DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0362-26**	**Applicant:**	**Mr Bingham**
Proposal:	Proposed installation of ground mounted solar panels		
Location:	Langary Gate House Langary Gate Road Gedney Hill		
Terminal Date:	10th July 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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the installation of ground mounted solar panels. The panels are proposed to be located on land to the south-east of Langary Gate House, which is the host dwelling in this instance.

The solar panels are proposed at the end of the driveway of the dwelling which is next to part of the garden area. The panels would be located between the dwelling and an existing outbuilding. Langary Gate House appears to be set within a spacious plot with a large garden. Although it is unclear specifically where the residential curtilage would be considered to end, it is considered that the solar panels would be located relatively close to the dwelling. As such, it is accepted that the proposal can be considered as a householder development as it is considered likely that the proposed siting falls within the curtilage of Langary Gate House.

Site Description

The application site comprises land at Langary Gate House, located to the south-east of Langary Gate Road. Langary Gate House comprises a detached dwelling set within a spacious plot with a large garden area. The site is located to the north-west of Gedney Hill. The site is mostly surrounded by agricultural land; however, there is a garden centre located to the north-west of the site on the opposite side of Langary Gate Road.

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

The site is within Flood Zones 1 and 2, as identified by the Environment Agency's flood risk maps.

Planning History

H05-0571-06: (Full Application) Erection of conservatory to rear of dwelling - approved 13 June 2006

H05-1459-88: (Full Application) Proposed extension to internal alterations - approved 01 November 1988

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.

South Holland Internal Drainage Board: Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore, the Board has no comments to make. Whilst the site falls below our threshold for commenting, I'd like to ensure the applicant is aware of the riparian watercourse adjacent to the site and the associated riparian responsibilities. Guidance on owning a watercourse is available on the Government website https://www.gov.uk/guidance/owning-a-watercourse. Please note that consent would be required from the Board for any alterations or discharges to a watercourse, more information can be found on our website - https://www.wlma.org.uk/ .

Lincolnshire County Council - Highways and SUDS: The proposal is for the installation of ground mounted solar panels and it does not have an impact on the Public Highway or surface water flood risk.

Peterborough and Spalding Gliding Club: No response received.

Fenland Aero Club: No response received.

Fleet Parish Council: No response received.

Cllr P S Barnes: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no representations have been received from members of the public.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority 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;
- Impact on the Character and Appearance of the Area;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Paragraph 167 of the NPPF sets out the following:

"Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights)."

Policy 31 of the Local Plan relates to the provision of renewable and low carbon energy. Part B of the policy sets out the following:

"With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:

1. visual amenity, landscape character or quality, or skyscape considerations;
2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;
3. highway safety (including public rights of way);
4. agricultural land take;
5. aviation and radar safety;
6. heritage assets including their setting; and
7. the natural environment."

Therefore, there is policy support for the provision of solar panels provided the above referenced criteria are addressed. In this case, the solar panels are proposed at the ground level and it is considered that the proposals would not result in significant harm in terms of the above referenced

criteria. For example, the proposed solar panels would not result in an adverse impact on residential amenity as the panels relate to a relatively small area and there are no dwellings immediately next to the site. Furthermore, the panels would not affect highway safety, result in the loss of agricultural land, pose a risk in terms of aviation safety or affect heritage assets.

Therefore, due to the small scale nature of the proposals and the level of policy support for the provision of renewable energy provision, the principle of development is considered to be acceptable in this instance.

Impact on the Character and Appearance of the Area

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 solar panels would be located between the dwelling at Langary Gate House and an existing outbuilding. The panels are proposed to be located on a flat piece of land that is partially screened from the street scene along Langary Gate Road by Langary Gate House and existing vegetation in and around the site. The panel array is proposed to measure 11m by 3m, measuring 2.69m in height. It is considered that the scale and siting of the solar panel array is acceptable. For example, the structure would be of a proportionate scale to the host dwelling and the array is unlikely to be visually prominent within the area due to its positioning away from the road frontage.

Therefore, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area, in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Flood Risk

The site is located within Flood Zones 1 and 2 and the area where the solar panels are proposed is within Flood Zone 2. As the proposal is for a minor development comprising solar panels to be used in association with a dwelling, no specific flood risk mitigation is required in this instance. It is considered that the development would not result in an increased flood risk either within the site or on any surrounding land.

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.

When taking the above into account, the development is considered to be exempt from the statutory BNG requirement as the proposed would fall under the de minimis exemption.

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, 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, 30 and 31 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.