeks full planning permission for the change of use of an existing outbuilding to ancillary accommodation and minor alterations to the external elevations of the building.

The minor alterations include inserting a patio doorway in place of a window on the western elevation and inserting a doorway in place of an existing window on the same elevation. The other alteration includes the insertion of two rooflights on the northern roof slope instead of the existing central rooflight.

The application is retrospective as according to the application form the works took place in 2015.

During the determination of the application, the red line boundary has been reduced to exclude the paddock area to the south of the site as it was considered unnecessary for this area to be within the application site.

### Site Description

The site comprises land at Hides Farm, The Common, which comprises a detached dwelling, an outbuilding and garden land. The site is located approximately 3km to the north-west of Crowland.

The site is located outside any defined settlement limits as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

There is a Public Right of Way that runs through the site from east to west.

### Relevant Planning History

H02-1060-10: (Full Application) Proposed replacement dwelling - approved 17 February 2011

H02-0378-12: (Full Application) Erection of replacement dwelling to include garages, erection of stables and change of use of field to use for the domestic keeping of horses - approved 24 July 2012

H02-0332-13: (Full Application) Details of external materials and design and position of external boxes, gas flues and soil vent pipes (Conditions 6, 7, 12 and 13 of H02-0378-12) - approved 02 July 2013

### Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Crowland Parish Council: Crowland Parish Council has no objection to the application, on the condition that the proposed restriction is implemented and maintained as specified.

Welland and Deepings Internal Drainage Board: No comments.

Ramblers Association: No comments, or objections, to this proposal as it has no impact on Public footpaths or rights of way.

Lincolnshire County Council - Highways and SUDS: The access remains unchanged and there is sufficient space for parking and turning. The proposal will not have an adverse impact on the public highway.

Environmental Protection: No comments.

Open Spaces Society: No response received.

Cllr B Alcock: No response received.

Cllr J R Astill: No response received.

Cllr A Harrison: No response received.

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 representations have been received from members of the public.

## Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority (LPA) 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, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Flood Risk;
-Highways Safety and Parking; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan 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.

The site is outside any defined settlement boundary and as such, the site is within the countryside in planning policy terms. Policy 1 sets out that within 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.

There are no specific policies within the Local Plan or within the NPPF which set out how proposals for annexes and outbuildings should be determined. This is likely because there are permitted development rights allow for the use of ancillary buildings as annexes and for outbuildings. This represents a potential fallback position. Notwithstanding this, proposals for annexes are expected to be of a size and scale reflecting their ancillary function. In most instances, annexes should demonstrate dependency on the relevant host dwelling in some degree. For example, through physical linkage, close siting, the provision of limited accommodation, the sharing of curtilage and facilities, and the ability to be used as part of the main dwelling at a later date. Case law has established that the provision of facilities for independent living would not necessarily result in the creation of a separation planning unit from the host dwelling. This is a matter of fact and degree.

In this case, the annexe is located within an existing outbuilding and no additional built development is proposed. According to the submitted planning statement, part of the outbuilding has been used as accommodation for extended family members. The outbuilding is not occupied independently.

In this case, the annexe would share garden space with the host dwelling and there would not be a separate vehicular access to the annexe. Whilst the annexe would replicate some of the facilities within the host dwelling, it is considered that the annexe would be of a proportionate scale to the host dwelling and that the annexe would remain subservient to the host dwelling due to shared facilities and the lack of a separate vehicular access. A planning condition can be included to limit the occupation of the annexe to ensure that it remains part of the planning unit. Therefore, the principle of development is acceptable, and the proposal is considered to accord with Policy 1 of the Local Plan.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan 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.

Policy 3 accords with the provisions of Section 12 of the NPPF, 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.

Minor external alterations are proposed including inserting a patio doorway in place of a window on the western elevation and inserting a doorway in place of an existing window on the same elevation. The other alteration includes the insertion of two rooflights on the northern roof slope instead of the existing central rooflight. The visual impact of the alterations is considered to be acceptable. Therefore, the proposals accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The nearest dwelling to the site is Hides Farm, 1 The Common, and this dwelling is located to the north of the site. The proposed annexe would not have an unacceptable impact on the amenity of

this dwelling due to the separation distances between the annexe and the dwelling.

The proposed development would not result in significant detrimental impact on the amenity of future occupants or the neighbouring properties. Therefore, the development would accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is within Flood Zone 3, however, the site is not 'low' and 'Danger to Some' hazard rating area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. As the proposal is for an annexe, no specific flood risk mitigation is required in this instance as the development would not result in any increased flood risk either at the site or to any surrounding land. Notwithstanding this, it is noted that there is a first floor within the annexe and as such, occupants would have an area to go to in the event of a flood.

Furthermore, Paragraph 176 of the NPPF sets out that applications for some minor development and changes of use should not be subject to the sequential test or the exception test. As the proposal is a householder application, it is not considered necessary to apply either of these tests in this instance.

Therefore, it is considered that in terms of flood risk, the proposed development accords with Policy 4 of the Local Plan and the Paragraph 178 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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 would be severe, following mitigation.

Policy 2 of the Local Plan sets out 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.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, 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.

No changes are proposed to the vehicular access to the site. Sufficient room would be retained within the site for parking and turning. Lincolnshire County Council's Highways Team have not raised any concerns with the proposals in terms of highway safety. Therefore, the proposed development would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

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.

Unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

## 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.

The development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby residents. The proposal would have an acceptable impact in terms of the impact on highway safety and flood risk. The proposal accords with the Local Plan and the NPPF when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

## 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, the proposal is considered to accord with Policies 1, 2, 3, 4 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

## Recommendation

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