

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0791-25 **Applicant:** P Wilkins
Proposal: Winter Animal Shelter - Part Retrospective
Location: Strong's Bank Holbeach Fen Spalding
Terminal Date: 13th October 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
28	The Natural Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
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 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	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RUBEN LOPEZ, HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the retention of a winter animal shelter. According to the application form, the structure was completed in July 2023.

The shelter measures 8m by 4.5m. There is a small extension to the side of the shelter that measures 1.9m by 1.3m. The maximum height of the shelter is 3.2m from the ground level. The shelter features a flat roof structure and there is a verandah at the front of the shelter.

Site Description

The application site comprises a strip of land covering approximately 0.56 hectares. The site is located approximately 175m to the south-west of Strong's Bank, at Holbeach Fen. There is an access track which runs from Strong's Bank to the site. The site is surrounded by agricultural fields. The buildings are located within the eastern side of the site.

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

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

Relevant Planning History

H05-0559-25: (Certificate of Lawfulness) Siting of 4 Buildings - refused 22 August 2025

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): I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If 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 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.

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 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). I note the presence of 2no. Board arterial

watercourses (F32 Guide Post Drain - DRN197P3202 and F58 Sawfords Drain - North - DRN197P5801) adjacent to the east and west site boundaries. 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).

Byelaw 10: 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 - Highways and SUDS: the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Environmental Protection: No burning of animal bedding material permitted to protect other properties in the area.

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.

Cllr P S Barnes: This site is quite controversial in the eyes of local residents I have been advised that a previous application ..H05-0559-25 was refused A resident states "They were operating a totally un-licensed, un-registered business renting out the "buildings" as holiday lets, with no waste disposable facilities. They burned everything, or buried it in the drainage ditches that they have filled in. They appear to be now running a furniture business from there and are giving our address to customers as they have no official address of their own. We moved in the our property in June 2022 and the existing buildings on the land in question have been significantly extended during that time with no planning and the "chicken coop" in the latest application was described by the applicants father as a saloon bar which he proudly showed me around. There are also other buildings and structures on the land that are not shown on either application. We also found they had used our address as the supply address for their electricity, and have used it to insure a vehicle." They have a current business they are running from the site Suggest this application may need to go to committee.

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 summarises the key matters raised within the response:

- The current and previous plans that the applicant has submitted are only a means to keep the existing structures.
- The applicant might continue to use the site as an unregistered holiday let as they have done under the name Deadwood Cabins. This use took place without a formal address, previous consent, proper licences, waste disposal and presumably safety certifications & insurance.
- The buildings on the property are currently being used to store large quantities of furniture for another of their businesses. (The Furniture Club)
- All the animals that were on the site (inc Pigs. Chickens & Guinea Fowl) appear to have been removed for some time.
- On the current application there is no facility shown for human or animal waste management. (All previous waste was burned on site or buried in the now partially filled in drainage ditches which discharge into a watercourse)
- Internet links are provided to the applicants own advertising for the aforementioned businesses which contains photographic evidence of the previous and current use of the property.
- Multiple buildings on site have been erected in the last few years and existing buildings have been amended and expanded with no consent sought. Including the "Crazy Horse Saloon" as seen on social media - (which this application refers to) and "The Sheriffs Cabin" described as a stable on

another application H05-0559-25.

-The cabins on site had wood burning stoves installed and in use previously. They still appear to have chimneys. There is no mention on either this or the previous application of any provision of foul water, animal or human effluent management despite the previous use.

-Not all the habitable structures/cabins on the site appear to have had applications made for their erection or continued use on either of the applications made.

-The "Chicken Coop" building this application refers to appears in the applicants' photos to have some straw bales put in situ and previous outer signage altered to conceal the true nature of the original purpose as guest entertainment/saloon/bar shown in their social media advertising for Deadwood Cabins. There is no mention of what type and quantity animals or birds they plan to keep on the property.

-(Noise and Air Pollution) There is no mention of containment or security of the area they are to be kept within. (to prevent encroachment onto neighbouring fields or properties.

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;
- Visual and Amenity Impact;
- Flood Risk; and
- Biodiversity Net Gain.

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.

The site is outside any defined settlement boundary and is, therefore, within the countryside in planning policy terms. 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.

The applicant has not provided a statement setting out such benefits. Notwithstanding this, small scale structures which provide shelter for animals such as stables, are generally considered to be

acceptable within the countryside. The supporting text for Policy 1 sets out that some types of development require a countryside location, such as for recreation, and these types of development can meet the broad sustainable objectives of the Local Plan. For example, 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 sustainable leisure developments which respect the character of the countryside.

It is recognised that the building appears to have been used as a holiday let previously. The building is of a relatively substantial construction for an animal shelter and its appearance does not suggest that it was built to be used as an animal shelter. The LPA's enforcement team have visited the site and investigated potential breaches of planning control such as the use of the building as a holiday let. Following the enforcement team's involvement, the use of the holiday let appears to have ceased.

Therefore, the application is part retrospective as the building itself was constructed without planning permission. Retrospective consent is not sought for the previous use of the site as the holiday let use has ceased.

It is recognised that concerns have been raised within the public representation that the site could continue to be used as a holiday let if permission is granted, however, a planning condition could be included with any decision notice restricting the use of the site for the purpose of keeping animals. With the inclusion of such a condition, the use of the site would be controlled as the LPA could pursue enforcement action if the condition is breached. It is considered that an animal shelter is an appropriate use within the countryside, in accordance with Policy 1 of the Local Plan and Paragraph 88 of the NPPF. As such, with the inclusion of a condition to restrict the use of the site to an animal shelter, the principle of development is acceptable in this instance.

Visual and Amenity Impact

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

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, in that 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.

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.

The building is located to the west of existing structures and buildings within the site. There are various trees along the northern boundary of the site that provide a degree of screening from the surrounding area.

The shelter measures 8m by 4.5m. There is a small extension to the side of the shelter that measures 1.9m by 1.3m. The maximum height of the shelter is 3.2m from the ground level. The shelter features a flat roof structure and there is a verandah at the front of the shelter. The shelter features timber cladding and timber window and door frames. The materials are considered to be sympathetic to the rural context of the site.

Due to the scale and siting of the building, it is considered that the visual impact of the building is acceptable in this instance. The building is visible from the nearest public viewpoint near Strongs Bank, however, due to the external materials and the scale of the building, its visual impact is acceptable. There is also some screening in and around the site in the form of hedgerows and trees to soften views of the building from the surrounding area. Therefore, the development does not

cause an adverse impact to the character or appearance of the area in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

The proposed use of the building as an animal shelter is also not considered to cause an adverse impact on the nearest residential properties as the use would not cause an unacceptable degree of noise or odour. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 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 allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

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, the SFRA does not recommend specific mitigation for this type of proposal.

The proposed development is classed as a 'less vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore not required to pass the exception test. The development is, however, required to pass the sequential test.

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. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, National Planning Practice Guidance 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). In this case, it is recognised that the vast majority of the surrounding area is located within Flood Zone 3 and proposals for animal shelters are generally required in more rural locations such as the application site. Therefore, it is considered that the sequential test is passed in this instance.

Therefore, it is considered that the proposed development 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 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 statement setting out that the applicant considers that the development is exempt from BNG as the proposal falls under the 'de minimis' exemption due to being raised off the ground. The statement also sets out that the building is exempt as it was constructed in March 2023, before BNG came into force. Neither of these justifications are considered to apply in this case. For example, the building could still have affected habitat even if it is raised off the ground and National Planning Practice Guidance sets out that where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of relevant date (in this case March 2023), the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities. The relevant date should therefore be set as a date immediately before these activities. Unauthorised degradation of onsite habitat is any degradation which is not in accordance with a previous planning permission.

As such, it is considered that BNG is required and relevant conditions have been agreed with the applicant's agent to secure BNG.

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 the amenity of nearby residents. Whilst the building has been used as a holiday let previously without planning permission, the proposed use is now for an animal shelter. This can be controlled via a condition. It is considered that the proposal is acceptable in terms of flood risk and highway safety. Therefore, the proposed development is considered to accord 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 30 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.