DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H05-0070-25** | **Applicant:** | **Delph Bank Touring Park** |
| **Proposal:** | Change of use of part of garden land and erection of club house - retrospective | | |
| **Location:** | Delph Bank Touring Park Old Main Road Fleet Hargate | | |
| **Terminal Date:** | 29th May 2025 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |
| 07 | Improving South East Lincolnshire's Employment Land Portfolio |
| 09 | Promoting a Stronger Visitor Economy |
| 28 | The Natural Environment |
| 30 | Pollution |
| 31 | Climate Change and Renewable and Low Carbon Energy |
| 33 | Delivering a More Sustainable Transport Network |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework December 2024**

**National Planning Policy Framework (December 2024)**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Delivering a strong, competitive economy
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

**National Guidance**

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |
| RESIDENTS | 1 | 0 | 0 | 0 |

## CASE OFFICER ASSESSMENT

### Proposal

The proposal seeks full planning permission for the change of use of garden land and the erection of a club house to be used in association with Delph Bank touring park.

The submitted design and access statement sets out that the application is 'partly a retrospective application as the subbase is in situ'. During the site visit, it was noted that the building has been constructed and as such the application is retrospective, not part retrospective as initially indicated.

### Site Description

The application site comprises land at Delph Bank touring park, to the south of Old Main Road, Fleet Hargate. The club house building is located to the east of the existing office / shop building which serves the touring parking, and to the south of Delph Bank which is a dwelling.

The site is outside the settlement boundary of Fleet Hargate, as identified by the South East Lincolnshire Local Plan (2019) and the accompanying policies map. The site is therefore within the countryside in planning policy terms.

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

### Planning History

H05-0184-05: (Full Application) Replacement toilet/reception building - approved 29 March 2005

H05-0963-22: (Full Application) Extension to existing services building to allow for an on site shop - approved 17 November 2022

H05-1041-23: (Full Application) Proposed siting of two glamping pods and construction of access road, including change of use of domestic garden to form an extension of the touring park (retrospective). - approved 16 January 2024

## Consultation Responses

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

Cllr P S Barnes: If this Club House is just to be used by "residents" of the camp site then I see no issue. However, if it is to be used by the general public or visitors then I am concerned about noise and traffic movements as this site is next to a residential home for the elderly. The information supplied shows a picture of the foundation base, but my understanding that the building has already been erected.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the western site boundary near the access road. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). I note the presence of a Board Maintained watercourse (DRN201G0403- K04 Devils Hill) adjacent to the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Lincolnshire County Council - Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS: No objections. The proposals would not have an impact on the Public Highway or Surface Water Flood Risk

Environmental Protection: No comments regarding land contamination or environmental protection.

Fleet Parish Council: No response received.

Ecology Officer: No response received.

## Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The following matters are raised within the response:

-The application is misleading as it is retrospective as the building has been constructed.
-There are concerns that the club house will be open to the general public and not just users of the caravan park. The site is located next to a care home and only has a small car park. Non-residents leaving late at night down the long drive next to a care home might be a problem for residents of the care home.

## Key Planning Considerations

Development Plan

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

unless material considerations indicate otherwise.

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

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

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

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

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

These matters are assessed in turn below.

Principle of Development

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

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

In this case, the site comprises land within the countryside, outside of any settlement boundary. Section D of Policy 1 sets out that development within the countryside 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 supporting policy text, paragraph 3.2.16 states that "Some land uses may also require a countryside location because of their functionality".

Paragraph 88 of the NPPF sets out that planning decisions should enable the development of sustainable rural tourism and leisure developments which respect the character of the countryside (part c).

Although the site is within the countryside in policy terms, the site is within an establish touring park. The application seeks consent for a club house which is intended to support the functioning of the touring park by providing a space for visitors to relax and socialise.

In terms of Policy 1, the development would provide some economic and community benefits. For example, the club house could support the touring park by encouraging visitors through the provision of an additional facility, thereby making the touring park more attractive as a location to visit. This could also assist other local businesses such as food establishments as visitors to the touring park could use and spend money in the local area.

Policy 9 (Promoting a Stronger Visitor Economy) sets out that outside settlement boundaries, small-scale development to support the visitor economy will be supported provided that proposals:

1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and

3. demonstrate a functional link with an existing rural attraction or farm enterprise.

It is considered that the club house comprises small-scale development and that the development would accord with the above referenced criteria. For example, the club house is set within an established caravan park and there is therefore a functional link to the caravan park. There is a dwelling to the north of the site however the applicant lives within the dwelling. It is considered that the club house is in keeping with the character of the locality as the building is relatively well screened from the surrounding area by existing landscaping and buildings. The scale of the building is also not significant and it is comparable with neighbouring buildings.

The supporting policy text for Policy 9 is also relevant to the current proposals. For example, it is acknowledged within Paragraph 4.4.3 that some small-scale tourist facilities such as caravan sites may be more appropriately located outside a settlement boundary. This is provided that there is a clear link to an established rural enterprise and the quality of the design ensures no adverse impacts upon landscape, heritage or biodiversity.

The principle of development is therefore acceptable, as the proposed use comprises an appropriate form of development for the location which would be in accordance with the overall principles of the spatial strategy. As such, the development accords with Policies 1 and 9 of the Local Plan and Paragraph 88 of the NPPF.

Design and Visual Impact

Policy 2 of the Local Plan similarly outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

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

The club house building is already in place on the site. The building measures 12m by 8m. The building features a gable end roof form and the ridgeline measures 3.17m in height from the ground level, and the eaves measure 2.1m in height from the ground level. The building features timber cladding and a profile cladding roof. The windows and doors are timber framed.

The building is located to the east of an existing office/reception building which serves the caravan park, and to the south of a dwelling. The club house building is not as tall as either of these buildings and it is considered that the club house is proportionate in terms of its scale. The caravan park is relatively well screened from the surrounding area by existing vegetation. The proposed club house therefore does not protrude into the open countryside as it is contained within the caravan park site. It is considered that the club house blends into its surroundings appropriately and its visual impact is acceptable.

The proposed development has an acceptable impact on the character and appearance of the area and therefore accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

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

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

There is a dwelling located approximately 4m to the north of the site. The applicant lives within the dwelling and as such the dwelling is already close to the caravan park. It is considered that the club house would not result in an adverse amenity impact on the dwelling in terms of noise or disturbance. Furthermore, due to the siting and scale of the club house, the building does not result in an unacceptable degree of overshadowing.

The development has an acceptable impact on the amenity of the nearest dwelling. As such, the proposed development accords with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

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

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The proposed development seeks to use the existing private access road which currently serves the caravan park. The access runs from the south of Old Main Road, measuring approximately 315m in length. No changes are proposed to the vehicular access or the parking arrangements for the caravan park. The proposed club house is proposed to serve users of the caravan park and as such, the existing parking arrangements are considered to be acceptable as users will continue to park on their individual pitches or within the visitor car park in front of Delph Bank.

Lincolnshire County Council's Highways and SUDS team have not set out any objections to the proposals, nor have they requested any conditions. The proposal would therefore have an acceptable impact in terms of highway safety and as such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

The site is within Flood Zone 3 as identified by the Environment Agency's flood risk maps. Policy 4 of the Local Plan sets out that development within Flood Zone 3 will be permitted in instances where specific criteria is met.

Within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within a hazard rating area. As such, in this case no specific mitigation is recommended by the SFRA.

It is considered that the proposed use falls under the 'more vulnerable' category of development as defined by Annex 3 of the NPPF. More vulnerable uses include "Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan". The club house is therefore considered to fall under this category. The development is therefore required to pass the sequential and exception tests, in accordance with Paragraph 172 of the NPPF.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. In this case, it is recognised that the club house is proposed to be used in conjunction with the existing caravan park and therefore the building could not be located elsewhere within the district. The surrounding area is also within Flood Zone 3 and there is no land within the wider caravan park which is in a lower risk flood zone. As such, it is considered that the sequential test is passed in this case.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be

demonstrated:

"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 proposed development would provide a contribution to the local economy as visitors of the caravan park could support local services and facilities. The proposed club house is intended to encourage visitors to the caravan park to ensure the long term viability of the business. The development could therefore provide sustainability benefits in terms of the local economy.

In terms of whether the proposed development would be safe for its lifetime, within the SFRA, the site is not identified within any specific hazard areas. As such, the SFRA does not recommend any specific mitigation in this case. Surface water is proposed to be discharged via a soakaway which is a sustainable means of drainage. The building is not intended as sleeping accommodation and would only be used recreationally by users of the caravan park. It is therefore considered that the development would be safe in flood risk terms.

The proposed development would not pose an increase in risk to people. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and section 14 of the NPPF in terms of flood risk management.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units.

The application is accompanied by a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain Assessment. The assessment summarises that no protected species surveys are considered to be necessary due to the low potential for such species within the site. It is however recommended within the PEA that external lighting is appropriately designed and delivered to minimise the potential impact on foraging and commuting bats. No lighting is however indicated on the proposed building, according to the submitted plans.

According to the submitted information, the proposed development can deliver a net gain of 12.54%. The council's ecology officer has not provided a consultation response for the application, however, it is considered that the site has the capacity to deliver a net gain in biodiversity. This is typically secured automatically through a pre-commencement condition. As the proposal is retrospective, it is considered appropriate to require the submission of a biodiversity net gain plan within six months of the decision notice. With the inclusion of this condition, the proposal therefore accords with Policies 28 and 31 of the Local Plan, Section 15 of the NPPF, and Schedule 7A of the Town and Country Planning Act 1990.

## Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

## Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## Conclusion

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 9, 28, 30 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

## Recommendation

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