

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0371-26 **Applicant:** Groom Bros Limited
Proposal: Demolition of existing barns & erection of 2 dwellings
Location: Primrose Farm Maisdyke Lane Fleet
Terminal Date: 16th June 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
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the demolition of two barns and for the erection of two detached dwellings. The dwellings would each feature two storeys and would be located within the footprint of the existing buildings within the site. The vehicular access to the dwellings is proposed to be taken from Maisdike Lane, which is to the east of the site.

Site Description

The application site comprises land at Primrose Farm, which is located to the east Maisdike Lane and approximately 1.4km to the south of Fleet. The site features two agricultural buildings and an existing vehicular access from Maisdike Lane, which is to the east of the site. The site is within a rural area; however, there are some nearby dwellings located to the north of the site, including Red Robin Lodge, Primrose Farm and Marsett.

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan (2019) and the accompanying policies map. Therefore, the site is 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

H05-0991-24: (Prior Approval) Proposed change of use of agricultural building to dwelling - approved 17 January 2025

H05-0989-24: (Prior Approval) Proposed change of use of agricultural building to 4 dwellings - approved 17 January 2025

The following applications have been submitted on land to the north of the site:

H05-0632-15: (Full Application) Proposed conversion of barn to dwelling - approved 25 August 2015

H05-0131-17: (S73 Application) Proposed conversion of barn to dwelling - approved under H05-0632-15 - Modification of Condition 2 to allow amendments to previously approved plans - approved 16 March 2017

H05-0373-19: (S73 Application) Proposed conversion of barn to dwelling - approved under H05-0131-17. Modification of Condition 2 to allow amendments to previously approved plans (part retrospective) - approved 5 June 2019

H05-1021-19: (Discharge of conditions) Details of windows, doors, rooflights, etc - approved 23

December 2019

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:

Byelaw 3 (Surface Water): 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. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern site boundary. 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).

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Ecology Officer: There has been sufficient evidence provided to determine this application. The applicant has provided thorough ecological documentation therefore in my judgement providing sufficient ecological data to determine this application. We support all mitigation and enhancement recommendations provided in section 4 (pages 7-9) of the PEA and request that they are required by condition. A Badger disturbance license will be required pre-commencement accompanied with another badger presence survey within 4 weeks of development works commencing.

We request that a total of 2 integrated universal nest bricks, one integrated bat box, and 2 pole or wall mounted barn owl boxes are secured via a condition / conditions.

We are confident that 10% net gain will be achieved by securing 1.1261 habitat area units offsite for this application. We will require a biodiversity gain plan and an updated BNG metric to be secured pre-commencement. The proposed tree planting on site must not be included within the domestic curtilage of the properties and must be managed as public space independently from the resident's wishes (e.g., managed by a landlord or management company). If instead, these areas are included in the domestic curtilage of the proposed dwellings (and fall within the PD rights of the residents), then they must be re-categorised as vegetated garden in the metric assessment and not secured as individual trees. In regard to the above, we suggest that a condition be included in the permission that defines these trees to be independent from the domestic curtilage. If it can be confirmed that these areas remain outside of the curtilages of the dwellings, then the sections of habitat creation could be retained as Individual Trees in the habitat creation tab.

Lincolnshire County Council - Historic Environment: 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: With the prior approval application the Local Planning Authority were told that the access would need to be upgraded to Lincolnshire County Council Specification and detailed on the proposed site plan. This has not been done so a condition should be attached to any decision notice to ensure that the access is upgraded. The parking and turning demonstrated is acceptable for the size of dwellings that are proposed. The proposal will not have an adverse impact on the public highway. Condition 11A and Informatives 03 and 08 are recommended.

Lincolnshire Wildlife Trust: No comments.

Environmental Protection: I request a screening assessment form be completed and submitted with photographs to the Local Authority.

Fleet Parish Council: No response received.

Cllr P S Barnes: No response received.

Lincolnshire Bat Group: 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 from members of the public have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority (LPA) 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, Layout and Impact on the Character and Appearance of the Area;
- Impact on Residential Amenity;
- Highway Safety and Parking;
- Flood Risk and Drainage;
- Biodiversity Net Gain; and
- Contamination.

These matters are assessed in turn below.

Principle of Development

Paragraph 84 of the NPPF sets out that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- "a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential building; or
e) the design is of exceptional quality, in that it:
i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

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.

The site is outside any defined settlement boundary and the site is considered to be within an isolated area. Therefore, the site is within the countryside in planning policy terms. Part D of Policy 1 sets out that within 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.

It has not been demonstrated that residential development is necessary in this location; for example, in conjunction with agriculture or other rural based business. Moreover, the site is physically divorced from larger service settlements. In the absence of footpaths from the site, it is likely that future occupants would be reliant on the use of private cars to access services and facilities. Consequently, the proposal does not accord with Policy 1 and would not normally be considered a suitable site for new housing.

The application is accompanied by a Supporting Statement, within which reference is made to a previous Class Q approval as a fall-back position. The statement refers to prior approval H06-1043-21; however, this is presumed to be an error as this relates to another site. It is presumed that the statement meant to refer to prior approval consents H05-0991-24 and H05-0989-24, the details of which have been set out previously. The statement sets out that the applicant considers that the proposed development represents a 'betterment' over the Class Q approvals.

Caselaw has demonstrated that Class Q consents are a legitimate fallback position when considering alternative proposals for development of the same site. The relevant legal principles relating to fallback were set out in *R v Secretary of State for the Environment and Havering BC* (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test:

"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is "yes", a comparison must be made between the proposed development and the fallback use."

The notion of the Class Q fallback position was also comprehensively dealt with at the landmark Court of Appeal case, *Mansell vs Tonbridge and Malling Borough Council* (2017). This case established 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 LPA. Therefore, where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could be allowed to proceed.

The LPA considers that there is a realistic prospect that the Class Q conversion could take place. Consent has recently been granted, and the developer has three years to complete the development. Therefore, it is necessary to consider if the current proposals offer either an

enhancement to the setting or a reduction in density when compared to the fallback position. This is discussed within the remainder of this assessment.

Design, Layout and Impact on the Character and Appearance of the Area

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan 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, requiring development to feature 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 site is located within a largely rural area as the site is mostly surrounded by agricultural fields. The site is well screened from the surrounding area by various mature trees that are located to the east and south of the site and there is a close boarded timber fence located to the north of the site. Although the site is within a rural area, there are two dwellings located to the north of the site, Red Robin Lodge and Primrose Farm. Further to the north-east of the site on the opposite side of Maisdike Lane, there is another dwelling called Marsett.

The dwelling referred to as Red Robin Lodge comprises a barn conversion and according to the submitted planning statement from the current application:

Impact on Residential 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 set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is considered that the dwellings would be provided with sufficient internal living space and external amenity space. It is considered that there would be sufficient separation distances between the dwellings within the site and the nearest dwellings to the north to prevent an unacceptable degree of overlooking.

Therefore, the proposed development would not result in an unacceptable impact on the residential amenity of neighbouring dwellings or future occupants. As such, in amenity terms, the proposal accords with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan, which amongst other things, seek to ensure that proposals result in a suitable standard of amenity for residents.

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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The

standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The submitted site plan shows a driveway area for each of the dwellings with room for at least 3 parking spaces. As such, it is considered that there would be sufficient room for parking and turning within the site.

A shared access is proposed for both dwellings from Maisdike Lane which is to the east of the site. Lincolnshire County Council's (LCC) highways team have set out that the prior approval applications indicated that the access would need to be upgraded to LCC's specification; however, the approved site plans did not indicate this. Maisdike Lane is a single-track access road, and the road does not lead to any dwellings to the south. As suggested by LCC, it would be considered appropriate to secure further details of the surfacing within the site via a planning condition to ensure the surfacing is suitable. For example, the surfacing next to Maisdike Lane needs to be an appropriate sealed surface to prevent material being brought onto Maisdike Lane which could cause a skid hazard.

Therefore, the proposals would have an acceptable impact in terms of highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. As the site lies within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is required to pass the sequential and exception tests.

The application is accompanied by two Flood Risk Assessments (FRAs), one for each of the proposed dwellings. The FRAs contain sections relating to how it is considered that the proposed development passes the sequential and exception tests.

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. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

Whilst a district-wide search would typically be required as the proposal is located within the countryside, it is recognised that there is fallback position in this case that would allow for the creation of up to 5 dwellings within the site if the prior approval consents were implemented and completed. As such, it is considered that the proposal passes the sequential test in this case.

In terms of the exception 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."*

In terms of part a, sustainability benefits can be broad and there is no specific list of benefits outlined within planning policy or guidance. The NPPG sets out some examples of sustainability benefits such as the re-use of previously developed land and the provision of sustainable drainage systems.

In this case, the proposal would provide 2 dwellings which would provide a moderate contribution to the district's housing land supply which can be considered as a benefit. According to the application form, the proposed means surface water drainage is via soakaways which can be regarded as a sustainable drainage system. Further details of the proposed drainage strategy would need to be secured as it is unclear if soakaways are feasible. A sustainable drainage strategy would be encouraged, and an alternative drainage strategy would only be permitted if it was demonstrated that a sustainable drainage strategy was infeasible. For example, if the ground conditions were not suitable for soakaway infiltration.

In terms of part b, the submitted FRAs set out that although the site is within Flood Zone 3, the probability of the development flooding from localised drainage systems is low. 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. Within the SFRA, 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 and as such, in this case no specific mitigation is recommended by the SFRA. Notwithstanding this, the submitted Flood Risk Assessments recommend that the finished floor levels should be set at 0.3m above the surrounding ground level. As such, the proposed mitigation measures are considered to be suitable as they would accord with the recommendations within the SFRA.

It is considered that an appropriate level of flood risk mitigation is proposed, and the development would remain safe from current and future surface water flood risk for the lifetime of the development. As such, it is considered that the development passes the exception test.

Overall, it is considered that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

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 (BNG) 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.

The current application is accompanied by a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain (BNG) metric calculation. The submitted information has been reviewed by the LPA's ecology officer.

It is considered that sufficient evidence has been provided to determine the application. The LPA's ecology officer considers that a net gain can be delivered by securing 1.1261 habitat area units. This can be secured via a planning condition. The ecology officer has set out that the BNG metric will likely need to be updated if the proposed tree planting remains within the curtilage of the dwellings as the planting would need to be re-categorised as vegetated garden.

The ecology officer supports the recommendations set out within section 4 of the PEA and these measures can be secured via conditions. A badger disturbance license will be required pre-commencement, and this can be secured via a condition.

In line with the ecology officer's recommendations, it would be considered appropriate to secure 2 integrated universal nest bricks, 1 integrated bat box, and 2 pole or wall mounted barn owl boxes via a condition.

As such, it is considered that the proposal would have an acceptable impact on protected species and suitable measures can be secured via planning conditions to ensure species are protected during construction works and after the construction period.

Contamination

Policy 30 of the Local Plan requires proposal not to be permitted if they would result in an unacceptable adverse impact upon the health and safety of the public or on land quality.

The application is not accompanied by any contamination assessment information. The council's environmental protection team have requested a contamination screening assessment form. As this has not been provided, a pre-commencement condition requiring the submission of contamination assessment information has been agreed with the applicant's agent.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Although the proposal conflicts with Policy 1, it is considered that the proposed development would represent a betterment in comparison with the previously approved barn conversion scheme. As such, it is considered that the benefits of the proposal outweigh the conflict with Policy 1 in this instance. The proposed development is also considered to be acceptable in terms of other relevant considerations such as flood risk, highway safety and ecology.

In this instance, there are no material considerations that weigh significantly 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 2, 3, 4, 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.