

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0104-26 **Applicant:** Mr G Mason
Proposal: Erection of two holiday lodges
Location: Land Adj Poplar Kennels Poplar Farm Banks Drove
Terminal Date: 3rd 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
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
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 6 - Building a strong competitive economy
Section 8 - Promoting healthy and safe communities
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
Section 16 - Conserving and enhancing the historic environment

Representations:

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

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for two holiday lodges on Banks Drove.

The accompanying planning statement sets out that 'The proposal seeks to create a bespoke, quiet, and scenic retreat specifically designed for dog owners. The development will offer a safe and secure countryside setting, allowing visitors to enjoy the unique landscape of the South Holland district with their pets.'

The lodges would be timber boarded with a shingle roof. Each would have 3 bedrooms in addition to the living/kitchen space, with decking outside. Each unit would measure approximately 11.7m (rising to 14.8m when the decking is considered) by 6.1m (rising to 7.4m when the decking is included). Each would have a maximum height of approximately 3.5m. The two units would be set at right angles and at a distance from one another within a meadow of uncut grass.

It is proposed to open up an existing access and to cut back an existing hedgerow in order achieve adequate visibility. The access would be asphalt up to 5m into the site where there would be a gate, this is to allow vehicles to pull off from the highway.

It is proposed to plant fruit trees to the front of the site in a linear form, some trees to the rear, with new mixed native hedge to be planted to the south eastern boundary of the site.

The application is accompanied by a planning statement, a flood risk assessment and a BNG report.

Site Description

The site is outside of any settlement boundaries outlined in the South East Lincolnshire Local Plan, 2019, and can therefore be considered to be in the Countryside for planning purposes. The site is approximately 1.7km west of the southernmost tip of Spalding, and 2.5km north of Deeping St Nicholas. The site lies towards the north western side of an area in the ownership of Poplar Boarding Kennels, with this business being to the east-south-east of this site.

The site is currently a grass field, bordered by hedges, with a small area of trees to the north. It is stated in the Design and Access Statement that the site has not been used for agricultural purposes for 20 years; however, it does not appear that there has been any change of use applications in this period. On this basis, the lawful use of the site appears to be agricultural.

A Scheduled Ancient Monument (Settlement N of The Parks) is located to the immediate south, on the opposite side of the road.

History

None on the site.

Adjacent Sites

H03-0479-08 - Full - Proposed extensions to dwelling to form annex, offices and triple garaging - Approved 02/06/08

Consultation Responses

Historic England:

Note the presence of later prehistoric / Roman period archaeological remains in this area with scheduled monuments comprising Settlements North and South-West of Park Farm. The monument North of Park Farm sits directly opposite the application site and there is a high risk that associated archaeological remains are present.

This is a landscape which in the Roman period appears to have been occupied by settlements on the higher drier ground formed of sands and gravel falling to soft sediments and marsh which supported saltmaking, wildfowling etc.

Would view contemporary archaeological remains in the vicinity of the above scheduled monuments as contributing to their significance. Baseline assessment is necessary further to NPPF para 207 and there is a need to avoid / minimise / mitigate any impacts further to paragraphs, 208, 212, 213, 215, 216 and 218 should such remains be present.

Setting effects in respect of scheduled monuments are not limited to visual matters and below ground sites still have a visual setting in which they are experienced. In this instance the character of the proposed development is not visually intrusive hence the issues are archaeological only.

Given the relatively light character of the structures and other works proposed it may be possible to address archaeological matters through design and layout with appropriate investigations.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 207, 208, 212, 213, 215, 216 and 218 of the NPPF.

County Archaeologist

The applicant has not submitted a Statement of Heritage Significance in accordance with the NPPF (paragraph 207).

The site lies within an area of very high Roman archaeological potential, as confirmed by the HER (Historic Environment Record). LiDAR data indicates that it is located on a prominent roddon crest, which are focus of archaeological activity in this landscape. Satellite imagery confirms the presence of cropmarks. The HER records known heritage assets within and adjacent to the proposal red boundary, including the adjacent Scheduled Monument (1004980). MLI22066 - RB Settlement, NE of Jordan's Cradge Bank Rd, Poplar Farm, Deeping St Nicholas. MLI20008 - Settlement North of The Parks (Scheduled Monument 1004980).

The proposed development comprises: "Erection of two holiday lodges" The groundworks associated with the development (including any potential temporary works, access, landscaping, BNG, services and drainage installation), will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

Recommendation: Currently there is insufficient specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed development.

Therefore, I recommend the applicant to provide the results of a full standard archaeological

evaluation of the site. This is in line with the guidance set out in the NPPF 2024 (paragraphs 207 & 218). The applicant has not adequately described the significance of any below-ground heritage assets that may be affected by the proposed development. This in turn does not allow the Local planning authority to "identify and assess the particular significance of any heritage asset that may be affected by a proposal." (Paragraph 208 NPPF).

Given the very high archaeological potential, but as yet unknown character and extent, I recommend this application to be accompanied by the results of a HIA (Heritage Impact Assessment) informed by a Desk Based Assessment, Geophysics Survey and full standard archaeological trial trench evaluation in order to properly assess the site potential, inform the appropriate planning advice and design an appropriate mitigation strategy should consent be subsequently granted. The evaluation will aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which will be impacted by the proposed development as noted above.

It should also be noted that preferred mitigation strategies will include preservation in situ (avoidance of sensitive areas) where possible and open area excavation where not.

It is important that this application to fully considered the implications of this in its project feasibility assessment and that the results have been considered in designing the layout. The ability and flexibility for this is only as good as the knowledge of extent, character and significance of the archaeological resource on the site. We cannot plan mitigation appropriately against unevidenced conclusions.

Conservation Officer:

No objections. The site is directly adjacent to a Scheduled Ancient Monument, known as 'settlement north of the parks'. As this is an archaeological site, its importance is in the subsurface aspects and so the proposed development would not present a risk to the character of that asset. LCC Archaeology should be consulted and their comments given extremely great weight in the planning balance.

Environmental Protection:

Contaminated Land

No comments with respect to land contamination. Further EP comments to follow.

Noise

Due to the proximity of the Dog boarding kennels within the same ownership the proposal has the potential to be affected by unacceptable noise levels.

Request that a suitable and sufficient noise assessment is undertaken to identify if the proposals are acceptable. This should determine whether both daytime and night time levels are capable of meeting the standards of World Health Organisation noise guidance levels and BS 8233 2014 guidance.

SELCP Ecology

Summary: There has been sufficient evidence provided to determine this application and we are confident that 10% net gain can be achieved onsite with a current predicted overall gain of 106.68% in Habitat units and 513.67% gain in hedgerow units.

However, request that a slightly larger buffer of retained modified grassland be provided around the proposed holiday lodges and pathways to help mitigate the risks of failing to achieve the proposed habitat targets, given the likely human/pet disturbance pressures impacting the grassland in these areas.

Request more information about the area designated as a watercourse footprint and whether this area be more accurately classified as a Sustainable Urban Drainage System in the area tab of the metric, rather than classes as 0 units. If this area is classified as SUDS then it would appropriately contribute to the 10% net gain requirement.

Request that an HMMP and biodiversity gain plan be provided for this application pre commencement due to the relative complexity of creating some of the habitats proposed onsite.

Ecological Considerations:

Suitable habitats for nesting birds on site. Request a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 31st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. 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 off for clearance work to continue.

Request that the following habitat enhancements be implemented into the development plans.

-A amphibian/reptile hibernacula should be created and appropriately situated in raised/well drained area nearby to the proposed watercourse footprint (e.g., Hibernaculum Design Guide 2023 Mendip Hills AONB).

-Request that a minimum of 2 tree or pole mounted bird boxes and 1 bat boxes are also included on site to help mitigate habitat losses.

Highways and Lead Local Flood Authority :

No Objections. The proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk.

Existing access will need to be upgraded to Lincolnshire County Council specification. The proposal would not result in an unacceptable impact on highway safety.

Highway Informative 03 The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application.

Highway Informative 08 Contact the Lincolnshire County Council Streetworks and Permitting Team to discuss any proposed statutory utility connections.

Environment Agency:

This proposal comes under cell H6 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'.

Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of objection has been received.

This can be summarised as:

- Unclear if the proposal is for holiday or permanent use
- Potential harm to highway infrastructure
- Potential for fly tipping

Planning Considerations

The main issues and considerations in this case are:

- Principle of development and sustainability
- Impact on character and appearance
- Impact on archaeology.
- Ecology/biodiversity
- Highway safety and parking

- Flood risk 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.

In this case, the adopted South East Lincolnshire Local Plan (SELLP) 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland.

The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications.

Principle of Development and Sustainability

Principle of Development - Spatial Strategy

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.

Part D of Policy 1, in relation to the 'Countryside' 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 designated as Countryside".

The site is outside of any defined settlement boundaries outlined in the SELLP, and can therefore be considered to be within the Countryside for the purposes of Policy 1. In this context, Policy 1 states:

"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."

Paragraph 3.2.15 of the Reasoned Justification associated with Policy 1 expands upon this stating:

"Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan. Similarly, other assets such as waterways and access to the coastal areas may offer opportunities to expand the opportunities the area can offer visitors (See Policy 9: Promoting a Stronger Visitor Economy)".

Where a proposal would involve a tourism use, Policy 1 is supported by Policy 9 to determine whether a proposal is necessary and appropriate in a setting. Within the context of this site, Policy 9 states:

"Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:

1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise."

The provisions of Policy 9 are also expanded upon within the Reasoned Justification, with Paragraph 4.4.3 stating:

"However, some small-scale tourist facilities such as fishing lakes, equine development and caravan sites, small scale offices or other small scale rural development, may be more appropriately located outside a settlement boundary provided that there is a clear link to an established rural enterprise and the quality of the design ensures no adverse impacts upon landscape, heritage or biodiversity".

Policy Context - The Rural Economy

Section 6 of the NPPF outlines the role of the planning regime in respect to supporting economic growth. Paragraph 85 of this section outlines the aims broadly, stating:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

Paragraphs 88 and 89 of Section 6 specifically relate to the rural economy. They read as follows:

Paragraph 88: "Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

Paragraph 89: "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".

It should be noted that both Paragraphs were within the 2018 version of the Framework (then Paragraphs 83 and 84) and have been unchanged in the interim. As such, as the SELLP was written at the time of the 2018 Framework, there has not been a change of circumstances in this regard between the publication of the SELLP and the NPPF 2024 which would result in the SELLP and NPPF conflicting and the SELLP should have been written with these paragraphs in mind.

Analysis

As outlined above, proposals for tourism ventures should conform to Policies 1 and 9 in order to be considered acceptable. The requirements of Policy 9, as reaffirmed through Paragraph 4.4.3, are that proposals relating to the visitor economy should not conflict with neighbouring land uses, be in keeping with the character of the area and should demonstrate a functional link with an existing rural attraction or farm enterprise. Assessing the proposal against these points, the following is considered:

1. The provisions of criterion 1 relate primarily to functional matters, with design implications being covered in criterion 2. Further discussion of the land use implications can be found throughout this report. In brief, it is considered that the use would conflict with neighbouring land uses to a certain extent. No acoustic assessment (or equivalent) has been provided. On that basis, the existing noise levels emerging from the kennels are unknown. As such, it has not been quantified that the kennels would not detrimentally impact upon the viability of the tourism venture or the potential disturbances the existing noise would create. Generally, tourism ventures would be located away from noise producing uses, and so it cannot be said in this instance that there would not be conflict.

2. Further discussion of the character implications is found later in this report. That being said, it is considered that there is a fundamental conflict with the character of the area. The existing area is evidently rural, and is characterised by its lack of development and openness. Expansion into the countryside of this scale would weaken this existing character.

3. The Design and Access Statement outlines that it is the Applicant's intention for this to be a venture specifically for dog owners. It is rationalised within the Design and Access Statement that the lodges would be used in conjunction with the kennels, with the kennels making the site a natural hub for pet-related activities.

That being said, no tangible functional link between the two uses is proposed. Kennels are typically used when residents go away themselves or are temporarily unable to house their pets. It therefore seems illogical for a person to board their pet in the kennel and then stay in the adjoining field, particularly given the "dog friendly" nature of the proposal which would encourage users to bring their dogs. There is therefore no clear or convincing relationship to an existing rural enterprise or attraction.

There does not appear to be any other related uses which would support the proposal, under the guises of Policy 9. The copse to the north of the site is outside of the "redline" boundary of the site, and therefore would not be within the scope of this application. In any event, a private woodland is not an existing rural attraction as required for Policy 9.

The proposal would therefore fail to accord to Policy 9 as a whole, as there is no functional link between the proposal and an existing rural enterprise, and there is the potential for conflict with existing uses and the character of the area. On this basis, the proposal cannot be considered to necessitate a Countryside location.

As outlined in Paragraph 3.2.15, certain developments in the Countryside will be assessed against Policy 1 and any other more detailed policies in order to be considered acceptable in principle. This supplementary policy assessment (in this case against Policy 9) would carry weight in a decision and would determine the necessity of development. As the proposal is considered contrary to Policy 9, and therefore cannot be considered to necessitate a Countryside location, the development falls to be assessed against the sustainability criteria outlined in Policy 1. Assessing the proposal against these, the following is considered:

- Economic - The proposal would provide an economic benefit to the area. There would be some level of employment generated, either through primary means (cleaning and staffing) or secondary (tourists visiting other sites). That being said, these gains are not strictly site specific, and a relocation to within settlement limits would provide comparable benefits. Moreover, these benefits have not been quantified, and the small scale of the proposal would mean that these benefits are inherently limited.

As outlined above, Section 6 of the NPPF places significant weight in favour of proposals which would support economic growth. Paragraph 88 is clear that sustainable rural tourism ventures should be enabled, and Paragraph 89 clarifies that within rural areas, flexibility in location should be appropriately given. In light of these, weight is given in favour of the proposal.

However, Paragraph 88 is explicit that "sustainable rural tourism" ventures should be enabled. The judgement of what may be considered sustainable can be, in part, determined by adherence to the spatial strategy of the Local Plan (i.e., Policies 1 and 9). As outlined above, the proposal conflicts with Policy 9 of the SELLP, and would therefore not constitute an appropriate or sustainable rural tourism business. As such, the weight given in favour of the proposal by Paragraph 88 is tempered.

- Community - The proposal would not offer a community facility. It would be a private venture, seemingly without allowing access to non-paying guests. As such, there would be little to no social benefit

- Environmental - The proposed landscaping scheme would produce a 106.68% area gain and a 513.67% gain. These gains are relatively significant (as a percentage increase); however, the actual unit changes are small. Only approximately 0.06 hedgerow units would be created, which is an incredibly small amount and not tantamount to a significant benefit, regardless of the relative gain. Moreover, it is not clear that these gains would be transferred to the area, as necessitated by Policy 1.

On this basis, it is not considered that the proposal meets the requirements of Policy 1 or 9 of the SELLP. As such, whilst weight is given in favour of the proposal under Section 6 of the NPPF, the principle of development is considered unacceptable.

Impact on Character/Appearance

Section 12 of the NPPF, "Achieving well-designed places", states 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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture 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. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Paragraph 187 of the NPPF states that "Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside"

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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.

Whilst obscured from the public realm by hedges, the existing site has a clearly defined rural character. The area is open, with limited development. What development is present (typically) is conventional, isolated domestic dwellings, or agricultural sites. This is characteristic of the Fens, where a lack of development is a defining feature.

The proposed buildings are typical of tourism enterprises. The design is generic, as are the materials. There is nothing within the design which would necessarily relate to the surrounding built form or the vernacular of the area. The development would therefore appear placeless.

Fundamentally, the proposal would represent the expansion of built form into a rural area. This built form is not itself inherently rural or rooted in a sense of place. The proposal can therefore be considered as unwarranted expansion of built form into a rural area, which would be detrimental to the existing character of the area.

The proposal would therefore be contrary to Policies 2 and 3 of the SELLP and Section 12 and 15 of the NPPF.

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. Policy 30 concerns pollution of all varieties, including noise, odour and light disturbances.

The proposal would not increase overlooking or overshadowing directly.

No noise impact assessment has been provided. It has therefore not been quantified what the existing background noise levels are, and what the implications of the kennels would be upon the potential occupants of the lodges. As the scale of impact is unquantified, it cannot be said that the kennels would not detrimentally impact upon the amenity of the lodge's occupants. Whilst the nature of the tourism use means that there would not be a conventional harm in terms of residential amenity (i.e., a new use harms to amenity of existing permanent residents), it would create conflict between the two uses.

The proposal would therefore conflict with Policies 2, 3 and 9 in terms of residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. No specific standards are provided for tourism uses.

The Highway Authority raise no objections to the application outlining that suitable access and parking can be assured. The volume of traffic arising from two units would not be overly significant.

That being said, the site is physically distant from settlements. There is no dedicated pedestrian footpath along Banks Drove. No bus route appears to serve the site. On this basis, it is not considered that users could reasonably access any settlement (or the site itself) through means other than private vehicle. This directly conflicts with the provisions of the SELLP, NPPF, National Design Guide, Manual for Streets. The provisions of Paragraph 110 are noted here; however, there are still provisions within rural areas to maximise sustainable transport solutions, such as locating uses within settlements where connectivity is higher.

The lack of accessibility by any methods of transport other than private car ownership would be indicative of an unsustainable development within an inappropriate location. As a result, the site would fall short of the sustainability requirements of the SELLP and NPPF; and therefore, there would be significant weight against the proposal. To this end, whilst there would not necessarily be a safety concern, there would be a conflict with Policies 2, 3, and 33 of the SELLP and Sections 9 and 12 of the NPPF.

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

Paragraphs 173 states that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details 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 site lies within Flood Zone 2 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 South East Lincolnshire Local Plan (2019) 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.

The submitted FRA states in reference to the sequential test that: 'Large parts of the South Holland district close to the River Welland lie within Flood Zone 3. As such, opportunities to undertake the development at an alternative site with a lower flood risk are limited. The SFRA states that as it is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the 1% annual probability fluvial and 0.5% annual probability tidal event including climate change. The site therefore has a low probability of flooding and is considered to pass the Sequential Test.'

As set out above Paragraph 174 clearly seeks to steer new development to areas with the lowest risk of flooding from any source stating that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The applicants flood risk assessment refers to the fact that large parts of the district are within flood zone 3 and as such there are limited opportunities to undertake development in locations with a lower flood risk. No evidence of other sites have been considered.

The FRA does state however, in accordance with para 8.1.4 of the SFRA that it 'is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the 1% annual probability fluvial and 0.5% annual probability tidal event including climate change. The site therefore has a low probability of flooding and is considered to pass the Sequential Test.'

The Environment Agency refer to the Standing Advice Matrix which recommends appropriate mitigation which in this case is suggested that the development be set at 0.3m above ground level and that owners be signed up to advance warning.

As such, when considering the development on balance, it is considered that given the mitigation measures detailed and those that could be recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Biodiversity Net Gain and Ecology

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. For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

Provision has been made for Biodiversity Net Gain, and it is noted that the Ecologist is generally happy with the conclusions believing that the 10% gain can be made on site. They do request some alterations to the proposals which can be dealt with my condition.

Beyond this, Section 15 of the NPPF seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the NPPF details that Local Planning Authorities should apply the following principles: "a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

The ecologist notes that there are suitable habitats for nesting birds on site. Therefore, they request a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 31st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. 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 off for clearance work to continue.

They also request habitat enhancements be implemented into the development plans including an amphibian/reptile hibernacula be created and appropriately situated in raised/well drained area nearby to the proposed watercourse footprint and a minimum of 2 tree or pole mounted bird boxes and 1 bat boxes are also included on site to help mitigate habitat losses.

Historic Environment

Policy Context and Background Information

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.

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 Local Planning Authority'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".

Paragraph 208 of the NPPF states:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

As outlined above, the HPT would be the "necessary expertise" stated in Paragraph 208. The LHER would be the available evidence to the Local Planning Authority.

The site is adjacent to a Scheduled Ancient Monument, listed due to the high archaeological significance of the site. Within the HER, the site is within MLI22066, which shows evidence of Roman settlement in the immediate area.

Paragraph 207 of the NPPF states:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

This paragraph is further supported by Paragraph 41 of the PPG (Reference ID: 18a-041-20190723), which states:

"Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated that following the initial assessment of archaeological interest only a small proportion - around 3% - of all planning applications justify a requirement for detailed assessment."

The phrase "archaeological interest" contained within Paragraph 207 of the NPPF is defined in Annexe 2 of the same document. The following definition is given:

"There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point".

As outlined above, an assessment of the extent of archaeological interest, the significance of a

historical asset and the harm caused, is informed upon the information available to the Local Planning Authority, with this information coming both from the LHER and the applicant themselves.

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."

These points are expanded upon in Paragraph 7.3.15 of the SELLP which states: "Local Planning Authorities may require developers to assess the potential impacts of their proposal on archaeological remains in order to reach a decision on a development proposal". In essence, the SELLP establishes a need for the relevant information to be presented to the Local Planning Authority prior to a decision being formed on the application, with this potentially including field work.

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 within the designation of the Ancient Monument, but is immediately adjacent too it. The site is therefore potentially of high archaeological importance.

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."

This broadly outlines that an assessment of harm should be consistent with the provisions of Paragraphs 212 to 216 of the NPPF. Broadly, these paragraphs require an assessment of the potential significance of a heritage asset (based upon the evidence sources outlined above), the potential harm generated by the proposal and an assessment as to whether said harm is outweighed by public benefits emerging from the proposal.

Assessment

As outlined previously, the site is within an area defined by the HER as of archaeological interest and is adjacent to a Scheduled Ancient Monument.

Accordingly, in line with the principle of Paragraph 207 of the NPPF, appropriate information should be submitted to the Local Planning Authority to aid in an assessment of both the archaeological potential on site and the implications upon said archaeology emerging from the developer. Upon the strength of the information in the LHER, and in line with the provisions of Paragraph 207, 208 and 218 of the NPPF as well as Paragraph 41 of the PPG and Policy 29 of the SELLP, it is considered proportionate to require a field evaluation prior to a positive decision being formed here.

No such information was provided as part of this submission. On this basis, it is considered that the Local Planning Authority do not have the information required to make an informed assessment of the potential significance of the asset or the level of harm caused by the proposal. As such, the proposal fails to meet the requirements of Paragraph 207 of the NPPF and Policy 29 of the SELLP.

Information pertinent to understanding Roman occupation of the Fens can be considered to be significant, and without evidence to the contrary, the site can be considered to be a non-designated heritage asset (NDHA). Whether the site would fall to be assessed as a site equivalent to a

Scheduled Monument, and therefore given the additional weighting afforded by footnote 75 of the NPPF, is unclear due to the lack of information provided. However, on the balance of probabilities, it is considered appropriate to continue on the basis that the site is merely a NDHA and is not afforded the additional protection under footnote 75.

Paragraph 216 of the NPPF outlines that "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Given the potential importance of the site, and having regard to the importance that both the SELLP and NPPF afford the conservation of heritage assets, it is considered that a precautionary approach should be taken. As set out above, the potential benefits of the proposal would be very limited. In the absence of any investigations, the scale of any harm or loss to the NDHA has not yet been established. Therefore, it cannot be concluded that the benefits would outweigh any harm to the NDHA.

Consequently, it has not been demonstrated that the proposal would conserve or enhance the significance of non-designated heritage assets. The proposal would be contrary to the provisions of Policy 29 of the SELLP and Section 16 of the NPPF.

Planning Balance

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 proposal would represent the unsustainable expansion of built form into the rural countryside through the creation of a tourism use. This tourism use has no clear functional relationship with existing ventures, whilst conflicting with existing uses.

No HIA has been submitted. The proposal has the potential to impact upon both designated and non-designated archaeological sites. Due to an absence of evidence, the requirements of Section 16 of the NPPF cannot be met.

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

The proposal conflicts with Policies 1, 2, 3, 9, 29, and 33 of the South East Lincolnshire Local Plan, 2019 and Sections 9, 12 and 16 the National Planning Policy Framework, December 2024.

Recommendation

It is recommended that the application be refused under delegated powers.