SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Lead Development Management Planner (Interim) - BBC & SHDC**

To: **Planning Committee - 16 July 2025**

(Author: **Mark Niland - Planning Officer)**

Purpose: **To consider Planning Application H04-0347-25**

Application Number:	H04-0347-25	**Date Received:**	04 March 2025
Application Type:	FULL		
Description:	Proposed Self-Build Detached Dwelling		
Location:	Land to South of 103 Quadring Road Donington		
Applicant:	J Burton & H Bingham	**Agent:**	Moulton Land and Planning Ltd
Ward:	Donington, Quadring and Gosberton	**Ward Councillors:**	Cllr H J W Bingham Cllr M A Geaney Cllr J L King

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H04-0347-25

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is an elected member.

2.0 PROPOSAL

2.1 The proposal is for the erection of a custom & self-build dwelling. The property proposed is a detached dwelling accessed from Quadring Road, with a long sweeping driveway leading to the house frontage. The driveway has passing places and finishes in a turning area. It subdivides two paddock areas to the front of the dwelling. To the rear there is a proposed orchard and to the southwest a pond.

The proposed dwelling is a large, detached property, with gable features offering symmetry to the principal elevation, the dwelling is also bookended by chimney stacks. Centrally there are steps leading to the main entrance where double doors are located, with glazed transom above. The fenestration is arranged in an ordered fashion made up of sash windows. To the rear (south elevation) the form of the property matches the front, this elevation has more fenestration with some larger openings at ground and whilst the theme of sash openings continues on to this elevation, there is also a raised terrace to the rear. At ground two studies and a lounge and kitchen/dining area is located as well as access to the car port. At first floor there are 3 double bedrooms and a master suite containing a dressing area, laundry and ensuites. This room leads out to the roof terrace.

The dwelling is proposed to be finished in slate grey roof tiles (as is the car port) and walls finished in a soft red Lincolnshire facing brick/ window colours are to be determined and rainwater goods to be finished black (powder coated aluminium).

Attached to the 'main dwelling' is a car port on one site and a gym and swimming pool on the other. There are bi-folding doors opening into the raised terrace. The building containing the

gym and pool is glazed linked to the main dwelling. It is of single storey dual pitched construction. This building is finished at roof with Anthracite Grey profiling and the walls are cladded with weatherboarding and bargeboards finished in anthracite grey. A PV array is also shown on the western roof pitch.

A mix of engineered and more natural landscaping is shown across the site. The Orchard and formal garden, along with pond are purposely placed, whilst there is an abundance of trees on the periphery of the site that add screening and depth to the environment.

3.0 SITE DESCRIPTION

3.1 The application site is accessed from Quadring Road and is located within the open countryside outside of any defined settlement limit. The application site is located within flood zone 3a in accordance with EA mapping systems and in a low risk area in accordance with the South East Lincolnshire SFRA.

The existing use of the site is a mix of equine and agriculture. The site is located midway between Donington and Quadring with both these settlements being just a mile away, Haw's Lane runs to the west of the application site, with agricultural fields in-between.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

4.2 South East Lincolnshire Local Plan, 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise..

4.3 Policies Relevant to the Determination of this Application Include:

Policy 1: Spatial Strategy
Policy 2: Development Management
Policy 3: Design of New Development
Policy 4: Approach to Flood Risk
Policy 17: Providing a Mix of Housing
Policy 28: The Natural Environment
Policy 29: The Historic Environment
Policy 30: Pollution
Policy 31: Climate Change and Renewable and Low Carbon Energy
Policy 36: Vehicle and Cycle Parking
Appendix 6: Parking Standards

4.4 **National Guidance**

4.5 National Planning Policy Framework (NPPF), December 2024

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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H04-1002-22 - General Agricultural Implement & Crop Store - Agricultural Determination granted 15/11/2022 within the current Application site Proposal implemented

5.2 H04 - 0553-22 - Excavation of Pond - Agricultural Determination granted 27/06/2022 on land to the east of the current Application site Proposal implemented

5.3 H04-1316-21 - General Agricultural Storage Building for implements and crops Agricultural Determination granted 17/01/2022 within the current Application site Proposal superseded by H04-1002-22

5.4 H04-1012-01 - Construction of Stable Block and Access Road Full Planning consent granted 28/12/2001 on land within the current Application site

5.5 H04-0439-02 - Details of Foul Water Drainage and disposal of manure (Cond. 3 of H04/1012-01). Condition Compliance granted 7/06/2002 on land within the current Application site

6.0 REPRESENTATIONS

6.1 Black Sluice IDB

Confirmed that IDB consulting sits outside of planning. The provision of advice on surface water and foul water disposal.

6.2 Highways & Suds

No objections - The proposal is for a Self-Build Detached Dwelling. The access needs to be upgraded to Lincolnshire County Council Specification and a note has been added to the proposed site plan. The dwelling will have 4 bedrooms, adequate parking and turning has been demonstrated. The plot is well away from 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.

6.3 Historic Places Team

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

6.4 Environmental Protection

No comments regarding land contamination or environmental protection.

6.5 **Public Representation**

This application has been publicised in accordance with the requirement set out in the Development Management Procedure Order 2015 (as amended). No comments have been received.

7.0 CONSIDERATIONS

7.1 **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 December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

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.

The main issues and considerations in this case are (but are not limited to):

-Principle of Development
-Highway Safety & Sustainable Transport
-Character & Landscape
-Environmental Issues & Amenity
-Ecology & BNG
-Flood Risk & Drainage
-Planning Balance.

7.2 **Principle of Development**

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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 SELLP Policy 1 sets out permitted development types within the open countryside. It states 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. 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.*

Within the reasoned justification (under para. 3.2.17) housing exception in the countryside are listed. The paragraph states that *"Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites)".* However within the SELLP Policy 17, there is policy support for custom and self-builders.

The proposal does not appear to meet with any of the exceptions for a dwelling in the countryside and so the proposal is contrary to the aims of SELLP Policy 1, though some support does exist for self build homes under SELLP 17.

7.3 Material Considerations

Notwithstanding the conflict with SELLP Policy 1, the applicant has provided a justification on this scheme, requesting that weight is given to the following:

-contribution to self-build homes in the district
-Paragraph 139 of the National Planning Policy Framework (December, 2024).

7.4 *Self Build - Duty to grant permission*

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area The level of demand is established by reference to the number of entries added to an authority's register during a base period.

The applicant has stated that *"based upon figures that are available from early in 2021, planning permissions which were explicitly for self-build or custom homes did not meet the demand shown by the Council's Custom and Self-Build Housing Register. It is relevant that in a 2024 Appeal determination in the District the Inspector specifically referenced that the self-build nature of that particular proposal was a consideration that weighed in support of that single dwelling proposal."*

This plot, despite being located just outside the settlement limit, is located in relative proximity to a small group of dwellings, it is also screened from Quadring Road by dense trees. On this basis the application site (or plot) is suitable for self build or custom house building (which is subject to further assessment later in this report). In approving such a scheme SHDC would be acting in accordance with the direction made by The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

There is some support in the local plan for self-build projects within SELLP Policy 17 which states that "The Local Plan will also seek to meet the housing needs of non-travelling Gypsy and Traveller households and also custom and self-builders as they may come forward." It is on this basis that a departure from SELLP Policy 1 is in this instance considered appropriate.

Therefore, weight is attributed to this proposal being a self-build (given the site is considered to be a suitable plot).

7.5 *National Planning Policy Framework Paragraph 139*

The above paragraph is also part of the applicants justification. It was considered that paragraph 84 could not apply as the proposal was not isolated. This point (isolation), whilst being addressed somewhat in case law, is still open to opinion and subjective interpretation. The justification for such policies surrounding design in the open countryside date back to 1997 and to Gummers Law and manifested in policy through Planning Policy Guidance 7: Countryside; the opportunity to secure permission for new country houses to continue the centuries-old tradition of building stately homes in the English countryside.

Following the inception of the NPPF and the Coalition Government, a similar policy approach made it into the first edition of the NPPF as paragraph 55 and has evolved to what we then had as paragraph 79. In the latest iteration of the NPPF, the relevant paragraphs to allow for exceptional and high merit design are paragraphs 84 and 139, though 139 is also applicable in urban areas.

Paragraph 139 states that:

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a)development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

There are no local policies on design specifically and national design is contained in the National Design Guide and National Model Design Code. Whilst the design merits are discussed within the Character section of the report, at this point it is considered that weight can be applied to this paragraph. There is likely to be a gap in the local policy framework for allowing such design and therefore, this means weight can be attributed to paragraph 139.

7.6 Summary of Principle

Whilst the proposal is contrary to the overarching spatial strategy (SELLP Policy1), material considerations do exist. The proposal would bring forward further self-build housing (according with SELLP 17), that is required within the district and the gap in support for high merit design in the local plan means that weight should be applied to national policy, in this instance NPPF Paragraph 139.

7.7 Highway Safety & Sustainable Transport

SELLP 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. It 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 would be severe.

The proposal would utilise the existing access arrangement from Quadring Road. Lincolnshire County Council (LCC) Highways have requested that the access is made up to LCC standards, and the applicant has confirmed this on plan.

The access leads to a long internal driveway that terminates at the dwelling. There is sufficient space to manoeuver vehicles so that they can enter and leave the site in a forward gear. Moreover, there is ample space to park a number of vehicles within the site.

On this basis, the proposal would accord with SELLP Policies 2, 3 and 36, as well as section 9 of the National Planning Policy Framework, December 2024.

7.8 Character & Landscape

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

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Policy 2 of the SELLP states that a 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.

Policy 2 point 1 states that proposals should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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".

Beyond this, as detailed within the report above, Paragraph 139 of the National Planning Policy Framework (December 2024) states "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

The national Design Guide states that well-designed places are:

-'based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
-integrated into their surroundings so they relate well to them;
-influenced by and influence their context positively; and
-responsive to local history, culture and heritage'

The proposed dwelling should be read alongside the context of the broader site. The site contains some existing characteristics such as tracks, trees and access. The proposed development incorporates all of these features, retaining trees as well as increasing the BNG through the pond and proposed orchard. The existing features of the site are therefore retained and enhanced informing the proposed scheme. The dwelling is located in an area (within the site) that would lead to the least disturbance.

The proposed development would have limited effect (visually) from Quadring Road and this is due to the retention of trees. From Haw's Lane the proposal will be prominent, from this road other dwellings are visible and it is considered that whilst this proposal would be highly visible it is not unacceptable, especially given that previously, views towards the site from Haw's Lane would have been of some built form containing agricultural buildings.

The location of the dwelling is derived from site constraints and is therefore influenced by its environment. The dwelling shelters behind existing properties and trees on Quadring Road and sufficiently separated so as not to cluster the form. The level of design put forward is very high merit, it is anticipated that such a proposal would enable the LPA to draw reference to this design (if approved) when requesting future development to increase their design standards. The proposal, whilst having some design reference to past eras, is essentially a contemporary take and displays high quality construction materials and design techniques.

As mentioned earlier in the report, the tradition for new country houses was under threat and revived in national policy (in the recent iteration of the NPPF paras. 84 & 139), many local plans have policy gaps when assessing the erection of new houses in the countryside on a design basis. Whilst paragraph 139 is not specifically related to countryside dwellings, it can be applied in this manner, especially in the event where the notion 'isolation' becomes an issue (thus ruling out paragraph 84).

It is therefore considered that the proposal would, by virtue of is overall design (both the built form and natural form of the site), its siting, scale and general appearance, represent a scheme of high merit, that utilises carbon low technologies and would be a betterment to its setting. The proposal would also carry design influence allowing the Local Planning Authority to insist on a greater level of design merit across similar schemes in the district.

The proposal then, by virtue of the high design merit, which also includes methods to capture energy from renewable sources, is of a level that would meet the terms of NPPF Para 139. In turn it would also accord with SELLP Policies 2 and 3.

7.9 Environmental Issues & Amenity

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

SELLP Policy 2 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.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important considerations when considering proposals for planning.

The dwelling is located at a sufficient separation distance so as not to give rise to unacceptable impact relating to overbearing/overshadowing or any unacceptable levels of visual intrusion to any nearby land use or property. Impacts from polluting activities such as noise, light and odour would also be limited given the nature of the proposal.

On this basis, the proposal is considered to accord with SELLP Policies 2 and 30, as well as Section 12 of the NPPF, as regards amenity impacts.

7.10 Ecology & BNG

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.

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.

In terms of BNG, the applicant has provided a BNG Exemption statement, on the basis that this proposal is for self-build purposes. The Local Planning Authority confirm that on this basis, the proposal is exempt from Mandatory BNG. If approved the applicant would need to enter a unilateral undertaking to secure the self-build nature of the proposal.

Notwithstanding this, it is noted that the scheme is likely to have a large increase in BNG, given the landscaping shown on plan.

As regards protected species, the area where the dwelling is to be sited is in a open field, there are no structures that would need to make way for the development. Neither does the site provide any habitat for protected species as the site is not considered to be ecologically sensitive. On this basis, Natural England's Standing Advice is acceptable to apply. Any permission will be subject to an informative reminding the applicant of the legal duty concerning protected species.

On this basis and subject to the applicant entering a Unilateral Undertaking (UU) (which sites outside of the planning permission), the proposal is confirmed to be exempt from BNG.

7.11 Flood Risk & Drainage

SELLP Policy 4 sets out the districts approach to Flood Risk. It requires that development proposals to demonstrate that there are no other sites available at a lower risk of flooding. A The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment

area for the development justify a reduced search area.

In the case of the current application, it is acknowledged that the application site is located within a Flood Zone 3a, being that with the highest risk of flooding and increased flood risk. However, it is noted that the majority of the District is similarly in an area of increased flood risk vulnerability. Whilst this does not automatically preclude development proposals being approved, it does require a Local Planning Authority to undertake the necessary sequential test as part of the determination of any such planning application.

Section 8 of the South East Lincolnshire SFRA 2017 states that 'the refined information in this SFRA (i.e. Hazard Mapping) incorporates the consideration of climate change and should be used when carrying out the sequential assessment'. Based upon the hazard maps where the application site is shown that the site is in a low risk (white cell).

7.12 *Sequential Test*

As part of the consideration of the sequential test, the holistic proposal needs to be considered. This is a large, grand dwelling, with orchard, pond and paddocks. It is unlikely that such a proposal could be accommodated within nearby settlements. Of course, if the proposal could be broken down/separated into individual uses, then there is a greater potential to explore alternative sites. However, site disaggregation, by its absence in the NPPF and Planning Practice Guidance, is a factor to which little weight can be given. There is, therefore, no requirement to disaggregate a scheme to fit available land within a town or district centre.

In case law terms there are also examples of how inspectors uphold the notion that disaggregation of uses is not something that should be expected of a developer. In one of the more famous cases, 'Rushden Lakes', the Secretary of State supported the inspector's stance that a retail sequential test should only search sites that can accommodate the whole proposal (and not elements of it): 'The sequential test relates entirely to the application proposal and whether it can be accommodated e.g. on a town centre site.' (2014, APP/G2815/V/12/2190175, paragraph 8.48). A further example in case law terms is the grant of planning permission for an out of centre factory outlet centre (FOC) at Scotch Corner issued in December 2016 (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143678). In this case the SoS endorsed his inspector's conclusions on the sequential approach as follows:

In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites.

On the basis that this proposal cannot be, and in planning terms should not be, disaggregated, it is unlikely that more preferable sites would exist within the district, or in nearby settlements. The application site is located within a low risk area in accordance with the SRFA and this is the basis that the applicant, believes that there is no requirement for a test to be carried out. There are however areas in lower flooding zones in nearby settlements. However the LPA concur, that because the type of proposal, which not only includes a dwelling, but also the wider landscaped areas it is unlikely that such a proposal could be absorbed within those settlements, given it requires a large amount of land take. It is on this basis (that the scheme cannot be disaggregated) that the LPA consider that this development could not be located elsewhere and the sequential test is met.

On this basis, the proposal has passed the sequential test.

7.13 *Exceptions Test*

The application of the exception test (set out in NPPF Para. 178) should be informed by a strategic or site- specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposal in providing needed self-build accommodation for local residents within the district and would, given it seeks to bridge some of this need, have wider sustainability benefits to the community. Furthermore, the level of design merit put forward, raises the design standards in the locality and across the district, thus benefiting the quality of the built environment, which again has wider benefits to the community. On these two points the first part of the exceptions test is met.

Turning to the second part of the test, the submitted flood risk assessment includes proposed flood mitigation measures. The application form also includes information that the applicant will peruse the preference of the SuDs hierarchy. The second part (which relates to drainage) is discussed within the drainage section below, which is informed by comments from SudS and the IDB.

7.14 *Drainage*

The applicant states within the application form that foul waste will be disposed of through package treatment plant and surface water will be sustainable drainage system (soakaway/pond and lake). Given that the proposal is for a single dwelling, and that any direction to the watercourse would require separate consenting then drainage conditions are not required. Should infiltration not be feasible the applicant would need agreement with certain authorities to discharge surface water. The LPA are therefore confident that these matters are mitigated sufficiently outside of planning and no conditionality is required in this instance.

On this basis, the proposal is considered to be safe for the lifetime of its development and would meet with the requirements of SELLP 4, passing both the sequential and exception tests.

7.15 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.

Whilst the proposal is contrary to the aims of SELLP Policy 1, the development would provide a self-build dwelling on a suitable site and contribute towards SHDC meeting the requirements set out by The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The proposal in these terms accords with SELLP Policy 17.

The proposal would also in design terms, meet with the requirements of NPPF Paragraph 139 representing a design of extremely high merit that is likely to influence other future developments within the district.

The proposal is considered to meet with both the sequential and exceptions test and is considered acceptable in flooding terms. The proposal is also for a self-build dwelling and despite the increase in BNG on the site the development would be exempt from mandatory net gain.

It is therefore considered that on balance and in this instance material considerations exist that would support a departure from SELLP Policy 1, and this relates to the provision of self build accommodations (supported by SELLP 17), and the extremely high design merit put forward, supported by NPPF Paragraph 139 (and SELLP Policies 2 & 3). On this basis the proposal is considered to represent sustainable development.

7.16 **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.

7.17 **Conclusion**

Taking into consideration these factors, the proposal is considered to accord with to Policies 2, 3, 4, 7, 17, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

8.0 RECOMMENDATIONS

8.1 Grant Permission subject to conditions, as well as a Unilateral Undertaking to secure the self build nature of the development.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

-JBHB / pl / 01 revA
-JBHB25/pl/03
-JBHB25/pl/02
-Flood Risk Assessment by S M Hemmings

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the commencement of the development hereby permitted beyond oversite, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

4. The scheme of landscaping and tree planting shown on dwg. no. JBHB / pl / 01 revA shall be carried out and completed in its entirety within 12 months of commencement of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses, in the opinion of the Local Planning Authority, shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

7. The applicant is reminded that it is an offence under the Wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

8. Should unexpected contamination be discovered on the site at any time, the applicant is advised to stop development and to contact the District Council's Environmental Protection department immediately.

9. **Biodiversity Net Gain**

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of 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 guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

Self Build Exemption

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite

habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Background papers:- Planning Application Working File

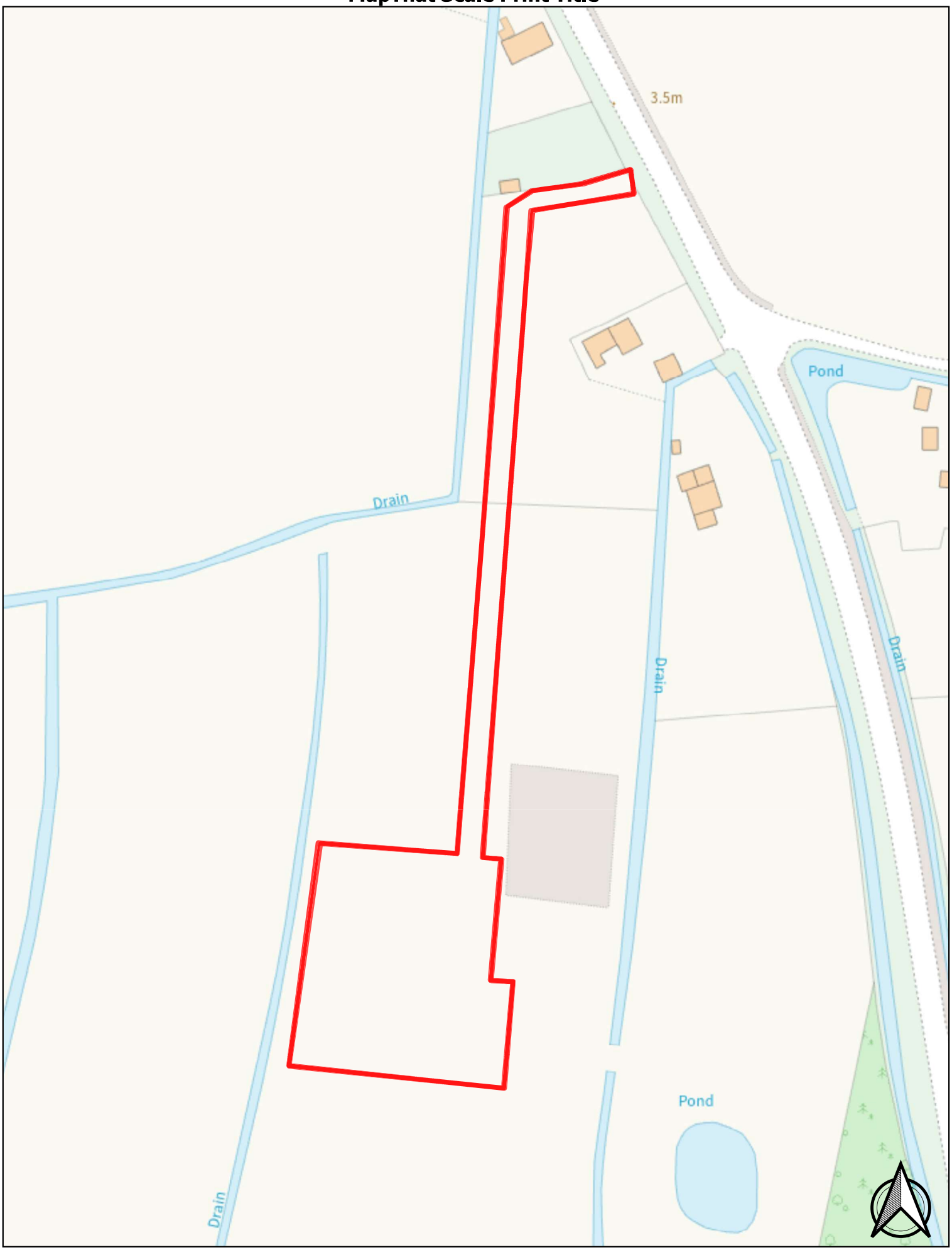
Lead Contact Officer

Name and Post:	Nick Atkinson , Lead Development Management Planner (Interim) - BBC & SHDC
Telephone Number:	
Email	nick.atkinson@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:1250
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