DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0456-26**	**Applicant:**	**Foxburrow Farm Services**
Proposal:	Proposed agricultural barn and access roadway from existing highway access		
Location:	Land Adj Sanderi Winslow Gate Holbeach		
Terminal Date:	31st August 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
28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building 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

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

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for an agricultural barn and a vehicular access from Winslow Gate, which is to the west of the site.

Site Description

The site comprises land at Foxburrow Farm on Winslow Gate in Fleet. The site includes an agricultural access from Winslow Gate and part of an agricultural field. There is a tree belt to the north and relatively open land to the east and south-east of the site. There are 4 dwellings located to the south of the site all of which are accessed from Winslow Gate.

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

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

Planning History

H05-0835-82: (Outline Application) Erection of bungalow and garage with access - approved 08 December 1982

H05-0280-83: (Full Application) Proposed new bungalow - approved 01 June 1983

Consultation Responses

Environmental Protection: No comments.

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.

Ecology Officer: 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 5, pages 22-24 of the PEA and request that they are required by condition. Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case, the metric demonstrates that the required 10% biodiversity net gain can be delivered off-site, but within land under the applicant's ownership with a predicted overall gain of 36.91% in Habitat units and 75.38% gain in watercourse units. There has been sufficient evidence provided to determine this application, and we are confident that 10% net gain will be achieved offsite for this application. We will require a biodiversity gain plan, an HMMP and a Grampian condition to be secured pre-commencement to ensure that offsite habitat creation is achieved for this site.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via either infiltration or discharging to a watercourse. We recommend a drainage strategy is provided for the site. If the applicant intends to dispose of surface water via infiltration, 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, and the applicant proposes to discharge surface water to a watercourse, 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 2/l/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): The applicant's proposals will not require the disposal of foul water, therefore Byelaw 3 (treated foul water) does not apply.

Section 23, Land Drainage Act 1991: We note the presence of watercourses which are not maintained by the Board (riparian watercourses) adjacent to the northern, eastern and southern wider site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter any watercourse, or if works are proposed to alter any watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Byelaw 10: It is currently unclear from the plans provided if the access track to the agricultural barn is existing or proposed. The western section of this access track, nearest to Winslow Gate, is located within 9 metres of the Board arterial watercourse known as K15 Hurnfields (DRN201G1502). Therefore, we request that further information regarding the surfacing of the site access is provided. If any works within 9 metres of the aforementioned Board arterial watercourse are proposed, 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 - Highways and SUDS:

First Response (04 June 2026): The new vehicle access required (within the extents of the public highway) will need constructing to Lincolnshire County Council's specification as part of a Section 184 application. Please update site plan DWG. 0551/26/01, dated May 2026 to include a note stating 'New vehicle access to LCC's specification', so that it forms part of the approved drawings. It is requested that the applicant demonstrates the maximum available visibility splays that can be achieved, in line with Manual for Streets. Upon receipt of the requested information the Highway Authority will consider the proposal further.

Second Response (08 July 2026): The visibility at the access is 215 m south and 160 m north, subject to maintenance of vegetation, which complies with Manual for Streets (MfS). Winslow Gate is an unclassified road subject to the national speed limit, and due to factors including the width and alignment of the road and driver behaviour; visibility in accordance with MfS is deemed appropriate rather than visibility set out in DMRB which are Department for Transport standards for Trunk Roads. Therefore, subject to an upgrade field access and vegetation maintenance, it is considered that the proposals would not result in an unacceptable impact on highway safety. 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. In the event that permission is to be given, planning condition 15 should be attached and highway informative 03.

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 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 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. A Neighbourhood Plan has been designated for Long Sutton, however, a draft version of the plan has not yet been issued.

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
-Biodiversity Net Gain and Ecological Impact.

These matters are assessed in turn below.

Principle of Development

Paragraph 88 of the NPPF sets out that planning decisions should enable "the development and diversification of agricultural and other land-based rural businesses" (part b).

Paragraph 89 of the NPPF further sets out the following:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

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.

The supporting policy text of Policy 1 sets out the following at Paragraph 3.2.15

"The Countryside of South East Lincolnshire is a precious resource, mainly in its role for agriculture but also for recreation. There are types of development that require a Countryside location either because it is the location of an existing building or use of land. Where changes to such buildings or land uses require planning permission Policy 1 and other more detailed Local Plan policies will apply. Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan."

The application seeks consent for an agricultural barn and a vehicular access from Winslow Gate which is to the west of the site. The site is part of a wider parcel of land which is within the applicant's ownership that comprises approximately 1.3 hectares. According to the submitted planning statement, the land has "not been farmed in any way for some time and therefore requires some considerable input to bring it back to a suitable, manageable condition".

As set out above, Paragraphs 88 and 89 of the NPPF and Policy 1 of the Local Plan recognise that agricultural development should generally be supported in the countryside.

In this case, the building is proposed partly for the storage of "farming machinery, tractors, farming implements, multiple trailers of different uses and a digger". It is agreed that even though the existing agricultural unit is small, there would likely be a need to store such items within the building. There also needs to be circulation space within the building for manoeuvring vehicles.

The proposed barn would feature approximately 168sqm of internal floorspace. Whilst it is recognised that it is reasonable for farms to require buildings to store machinery to deter thefts and to prevent damage, initially it was considered that the building is relatively large for what is currently a relatively small agricultural unit. Notwithstanding this, there is no specific planning guidance which sets out how large an agricultural building should be based on the size of the agricultural unit. The needs of agricultural units will inevitably vary depending on the nature of the agricultural operations that take place within the unit.

The planning statement includes some justification for the size of the building, setting out that the applicant intends to purchase further parcels of land, and the building could be required to maintain those parcels of land in future. Whilst the LPA recognises the need to consider potential future expansion, it nonetheless needs to be established if the proposals are necessary based on existing circumstances. As such, further clarification was requested, and the following information was provided:

"In the workshop area there will be a milling machine, a lathe, welding equipment as we are welding tables and other general tools and workspace. The rest of the building will store farming machinery, tractors, farming implements, multiple trailers of different uses and a digger. Obviously farming equipment is large as it is but there is also space required around all of these to be able to manoeuvre around everything so that equipment can be used without having to move everything else out of the way first."

In terms of the above reference to a workshop area, the submitted planning statement also sets out that "at some point" the applicant would like to operate an agricultural engineering business from the building "offering agricultural engineering to others". Based on the above referenced additional information provided it appears that part of the building is proposed to be used as part of the applicant's engineering business.

In terms of the proposed use of the building partly for an engineering business, the description of development is for an 'agricultural barn' and similarly the application form only proposes an agricultural use in terms of the proposed floorspace.

Section 336 of the Town and Country Planning Act 1990 (as amended) states that agriculture includes the following:

""agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed

accordingly."

Whilst the storage of farm machinery is considered to comprise an agricultural use, it is less clear if the proposed engineering business use would also comprise an agricultural use. For example, if the applicant was repairing their own tractors within the building then this would likely be considered as ancillary. However, the statement appears to indicate that services would be offered to external customers and as such, this part of the proposals could fall under Use Class B2.

The applicant's agent has subsequently clarified the following:

-"The applicant intends to operate the 'engineering business' within a year of the barn being built, but this is somewhat flexible depending on finances.
-Their operations will be mostly mobile so there will be very few people visiting, but some works will not be possible to complete remotely hence the requirement for stationary equipment on site.
-They would operate between 8 & 4 unless there was an emergency during peak times, harvest etc.
-If anybody does visit site they will be able to pull up in front of the barn, due to low numbers of visitors this shouldn't be a problem. Visitors will generally be dropping off or picking up machinery to be repaired so it would be 1 or 2 at the most at a time."

Therefore, based on the information provided the building is proposed to be used partly for the storage of agricultural machinery, vehicles and equipment, and partly to operate the applicant's agricultural engineering business. Whilst the storage element of the proposals could be seen as necessary to support the re-use of the agricultural land within which the site is located, it is less clear if the agricultural engineering business is necessary for the location. The applicant could potentially base this part of the business elsewhere; however, it is recognised that there is logic in combining the two uses by allowing the storage of tools and other equipment for the engineering business in the same building.

As set out previously, Policy 1 also sets out that proposals might be acceptable in the countryside if the development meets the sustainable development needs of the area in terms of economic, community or environmental benefits. In this case, it is not considered that there would be any particular community benefits. There could be some minor economic benefits in terms of providing employment although only one person is proposed to work from the site. There could also be some minor environmental benefits as a net gain in biodiversity (BNG) is proposed. Typically, this would not be seen as a particular benefit as BNG is a statutory requirement; however, it is noted that an increase of 39.61% area habitat units is proposed and an increase of 75.38% watercourse units is proposed which would exceed the minimum 10% requirement.

The proposal needs to be considered in terms of the overall planning balance; however, it is considered that the proposal accords with the aims of Policy 1 of the Local Plan.

Design, Layout and 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 building is proposed to measure 18.7m in length and 9.4m in width. A gable end roof form is proposed measuring 5.3m in height up to its ridgeline and 4.3m in height up to its eaves. The external materials include blockwork on the lower part of the building with green box profile cladding above, green cladding on roof and green roller shutter aluminium doors. It is considered that the building would feature a utilitarian appearance that is common for agricultural buildings.

The building is proposed to be located near the northern edge of the field in which the site is located. There is a relatively dense tree belt to the north of the site that provides a significant degree of screening from the north. Furthermore, there are trees, and a hedgerow located to the west which provide further screening which would likely help soften views of the building from that direction.

There are relatively open views of the site from the south and east of the site; however, there

appears to be limited public views from this direction as this land includes agricultural land and grazing land. The landscape further afield remains flat; however, there are tree belts and hedgerows which intersperse the area.

The proposed footprint of the building would be larger than Sanderi which is the nearest dwelling to the site; however, the footprint would be comparable with Vangastow which is located further to the south. Evidently, the character of the building would differ to the nearest buildings to the site which include dwellings and some smaller outbuildings; however, it is considered that the scale of the building would not be incongruous for the area.

Therefore, 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.

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.

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

The proposed storage of agricultural machinery, vehicles and equipment is not considered likely to have an adverse impact on the amenity of the nearest dwellings.

The building is proposed to be located approxaimtely 37m from the edge of what is assumed to the be rear garden of Vangastow. There are other dwellings located further to the south (Glenside and Glenavon).

The dwelling at Foxburrow Farm is part of the agricultural unit in this case and is also where the applicant currently resides. This might change in future though and other occupants might reside within the dwelling. As such, it is necessary to consider the impact of the proposals on the amenity of the nearest dwelling.

As set out previously, part of the building is proposed to be used for the applicant's agricultural engineering business, for which the operating hours would be 8am to 4pm. The days have not been specified. The applicant has set out that they mostly work on a mobile basis and as such, there would likely be "very few" people visiting the site. Whilst there might be a degree of disturbance caused by an increase in comings and goings to the site and as a result of some noise from tools that might be used to fix machinery, it is not considered that this impact would be adverse. Furthermore, a planning condition could be included to limit the operating hours to limit the impact of the development on the nearest dwellings.

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.

A vehicular access is proposed from Winslow Gate to the west of the site. According to the application form, the access is proposed to be surfaced with Crushed MOT type 1 / limestone

roadway surface.

Lincolnshire County Council's (LCC) highways team have set out that the vehicular access would need to be constructed in accordance with LCC's specification as part of a Section 184 application. The team requested that the site plan is updated to include a note stating "New vehicle access to LCC's specification". The team also requested that the maximum available visibility splays can be achieved, in line with Manual for Streets. An amended site plan has subsequently been received incorporating the suggested amendments. The highways team have been re-consulted and have confirmed that the amended details are acceptable. The team have recommended a planning condition to ensure that the hedgerow next to Winslow Gate is cut back to ensure that the visibility splays can be maintained.

Therefore, the proposal would have an acceptable impact on 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 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The site lies within Flood Zone 3 as identified by the Environment Agency's flood risk maps. Therefore, the proposal is required to pass the sequential test as required by Paragraph 175 of the NPPF. As the proposal would comprise a 'less vulnerable' use as defined by Annex 3 of the NPPF, it is not necessary for the development to pass the exception test.

Paragraph 8.3.6 of the South East Lincolnshire Strategic Flood Risk Assessment (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 application is accompanied by a Flood Risk Assessment (FRA); however, the document does not clarify how the applicant considers that the development passes the sequential test. Notwithstanding this, it is recognised that large parts of the district of South Holland lie within Flood Zone 3 and most of the rural areas where the proposed building could be located are also within Flood Zone 3. Furthermore, the area surrounding Winslow Gate is within Flood Zone 3. The building is proposed to be used in conjunction with an existing agricultural plot of land. As such, it is not considered reasonable or practical for the building to be located on land that is within a lower risk flood zone. Therefore, it is considered that the sequential test is passed in this case.

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. The site appears to be within 'Danger to Some' and 'Danger to Most' hazard areas as identified by the SFRA. For less vulnerable uses such as the proposed building within these hazard areas, the SFRA recommends that the finished floor levels of buildings should be raised as high as practicable (minimum 300mm above the existing ground level). The submitted FRA does not propose this; however, it is considered that a planning condition could be imposed to require the development to include the recommended floor levels. With the inclusion of such a condition, it is considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in flood risk terms.

South Holland Internal Drainage Board (IDB) have also set out that the western section of the access (nearest to Winslow Gate) is within 9m of the IDB's arterial watercourse known as K15 Hurnfields (DRN201G1502). Therefore, the IDB have requested further information regarding the surfacing of the site access is provided. The proposed surfacing of the access is set out within the application form as crushed MOT type 1 / limestone roadway surface. It is not considered that this surfacing would significantly undermine the ability of the IDB to maintain or access its watercourse.

Biodiversity Net Gain and Ecological Impact

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.

The application is accompanied by a Biodiversity Net Gain (BNG) Statement and an associated metric calculation. The council's ecology officer has reviewed the submitted information and considers that the required 10% in BNG can be delivered off-site, as is proposed with a predicted overall gain of 36.91% in Habitat units and 75.38% gain in watercourse units. This can be secured via a planning condition.

The application is also accompanied by a Preliminary Ecological Appraisal (PEA) which concludes that no further survey work is necessary; however, precautionary mitigation is recommended within Section 5 of the PEA. The council's ecology officer agrees with the recommendations outlined within section 5 and the implementation of the measures could be secured via a planning condition.

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 proposed development would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety, archaeology, biodiversity and flood risk particularly through the inclusion of relevant planning conditions. Therefore, the proposed development accords with the Local Plan and the NPPF. 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 and 28 of the Local Plan, along with the identified sections 2, 4, 9, 11, 12, 14 and 15 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.