DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0247-26**	**Applicant:**	**Mr J Wyers**
Proposal:	Erection of single storey dwelling with double garage		
Location:	East Reach Farm Hop Pole Deeping St Nicholas		
Terminal Date:	23rd October 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
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
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	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the erection of single storey dwelling with double garage at East Reach Farm, Hope Pole, Deeping St Nicholas.

The proposed dwelling would have a total height of 5000mm and would be 15600mm by 9500mm to create a total footprint of roughly 146sqm. Furthermore, the detached garage would have a height of 5400mm and have a floor space of 49sqm, being 7800mm by 6300mm.

The materials are all to be agreed at a later date and will therefore be conditioned should this application be approved.

Site Description

The site is located outside any defined settlement boundary and is therefore considered to be in the countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

The site benefits from two access points off Littleworth Drove (Classified A road) that serve East Reach House and Fen Fields which are located south and south-east respectively. There are dwellings to the southeast, south and southwest of the proposal with arable fields to the west, north and east.

History

H03-0735-93 - Rear Extension - Approved

H03-1177-96 - Erection of dwelling - Refusal

H03-0664-97 - Erect two corn bins - Approved

H03-0343-99 - One corn bin - Approved

H03-1182-21 - Conversion of barns to form 2 dwellings - Approved

H03-0353-22 - Proposed 4 bed detached dwelling - Approved

H03-0452-22 - Details of landscaping, boundary treatments, proposed means of foul & surface water disposal and ecological biodiversity measures (Conditions 3, 4, 7 & 9 of H03-1182-21) - Approved

H03-0675-22 - Details of ecological biodiversity measures (Condition 8 of H03-0353-22) - Approved

H03-0210-23 - Proposed Double Garage - in relation to dwelling approved under H03-0353-22 which is not complete - Approved

Consultation Responses

Lincolnshire County Council Highways & SUDS

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that 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 and therefore does not wish to object to this planning application.

Comments:

Erection of single storey dwelling with double garage. This site has relevant planning history and this will result in a reduction of size to the dwelling that was previously approved. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to 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.

Informatives

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the
Highway Authority's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

Ecology

Ecological Considerations:

- We request that a total of 1 integrated universal nest brick (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) in incorporated into the external fabric of the proposed building. This should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, in accordance with best-practice guidance such as British Standard BS 42021:2022.
- We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nest box Company) is added to the dwelling.
- In both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site and the bricks must be installed during the construction phase and retained thereafter for the lifetime of the development. These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14.

BNG Comments and Notes to applicant
- BNG Exempt - Self build

Lincolnshire County Historic Environment

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

North Level Internal Drainage Board

No comments.

South Holland District Council Environmental Protection

I request a screening assessment form is completed and submitted with photographs. The screening assessment form is available at: https://www.sholland.gov.uk/article/11653/Planning-application-consultations

Public Representation

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

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity

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 2011-2036, adopted March 2019, forms 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 (updated August 2026) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

Principle of Development and Sustainability

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.

The site is located outside any defined settlement boundary which is classed as being in the countryside within Policy 1. As such development will be permitted that supports its role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

Policy S3(1) of the NPPF states:
"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
a. Policy S4 in this Framework should be applied when considering development proposals within

settlements;
b. Outside settlements, policy S5 should be applied"

The application site in this instance lies outside any defined settlement boundary, and therefore lies within a countryside location, as detailed by Policy 1. Taking this further, Policy 1 details that, "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

In context of this, the principle of new residential development, which does not necessitate such a location, within this location is considered to be inappropriate, when viewed in broad principle.

However, in this instance the principle of residential development, in the form of a single dwelling, has already been established through previous permissions, which are considered to be extant/implemented. H03-1182-21 sought to convert two separate barns into two separate dwellings and included the plot shown within the red line of this application and was subsequently assessed and approved under Class Q of the General Permitted Development Order (GPDO). Furthermore, the following year H03-0353-22 and proposed a four bed detached dwelling on the site as a betterment scheme.

The assessment concluded that the proposal was considered to be acceptable against all criteria of this class. As such, the conversion of the barns to form two separate dwellings was considered to be acceptable and thus approved.

The latter permission (H03-0353-22) was granted on 10/06/22 and permitted the development to be begun no later than three years from the date of the permission. Google Earth shows that the barn was in situ up until December 2024 and was completely demolished by May 2025. As such, it is considered that the barn was lawfully demolished within the three year timeframe, with the 2022 permission being implemented in this regard.

Notwithstanding the fact the barn has already been demolished, the proposal in this instance seeks to erect a new self-build dwelling in its place. Whilst the principle could therefore be considered as already being established, the proposal could no longer be supported against Class Q of the GPDO and would naturally fail to meet Policy 1 due to it fundamentally proposing a new dwelling in the open countryside. However, a betterment argument could be brought forward in order to establish the acceptability of this scheme. This will be assessed and discussed in turn.

Principle of Development - Custom and Self Build

Pertinent to housing need is Section 2 of the Self and Custom Housebuilding Act, 2015, which states that: "an authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period." To this end, and as reaffirmed within Footnote 28 of the NPPF, the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. The definition contained within the Act is as follows:

"In this Act "self-build and custom housebuilding" means the building or completion by:
(a)individuals,
(b)associations of individuals, or
(c)persons working with or for individuals or associations of individuals,
of houses to be occupied as homes by those individuals."

It should be noted here that, the proposal has been specifically identified as a custom/self-build, with a Unilateral Undertaking being agreed in a similar light to what was agreed under the previous permission.

In this regard, South Holland District Council have published a position in respect of the Self and

Custom Build Register, which has subsequently been updated further in January 2026.

It is acknowledged that the Self-build and Custom Housebuilding Act 2015 places a duty on all Local Planning Authorities to grant enough suitable permissions on serviced plots to meet the need set out in the self-build register, for each year, within a 3 year reporting period. Self and custom build housing is defined as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can either be market or affordable housing.

The aforementioned Act requires that all authorities must have granted sufficient planning consents for enough serviced plots, which are suitable for self and custom build to meet the demand for the period. In this regard, demand is measured by the number of people joining the Council's Self and Custom Build Housing Register.

The latest figures published in January 2026 shows that between the 31 October 2022 and the 30 October 2025, South Holland District Council received 34 applicants for entry onto its register. "In response to this demand, the Council has granted permission for 50 dwellings that comprise 34 self and custom build dwellings supported by a unilateral undertaking or a biodiversity net gain exemption plus 16 others where the applicant evidence on planning applications, condition discharge, modifications and Building Regulation applications indicate a person rather than a building company during this period".

The Council has therefore, met and exceeded the requirements of the legislation by having granted sufficient Self and Custom Build permissions to meet the registered demand. Therefore, the Council has currently fulfilled its requirements, in meeting the registered demand for the preceding three years.

However, demand has substantially increased in recent years, primarily due to the exemption for Self and Custom Build Developments from Biodiversity Net Gain requirements. There is, therefore, a requirement to demonstrate an equivalent increase in the number of Self and Custom Build permissions granted. The Council has three years in order to grant enough permissions to meet this demand in order to comply with this duty, which it is presently achieving.

Whilst the requirement for providing Self and Custom Build housing is acknowledged, such developments must be in accordance with the policies set out within the SELLP as a whole. The requirement to provide Self and Custom Build development does not attract such overriding weight, that is should outweigh the fundamental spatial planning policies within the SELLP which directs suitable locations for residential development through its spatial strategies.

Whilst the SELLP does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17 provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the SELLP states:

"Within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met."

Policy 17 expands upon this briefly, outlining that the "Local Plan will also seek to meet the housing needs of custom and self-builders as they may come forward." Paragraph 5.9.4 of the reasoned justification for this policy reiterates that "opportunities for infill development within Settlement Boundaries can also meet the known interest registered by self and custom house builders".

In other words, proposals for self-build dwellings should be consistent with the Development Plan as a whole and appropriately located within settlement boundaries.

This approach has been confirmed within Appeals APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted.

The Council is supportive of Self and Custom Build housing, and will continue to meet the required number of granted planning approvals to comply with the Self and Custom Housebuilding Act 2015.

Furthermore, the Council does consider that weight should be afforded to Self or Custom Build proposals in line with National requirements. The Council will not however, support Self and Custom Build housing where it fundamentally conflicts with the Locational Strategy or other policies within the SELLP.

Whilst South Holland District Council will need to grant sufficient suitable developments in order to meet the uplift in Self and Custom Build demand, it has three years in which to do so. As such there is no compelling need at this time to grant Self or Custom build developments which would otherwise conflict with the SELLP. The requirement to meet demand for Self and Custom Build housing does not overcome the current planning applications fundamental policy conflict with the SELLP.

As the Council has currently exceeded its requirements in relation to Self and Custom Build, the weight afforded to this in the determination of this current planning application alone is insufficient to warrant a departure from the SELLP in this instance. Whilst weight is rightly afforded to the Self and Custom Build nature of the proposal, in light of the above, it is considered that only limited weight should be attached to this matter in the determination of this planning application owing to the proposals lack of compliance with the SELLP.

Furthermore, it is considered that the limited benefits of one single Self and Custom Build dwelling in this specific location (particularly given the Council is able to demonstrate it is meeting the requirements of the Self and Custom Housebuilding Act 2015) is not considered to overcome the fundamental policy conflict, and does not attract sufficient weight to outweigh the proposals clear lack of compliance with the Development Plan in the planning balance, or justify a departure from the Spatial Strategies of the SELLP.'

Principle of Development - Class Q Fallback

Further to the above assessment of the principle of development, a significant consideration for this proposal relates to the 'Class Q fallback'. As the proposal site relates to the same site which recently benefitted from Class Q approval and as such, the development in this instance can be assessed as what is considered as a 'betterment' scheme.

Specifically relating to 'Class Q development and its subsequent fallback, the Court of Appeal case, 'Mansell vs Tonbridge and Malling Borough Council (2017)' provides a significant benchmark and consideration. This case concerned the grant of permission for a four dwelling scheme on land which was presently occupied by a single bungalow and agricultural buildings. The council in this case, granted permission forming the view that a fallback position was present given that the agricultural buildings 'could' be subject to a prior approval under Class Q, which 'could' have provided a resultant development of the same quantum of residential dwellings (three dwellings via Class Q and the retention of the existing bungalow).

This case, which was quashed by the High Court, was subsequently 'reinstated' through the Court of Appeal. With the Court of Appeal establishing through this case 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.

In respect of a 'realistic prospect', this case highlighted that that of 'Sullivan L.J.'s judgment', in that "a 'real' prospect is the antithesis of one that is 'merely theoretical' (paragraph 20). The basic principle is that 'for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice' (paragraph 21)". This went on to detail that "when the court is considering whether a decision-maker has properly identified a 'real prospect' of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO".

As such, "in some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand". However, in the case of 'Mansell vs Tonbridge and Malling

Borough Council', it was stated that to not consider the fallback of Class Q (even if there is not evidence of a specific proposal under Class Q), would "have been a failure to have regard to a material consideration, and thus an error of law". This clearly demonstrates the need to assess and review the fallback position in respect of Class Q development.

In any event, the court decision also reiterated that "They should remember too that the making of planning policy is not an end in itself, but a means to achieving reasonably predictable decision-making, consistent with the aims of the policy-maker. Though the interpretation of planning policy is, ultimately, a matter for the court, planning policies do not normally require intricate discussion of their meaning".

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

In this case, the granting of the Class Q as well as the already approved and extant betterment scheme shows that the applicant has a 'real prospect' and a clear desire to develop and maximise the value of the site. The site no longer has a prospect of being developed under Class Q due to the barn being demolished, however has a live and extant permission for a betterment scheme which could be constructed at point currently. Equally, as this is a new betterment scheme, the parameters of the 'fallback position' must be considered.

The design in this instance will be discussed in more detail within the forthcoming sections of this report with it also being assessed against what was previously approved and considered as a betterment scheme under the 2022 permission, as outlined above. Although the proposal would be contrary to Policy 1 of the SELLP, there is clear justification through case law which supports a new dwelling in this location, as a betterment scheme. This is significantly dependent on the design which is submitted however.

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

Section 14 of the National Planning Policy Framework (2026) specifically relates to 'Achieving well-designed places' and details that the objective of the policy is to "promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 1 of DP3, contained within Section 14 of the National Planning Policy Framework (2026), states that development proposals should respond to their context to integrate with and enhance their surroundings. This can be achieved through the arrangement of plots and buildings, use of materials and architectural features, as well as the restoration, reuse and integration of heritage assets. Notwithstanding this, it should not preclude innovation or change where it is considered to be appropriate, particularly where an increased scale or density can be justified.

In order to create well-designed places, Paragraph 2 states proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These include, liveability, climate, nature, movement, built form, public space and identity.

Further to this, Paragraph 3 goes on to establish that proposals should be refused if, without clear justification, they conflict with Paragraph 1 or the relevant aspect of the principles within Paragraph 2, as outlined above. Alongside this, explicit design standards set out within the development plan must also be taken into consideration. Substantial weight should be given to compliance with development plan policies when it comes to assessing the design quality of proposals.

Finally, Paragraph 5 outlines that substantial weight must also be given to any form of "outstanding or innovative designs which promote high levels of sustainability, or which help raise the standard of design more generally within an area". Any examples of this design must however also be consistent with the overall form and layout of their surroundings.

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 14 of the National Planning Policy Framework (2026), 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 (2026) 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.

A main consideration for a betterment scheme, such as this, is that the new development would actually enhance and improve the setting of the area and would be an improvement on what could be achieved via a barn conversion from the initial permission. It was considered that the initial barn conversion largely retained the existing agricultural character/appearance of the buildings and therefore maintained the agricultural aesthetics of the site. As this granted a conversion, rather than demolition and rebuild, it ensured that the siting and appearance of the barn remained but would be somewhat upgraded naturally as a result of the conversion.

Details for the materials of the proposed dwelling have not been provided within this application with the plan being to agree, and subsequently discharge them, at a later date. The dwelling would have a height of 5000mm and a height to the eaves of 2400mm and would have a total floor space of roughly 128sqm. A detached garage has also been proposed to serve the residential dwelling and would have a height of 5400mm and would have a total footprint of 49sqm.

Before discussing the acceptability of the proposed scheme, the previously approved betterment scheme must be taken into consideration. The officer report for H03-0353-22 outlined that *"The scale and design of the proposed dwelling is considered to reflect the character and appearance of the dwellings in the immediate vicinity and would be of a scale commensurate to that of the site"*. Whilst the assessment of the overall betterment potential is light, the approved scheme is considered to feature some elements which would have improved what could have been completed via a conversion, and as such is considered to have been approved on this basis.

The proposed dwelling which has been submitted in this instance, whilst minor, is considered to be an improvement on what was already approved. In addition to this, as the previous scheme has been implemented through the demolition of the barn, the scheme could be constructed at any point despite the permission being over three years ago. The LPA take the view that through approving this scheme it will ensure that the development is actually carried out with a new dwelling, of higher quality, constructed and as such would make use of a currently undeveloped and disused site. Overall, whilst the proposal in this instance may not be a significant improvement/betterment, it is still considered to be better overall and acceptable and should be approved on this basis.

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 14 of the National Planning Policy Framework (2026).

Impact on Residential Amenity/ Land Users

Policy DP3, Paragraph 2 of the National Planning Policy Framework (2026) states that development should create places that promote liveability, with a particular focus on healthy, mixed, vibrant and integrated communities. Any examples of public space should be safe, secure, inclusive, and accessible for all.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the rural nature of the setting, there are minimal number of residential dwellings within the immediate area. The three closest dwellings are East Reach Farm Barn, East Reach Farm and Fen Fields which are sited 25m, 45m and 55m away respectively. As such, the proposed dwelling is considered to be a sufficient distance away from all these neighbouring residential properties in order to avoid/minimise any potential material overlooking and overshadowing concern.

Furthermore, the proposal in this instance is of a smaller footprint to the previous barn and the previously approved scheme and as such would comprise an overall lesser impact. The scheme in this regard is that of a single storey dwelling which creates less of a potential for material overlooking and overshadowing as such.

The potential for noise impact is also considered to be relatively low due to the sparse number of residential dwellings in the immediate area. The aforementioned separation distances are considered to apply again in this instance with the rurality of the area ensuring there would be minimal material harm from noise. Overall, the site is not located in an area that is likely to be subject to adverse levels of noise and it is not considered that future occupants would be subject to an unacceptable degree of noise disturbance.

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 14 of the National Planning Policy Framework (2026), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

Section 18 of the NPPF relates to "Managing flood risk and coastal change". It requires a sequential approach to flood risk, in accordance with the decision making policies contained within this section. Policy F7 is clear that "development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere."

Policy F5(1) outlines that:
"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users."

Paragraph 3 expands on this, stating that:
"The strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test."

The site lies within Flood Zones 3 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.

The site is located within Flood Zone 3 of the Environment Agency's flood maps as well as being within a no hazard area within the South Holland Strategic Flood Risk Assessment, which brings the overall flood risk for the area down. The main sources of flooding have been outlined as high water levels in the IDB drainage system, failure or overtopping of the west bank and tidal defences of the River Welland and blockages in local surface water systems. The overall summary of theses risks have been outlined as the major risk being if a breach were to occur in the south western bank of the River Welland. If this were to occur, flood water would however flow away from the breach and then it would flow into the South Drove Drain and quickly fill to bank level. Furthermore, the drain flows to the north and south and spread the water over a larger area. Finally, peak residual flood depths in 2115 for the 1% fluvial and 0.5% tidal event probability does not predict any flooding in a 1 in 100 year event in 2115 in any of the area near Hop Pole.

The conclusion outlines that although the site is in Flood Zone 3, the actual risk of the site flooding from any EA watercourse is very low with adequate mitigation against flooding from the River

Welland being provided also. The map which showcases the predicted flood depths in a 1 in 100 year event in 2115 indicate that no flooding is predicted to any part of this area and therefore the predicted flood depth is lower than the field levels of 1.20m ODN. Furthermore, there is always a risk of an event of greater magnitude than a 1 in 100 year event in 2115 which itself could increase the risk of flooding at the site. However, it is extremely unlikely that flood water will reach the development site.

As explicitly stated within Policy F5(3), the SFRA should be used in conjunction within the Environment Agency's maps to assess the sequential test. Within the SFRA the site is classed as A, with a hazard depth of B.

The sequential test has been discussed within the FRA submitted in this application and outlines that the site benefits from a lawful Class Q permission as well as an approved betterment scheme. Works have been commenced in accordance with such schemes and therefore remain extant in this regard. The FRA goes onto say that the residential use of the site has already been accepted and established via these aforementioned permissions and is capable of being implemented in its own right. Furthermore, it is not possible for the dwelling to be located elsewhere due to the permission only being suitable as a betterment on this site, therefore it must only be constructed on a site which has already been deemed sequentially preferable in this regard. The Sequential Test is considered to be passed in this regard.

Policy F6 of the NPPF states:
"In areas falling within flood zones 2, 3a, or 3b (as defined in Annex F, table 1):
a. Development proposals should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, table 3; and
b. In certain other circumstances set out in Annex F, table 3, in addition to satisfying the sequential test in policy F5 where applicable, development will only be appropriate where an 'exception test' is satisfied"

Annex F, table 2 of the NPPF defines the proposed use as more vulnerable. As such, the proposal is not considered to be incompatible with the flood risk, as outlined in Annex F; however, it is considered necessary to apply the exceptions test.

Policy F6(1)(b) states:
"The exception test involves demonstrating that the development would meet all the following criteria:
i. Provide wider sustainability benefits to the community that outweigh the flood risk;
ii. Be safe for its anticipated lifetime in accordance with policy F7; and
iii. Not increase flood risk elsewhere and, where possible, reduce flood risk overall."

Assessing the proposal against these criteria, the following is considered. Whilst it remains difficult to provide sustainability benefits to the wider community as a result of the scheme proposing a single dwelling, benefits can still be provided in a minor sense that help outweigh any flood risk on site. Further to this, the scheme is considered to be safe for the anticipated lifetime of the development as a result of the dwellings finished floor levels being raised 300mm above the ground level and thus being set at 2.20m ODN and thus 50mm higher than the converted barn building to the south of the site. These measures are considered to be acceptable as they would reflect the previously approved schemes on site where the flood risk itself is not considered to have become significantly worse. Finally, the footprint of the dwelling would be less than the previously approved betterment and would be of a similar scale to the previous barn on site, as such, there would not be a material increase in flood risk elsewhere. As such, the Exception Test would be passed.

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.

Highway Safety and Parking

Section 15 of the National Planning Policy Framework (2026) specifically relates to 'Promoting sustainable transport'. Paragraph TR6 (4) advises that "Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement".

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.

The proposed dwelling features a total of three bedrooms and therefore at least two vehicle parking spaces are required in order to be in accordance with Appendix 6, as outlined above. Two parking spaces have been clearly detailed on the Proposed Site Plan with these being sited adjacent to the dwelling and in front of the proposed garage. Furthermore, the proposed garage also includes room for two vehicles to be stored internally. As such, two spaces have been clearly identified as well as there being ample room within the garage and surrounding driveway. The drive also allows for vehicles to exit the site in a forward gear.

Furthermore, LCC Highways have been consulted on this application with their comments ultimately outlining that they have no objections subject to the inclusion of an informative. The comments state that the site has relevant planning history and this will result in a reduction of size to the dwelling that was previously approved, therefore the proposal will not have an adverse impact on the public highway.

As such, there is considered to be suitable parking arrangements as well as the proposal causing no harm to the safety of the highway in this regard.

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 15 of the National Planning Policy Framework (2026).

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.

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.

When taking the above into account, the development in this instance exempt from the statutory 10% Biodiversity Net Gain requirements due to the proposal being for the erection of a single self-build dwelling. From this, the development could be exempt from BNG. It should be noted however, no information has been provided which suggests the applicant is on the self-build register.

The aforementioned Self-build and Custom Housebuilding Act 2015 further states that authorities must keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authorities area for their own self-build and custom housebuilding and they must publicise a its register under this section - the LPA in this instance therefore require the applicant to join the register and will tie them into a legal agreement ensuring that the property remains a self-build/ custom house build to remain exempt from the need for biodiversity.

Biodiversity & Ecology

Beyond this, Section 19 of the National Planning Policy Framework (2026) seeks to protect sites of biodiversity value, and minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs.

Policy 28 of the South East Lincolnshire Local Plan (2019) 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 Ecology Team have outlined that they request the one integrated universal nest brick and one integrated bat box be included within the proposed dwelling. It is a requirement in both cases that the relevant information is submitted to sufficiently detail the locations of the bird/bat boxes on site and the bricks must be installed during the construction phase and retained thereafter for the lifetime of the development.

Should the proposal be approved, the relevant conditions as requested will be attached to the decision notice to ensure that relevant ecological protection is provided.

When taking the above into account, whilst the development in this instance may be exempt from the mandatory 10% net gain, it would remain appropriate, given the context of Section 15 of the National Planning Policy Framework (2026) and requirements of Policy 28 of the South East Lincolnshire Local Plan (2019), that conditions are attached, requiring a level of Biodiversity and ecological enhancement, including that impacting upon small species.

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 proposal comprises development outside the defined settlement boundary and proposes a single, new built, residential dwelling. In this regard, the proposal is at direct conflict with Policy 1 of the South East Lincolnshire Local Plan (2019) and Section 4 of the Framework.

That being said, the site benefits from multiple extant permissions, with the most relevant being H03-0353-22. As per the principles of R v Secretary of State for the Environment and Havering BC (1998) and Mansell vs Tonbridge and Malling Borough Council (2017), the previous permission has been lawfully implemented through the demolition of the barn under the previous betterment scheme. This therefore represents a valid fallback position and consequently is capable of being assessed as a "betterment" proposal. Alongside this, the proposal represents a more coherent design, at a reduced scale, and thus is of a betterment to the previously approved "betterment".

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 be in accordance with Policies 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with Sections 14, 15 and 18 of the National Planning Policy Framework (2026).

Although the proposal conflicts with Policy 1, a justification has been made through the scheme being a clear betterment dwelling in comparison to the previously approved Class Q proposal and betterment proposal, and is therefore considered to be acceptable.

Recommendation

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