

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H05-0985-24	Applicant:	Mr & Ms S O'Neil
Proposal:	Change of use of previously reclaimed land to enable a mixed residential and equine use to include two residential static caravans and two touring caravans and erection of two stables and ancillary works to create a home for a Gypsy / Traveller family		
Location:	Land To West Of Langary Gate Road Fleet Coy Spalding		
Terminal Date:	4th June 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
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking

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

Planning policy for traveller sites (December, 2024)

Representations:

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

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	1	0	0	4
RESIDENTS	24	0	0	0

Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a change of use of previously reclaimed land, to enable a mixed residential and equine use, to include two residential static caravans and two touring caravans and erection of two stables and ancillary works to create a home for a Gypsy / Traveller family.

The block plan shows that access to the site will be made from Langary Gate Road, this would allow further access into an area where 'permeable hardstanding' is proposed. The plan shows the location of the static caravans, but does not include the tourers. To the west of the site is 'reclaimed land grass' and to the western boundary the applicant shows where two stables would be sited.

Site Description

The Application site is located to the west of Langary Gate Road located beyond any settlement boundary (the closest is Gedney Hill). The application site is located within flood zone 2 and 3 in accordance with EA Flood Maps for Planning. The South East Lincolnshire SFRA however, shows that the application site is in a 'low risk' area.

The Lambert Drain is located along the northern boundary of the application site, this is owned by the South Holland IDB. A second drain (also owned by the IDB) runs along the eastern boundary, parallel to Langary Gate Road. There is a gated access next to the Lambert Drain, that is used by the IDB to access the application site.

To the north of the Lambert Drain there is some building works, that appear to be half complete. This site benefits from planning permission H05-0239-19, that allowed for the siting of storage containers, field shelters, as well as fencing and associated works. To the south of the application site are arable fields.

On the opposite side of Langary Gate Road, to the east, are a number of residential properties, there are also fields with equine uses located between St Margarets and Hazeldene.

History

H05-0281-06 - Change of use of agricultural land to paddocks. Approved 27-04-06.

H05-0883-06 - Change of use of agricultural land to paddock and erection of stables. Refused. 30-08-06.

H05-1452-06 - Proposed stables. Approved. 08-12-06.

H05-0467-98 - Demolish Council depot building and erect new dwelling house. Refused. 03-08-98.

Consultation Responses

Parish Clerk

Objects - We are strongly against this proposal.

The proposed development should not be allowed to go ahead as it is felt it is not in keeping with the open countryside - especially considering the scale and nature of the proposal being so at odds with the open character of Langary Gate. There are strong concerns that if this one development is allowed it will be followed by several others on adjoining land - totally altering the vista and peace and quiet enjoyed in this area.

It is claimed this is a re-use of reclaimed land, the majority of South Holland is reclaimed at some time - but this land is agricultural land and should not be used for this development. Recognition needs to be given to how visually exposed this location is. Several residents have raised concerns that the development would be fully visible from their homes- both at ground level and from upstairs rooms. It's not hidden behind trees or hedgerows; it's open agricultural land, and that means they'd be looking directly onto caravans and stables from their own properties, possibly for the long term. That kind of permanent change to what's currently a peaceful, rural view will feel like a huge loss for many- especially those who've lived here for years. And it's not just visual impact, either- there's a very real concern about increased activity, vehicles, noise, and disruption, which this proposal hasn't properly addressed.

The road is just not suitable for an increase in traffic that 4 caravans will bring together with further associated vehicles connected with the proposed stables. There's no transport plan included, no proposals for mitigation or improvements- nothing to reassure the community.

The precedent risk is also something residents are clearly anxious about. Once one development like this is permitted, there's nothing to stop future applications from coming forward for the adjoining land- effectively changing the character of the whole area by stealth.

On that note, at our recent Parish Council meeting, residents also mentioned that a previous application for a static caravan on land next to this site was refused. We believe this was application H05-0467-98, which was rejected for being inappropriate in the open countryside. There is still a parcel box still visible on or near the site, where, as we understand it, there was previously a static caravan in place.

That caravan was apparently connected to a past planning application that was refused- possibly the one above and supports what residents have been saying about unsuccessful historical attempts to develop the land. We also have concerns about water contamination from the stables, and we are not clear how foul water will be dealt with from the site. The issue of foul water and stable waste still hasn't been addressed properly. Given the local challenges with standing water and drainage, it's difficult to understand how this aspect of the application has been left so vague.

Anglian Water

Thank you for your email for the application above. This falls outside of the remit for comments by Anglian Water.

South Holland IDB

Land ownership

Please be aware that the Board owns a section of land to which this application relates and has neither been given the requisite notice required nor is the Board listed in Certificate B of the Application Form. The site boundary line must be adjusted landwards as per HM Land Registry

plans. Specifically, at the northern boundary the Location Plan (submitted 22/11/24) shows the site outlined red extending from the top of bank and down the batter to the landward toe of the 'Drain'. This land belongs to the Board (Part of Lambert Drain and Fleet Drain and Main Road Drain, Holbeach Spalding, known operationally as E31 Lambert Drain Connection).

Byelaw 10 (No Works within 9 metres of the Edge of Drainage / Flood Risk Management Infrastructure)

The Board's arterial watercourse named E31 Lambert Drain Connection (drain code DRN196P3102) is located at the site northern boundary. The Board owns and maintains this drain for the overall benefit of the Drainage District. There is a second Board arterial watercourse named E13 Drurys Drain South (drain code DRN196P1301) along the eastern site boundary which follows a course in parallel with Langary Gate Road. Byelaw 10 applies to drainage/ flood risk management infrastructure which is for the time being vested in or under the control of the Board. Both of these watercourses are under the Board's control and they are classified as 'Higher Priority' because of their significance within the catchment.

No works or structures (temporary or permanent) including the planting of trees or shrubs may be undertaken or placed within 9 metres (measured horizontally) of the top of the batter without the previous written consent from the Board.

The Block Plan (submitted 25/02/25) shows an existing track along the northern site boundary adjacent to the Board's watercourse named E31 Lambert Drain Connection. The colour used on this Block Plan implies that the existing track is a permeable hardstanding. This Plan is misleading. There is an informal grassed trackway along the field margin adjacent to this Board arterial watercourse. The board's Operations Team uses heavy machinery along this margin when undertaking its flood risk management programme. The margin is used to store cut vegetation and sediment when necessary and materials may be left on the bank top to de-water for undefined periods of time. Development of the opposite bank by other landowners has already imposed limitations on the Board's access. Any works within 9 metres along this side of E31 Lambert Drain Connection will place further, unacceptable constraints on the Board's ability to maintain the drainage / flood risk management infrastructure.

Policy 4 of the Board's Planning and Byelaw Strategy sets out how the Board will determine applications for works within the 9 metre Byelaw distance. No application has been submitted to the Board to lay a permeable hardstanding within the 9 metre Byelaw distance. The Board is unlikely to grant permission for any surfacing works at this location.

The same Block Plan suggests that the measurement has been taken from the bank toe of the Board's watercourse E13 Drurys Drain South rather than the top of the batter. For clarity we request that the 9 metre distance is added to an amended Block Plan to ensure that the two static caravans, permeable hardstanding and any boundary treatments for the compound are outside the Board's 9 metre Byelaw distance. The Board uses the existing gated entrance at the north-east corner of this site. The gate is secured with a Board-supplied padlock.

The Board will expect to continue its full access rights to this land as per Section 64 of the Land Drainage Act 1991, including the use of heavy machinery.

The landowner (with the agent's knowledge) has already encroached upon the 9 metre Byelaw distance of E13 Drurys Drain South by installing post and wire fencing without the Board's previous written consent.

Surface Water

The applicant has stated on their application form that the work or change of use has not started however, the Board's officers noted that works had commenced by July 2024, initially with the unconsented installation of a culvert of the site access culvert off Langary Gate which crosses the Board's E13 Drurys Drain South and the laying of aggregate surfacing adjacent to this gated access. This activity was then followed by the installation of post and wire fencing within the 9 metre distance (see Byelaw 10 above).

Foul Water

The applicant has indicated that foul waste will be disposed of using a package treatment plant. We recommend that the applicant discloses the position for this proposed treatment plant on an amended Block Plan. If the plant requires an outfall pipe to discharge treated effluent into a nearby watercourse then the Board's previous written permission (consent) will be required under Byelaw 3.

If any outfall pipe enters a Board arterial watercourse then the applicant must also seek a relaxation of Byelaw 10 via the consent application process

Environment Agency

The proposed development involves the use of static caravans for year-round residential occupation. As outlined in paragraph 079 of the planning practice guidance section on Flood Risk and Coastal Change (ID: 7-079-20220825), the proposed residential static caravans have a flood risk vulnerability classification of 'highly vulnerable' and are incompatible with Flood Zone 3a. Therefore, this element of the proposal is contrary to national planning policy. Notwithstanding this, the hazard mapping found in South East Lincolnshire Strategic Flood Risk Assessment shows the site to be situated outside of the hazard extents for the future climate change scenario. We therefore do not wish to object to this application.

We recommend that static caravans are secured to the ground using an adequate mechanism such as chains and ground anchors and finished floor levels should be set at a minimum 300mm above ground level.

Highways & SuDs

No objection:

The proposal is for Change of use of previously reclaimed land to enable a mixed residential and equine use to include two residential static caravans and two touring caravans and erection of two stables and ancillary works to create a home for a Gypsy / Traveller family, which will utilise the existing access arrangements to the premises. Sufficient visibility is provided at this location to allow drivers to judge if it is safe to complete the manoeuvre and enter the highway. Adequate provision for car parking and turning space can be provided within the limits of the site to enable vehicles to enter and leave in a forward gear and it does not have an impact on the Public Highway or Surface Water Flood Risk.

That said, the existing vehicle access is not appropriate for this current use as it is just a field access of unbound material and therefore, it will need to be made up to the County Councils specification within the extent of the public highway appropriate for its proposed residential use.

Crime Prevention Design Officer

Lincolnshire police do not have any objections to this application.

Historic Places Team

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request

Environmental Protection

No comments regarding land contamination

Representations

A very high number of objections have been received against the application. They are summarised (though not exhaustive) into the material planning points:

- Detrimental Impact on the Rural Character of the Area
- Unsustainable Location with Limited Infrastructure
- Ecological and Environmental Considerations
- Not Policy compliant
- Highway Safety
- Strain on services
- The application lacks transparency

- Flood Risk
- Planning history (development have been refused in the past)
- Works already commencing
- Waste Issues
- Noise
- Residential amenity impacts
- Character & Landscape Impact
- BNG

Comments have also been received from the MP, who objects to the proposed development and has concerns over the loss of agricultural land, an increase in traffic movements and the safety of the intended access to the site.

Further comments from ward members have been received, requesting that this application is called into a planning committee. The members communicate that they share the concerns of local residents.

Planning Considerations

Evaluation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Planning Policy for Traveller Sites (2024)

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This policy must be taken into account in the preparation of development plans, and is a material consideration in planning decisions. Local planning authorities preparing plans for, and taking decisions on, traveller sites should also have regard to the policies in the National Planning Policy Framework (December 2024) so far as relevant.

Planning Considerations

The key considerations are relevant to this section:

- Principle of Development
- Flood Risk
- Highway Safety
- Character and Landscape
- Environmental Issues
- Biodiversity Net Gain
- Planning Balance

Principle of Development

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

Part D of Policy 1, of the South East Lincolnshire Local Plan (2019) sets out permitted development types within the open countryside. It states that *The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In 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.*

Within the reasoned justification (under para. 3.2.17), housing exception in the countryside are listed. The paragraph states that *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites).*

Accommodation for Gypsies, Travellers and Travelling Showpeople

Policy 20 of the South East Lincolnshire Local Plan (2019) is concerned with Accommodation for Gypsies, Travellers and Travelling Showpeople. The need expressed by Policy 20 of the South East Lincolnshire Local Plan (2019) is based upon the evidence base collated as part of the Boston & South Holland Gypsy and Traveller Accommodation Assessment (Opinion Research Services, November 2016). The report summaries that:

In summary there is a need for 4 additional pitches in South Holland for Gypsy and Traveller households that meet the new definition; a need for up to 13 additional pitches for Gypsy and Traveller households that may meet the new definition - although if the national average of 10% were to be applied this could be as few as 1 additional pitch; and a need for 9 additional pitches for Gypsy and Traveller households who do not meet the new definition.

Within the reasoned justification (para. 5.12.4) under Policy 20 of the South East Lincolnshire Local Plan (2019), comments raised relate to 'unknown' need. It states:

The GTAA47 also identifies an 'unknown' need for up to 16 additional residential pitches for gypsy and traveller households (up to 3 in Boston Borough, and up to 13 in South Holland). ('Unknown' needs are those which may arise from gypsy, traveller and travelling showperson's households who were not interviewed by the GTAA consultants). This 'unknown' need will be met by determining planning applications, taking into account the provisions of the National Planning Policy Framework (December 2024), Planning policy for traveller sites, and the policies of this Local Plan (in particular Policy 20).

The South East Lincolnshire Local Plan (2019) therefore acknowledges that there is both a 'known' and 'unknown' unmet need for additional Gypsy/Traveller residential accommodation within its district between the period 2011-36.

This proposal is for using the land to site two static caravans and two tourers. The application site is in the open countryside and is for the purposes of Gypsy Traveller accommodation. On the basis of the above policies (both Policy 1 & 20 of the South East Lincolnshire Local Plan (2019)), the residential type is commensurate with the overarching spatial strategy for the district.

On the basis of accommodation type in the open countryside, the proposal is in conformity with Policy 1 of the South East Lincolnshire Local Plan (2019) and subject to the assessment that it meets the broader sustainability objective of the plan.

Gypsy and Traveller Status

The planning definition of "gypsies and travellers", as set out in DGLG's Planning Policy for Traveller Sites is as follows: *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such"*. Annex 1 of the above document highlights that in determining whether persons are "gypsies and travellers" for the purposes of that planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

The application is supported by a Design and Access Statement which makes explicit that the proposal site is to be used by Gypsy/Travellers. Therefore any permission achieved would be subject to a condition that future residents would meet with the above definition. This is in order for the development to be commensurate with the residential exemptions allowed under Policy 1 of the South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) sets out the national policy basis for making assessments in relation to flood risk.

Policy 4 of the South East Lincolnshire Local Plan (2019) sets out South Hollands approach to Flood Risk. The application site lies within Flood Zone 2 and 3 in accordance with EA Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to be low hazard rating on both the South Holland District present day and 2115 flood maps.

The application site is located within flood zone 2 and 3a in accordance with the EA flood maps for planning. Policy 4 of the South East Lincolnshire Local Plan (2019) states that:

Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding.

The EA have been consulted and have stated that *" Notwithstanding this, the hazard mapping found in South East Lincolnshire Strategic Flood Risk Assessment shows the site to be situated outside of the hazard extents for the future climate change scenario. We therefore do not wish to object to this application. We recommend that static caravans are secured to the ground using an adequate mechanism such as chains and ground anchors and finished floor levels should be set at a minimum 300mm above ground level."*

Policy 20(g) of the South East Lincolnshire Local Plan (2019) states that *"for sites for permanent residential use they:*

- i. provide occupants with access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport;*
- ii. are suitable (or capable of being made suitable) for mixed residential and business use;*
- iii. are not located within Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed;"*

Sequentially, the site being identified as being low risk within the South East Lincolnshire SFRA, is likely to be a preferable site within the district. The exceptions test however, is two fold:

It should be demonstrated that:

1) Development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and

2) 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 flooding principle, implications in relation to flood risk management infrastructure also needs to be considered, in order to give weight to whether the benefits of bringing forward this scheme would outweigh the risk from flooding.

Impact Upon Existing Drainage Infrastructure

The IDB own two arterial water courses, E31 Lambert Drain which runs along the north of the site and E13 Drury's Drain South which runs along the eastern boundary. Given this scenario the IDB have stated that byelaw 10 is relevant, this precludes any works (including planting) to be within 9m of the watercourse. The IDB have stated:

The Block Plan (submitted 25/02/25) shows an existing track along the northern site boundary adjacent to the Board's watercourse named E31 Lambert Drain Connection. The colour used on this Block Plan implies that the existing track is a permeable hardstanding. This Plan is misleading. There is an informal grassed trackway along the field margin adjacent to this Board arterial watercourse. The board's Operations Team uses heavy machinery along this margin when undertaking its flood risk management programme. The margin is used to store cut vegetation and sediment when necessary and materials may be left on the bank top to de-water for undefined periods of time. Development of the opposite bank by other landowners has already imposed limitations on the Board's access. Any works within 9 metres along this side of E31 Lambert Drain Connection will place further, unacceptable constraints on the Board's ability to maintain the drainage / flood risk management infrastructure.

AND

Policy 4 of the Board's Planning and Byelaw Strategy sets out how the Board will determine applications for works within the 9 metre Byelaw distance. No application has been submitted to the Board to lay a permeable hardstanding within the 9 metre Byelaw distance. The Board is unlikely to grant permission for any surfacing works at this location.

It was noted on the officers site visit that a gravelled track was laid at the point of access. The IDB confirms that this work is not consented and would not be supported. The IDB have confirmed that, *Policy 4 of the Board's Planning and Byelaw Strategy sets out how the Board will determine applications for works within the 9 metre Byelaw distance. No application has been submitted to the Board to lay a permeable hardstanding within the 9 metre Byelaw distance. The Board is unlikely to grant permission for any surfacing works at this location.*

As this scheme is heavily reliant upon works within this area, that include access/egress to the application site, the LPA cannot be certain at this point, following the IDB's position (as the board is unlikely to grant permission) that this access can be consented on the basis that it would have a detrimental impact upon the existing IDB drainage infrastructure. This has implications for not only the existing drainage infrastructure, but highway safety.

The IDB in an email on 15th May, confirmed that the comments made on the 17th March 2025, represent the IDB position on this site. On this basis, the LPA cannot see how the proposed scheme can be achieved in accordance with the submitted block plan and are not satisfied that a resolution can be reached.

The proposal has not demonstrated that the impact of the development would not increase flood risk elsewhere (both IDB drains are critical flood infrastructure) by jeopardising the ability to maintain these drains. On this basis, the wider sustainability benefits to the community, that would follow from this development would be outweighed by the risk from flooding.

Foul Water Drainage

In terms of foul water, the applicant proposes a package treatment plant. This will be directed to the nearby watercourse. The applicant has shown this fixture on the plan and it is located close to the eastern boundary. The applicant will need IDB consent for this fixture to be allowed.

Surface Water Drainage

In terms of surface water the applicant is proposing infiltration, through permeable hard standing. Whilst the IDB states that further information needs to be submitted to confirm that ground conditions are supportive of this solution, the reality is that the surface water created by 2 static caravans and 2 x tourers is limited. The LPA are satisfied that this can be mitigated effectively outside of planning.

Therefore, as both scenarios are mitigated outside of planning, there is no requirement to condition this in this instance.

Notwithstanding the foul and surface water drainage solutions, being manageable through condition, the applicant has failed to demonstrate that the wider community sustainability benefits of this scheme, would outweigh the risk from flooding. The proposal, which is confirmed by the South Holland Internal Drainage Board to be contrary to their byelaws and not supportable by virtue of the proposal jeopardising the ability to maintain critical drainage infrastructure, is likely to contribute (if approved) to an increased risk from flooding in the area. As such, the proposal is contrary to Policies 4 and 20 of the South East Lincolnshire Local Plan (2019), as well as paragraph 178 of the National Planning Policy Framework (December 2024).

Highway Safety

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details 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 of the South East Lincolnshire Local Plan (2019) 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 20f of the South East Lincolnshire Local Plan (2019) requires that (proposals) "will not prejudice highway safety or give rise to problems of parking or highway access."

Paragraph 115 of the National Planning Policy Framework (December 2024) states that *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

The Local Highways Authority, Lincolnshire County Council, have been consulted and have no objections, but do require that *the permitted development requires the formation of a new/amended vehicular access* in accordance with Section 184 of the Highways Act. However, the LPA are unsure how at this stage, this access can be amended/upgraded. The IDB in a second email dated 15th May state that *The Board expects to enjoy unrestricted access to maintain E31 Lambert Drain Connection within the northern site perimeter using the same field entrance as defined by Section 64 of the Land Drainage Act 1991 (Powers of entry). Whilst level surfacing might be acceptable (subject to the Board's consenting procedures), a change to residential land use would affect the*

Board's ability to access the land as per S64. There would also be safety implications for using a shared access.

The IDB suggest that a relocation of this access would be necessary to gain their support. Such a change in the proposal would represent an entirely new scheme, that would affect all of the plans, as well as Highways comments. Therefore, such a change would be so fundamental to the exiting submission that it is likely this would need to be considered under a fresh proposal.

Having confirmed that they would not support any works within 9m of the drain, including the proposed access which culverts one drain, and is within 9m of another, the IDB have reaffirmed their objection.

At this stage, the LPA do not have the certainty before them that a safe access/egress can be formulated on this site. The proposal is likely to result in giving rise to highway safety concerns for future residents and IDB maintenance teams when accessing/egressing the application site. Paragraph 115b of the National Planning Policy Framework (December 2024) requires that *safe and suitable access to the site can be achieved for all users* which the applicant at this point has failed to demonstrate. The proposal would therefore not accord with Policies 2, 3 and 20f of the South East Lincolnshire Local Plan (2019) or Paragraph 115b of the National Planning Policy Framework (December 2024).

Character and Landscape

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), 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.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Whilst the area is flat, there is a lot of planting in the area. Langary Gate Road is lined with high hedging and trees in part, especially close to the equine uses. Many of the dwellings in the area are also treated by high planting, including hedging and boundaries.

This site is open at present and views into and out of are easily attained. There are two IDB owned

watercourses that abut the site, one along the northern boundary and one along the eastern boundary (the front of the site). The IDB have confirmed that no planting (or structures) which would include fencing could be sited within 9m of these drains. The applicant shows on the submitted block plan that this planting is set back, presumably 9m. Should the planting be of a sufficient height and density then this scheme can be made acceptable in character terms, especially given that many dwellings in the area do have high planting around their boundaries.

Therefore in terms of character and landscape and subject to landscaping conditions, the proposal would accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Environmental Issues

Paragraph 135 of the National Planning Policy Framework (December 2024) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 of the South East Lincolnshire Local Plan (2019) is concerned with pollution and impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The proposal is for a residential use and there are a number of dwellings located in the area. The use of the site by 2x statics and 2x touring caravans is unlikely to have (through noise and disturbance) an unacceptable impact upon those existing properties. Furthermore, the site is sufficiently away from existing dwellings to give rise to unacceptable issues from the presence of physical structures on site.

On this basis, the proposal would accord with Policies 2 & 30 of the South East Lincolnshire Local Plan (2019), as well as Paragraph 135 of the National Planning Policy Framework (December 2024).

Biodiversity Net Gain

Paragraph 186 of the National Planning Policy Framework (December 2024) sets out a criteria-based approach for LPAs to apply when considering development proposals. The criteria, in part, includes methods to protect and encourage bio-diversity as well as preventing development resulting in the loss of priority habitats.

Paragraph 180d of the National Planning Policy Framework (December 2024) is also relevant, requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy 28 of the South East Lincolnshire Local Plan (2019) is concerned with the Natural Environment. Points 2 and 3 are relevant to this assessment. Point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has provided a Biodiversity net gain matrix which shows that an increase of 90.49% of habitat units and 95.64% of hedgerow units are achieved on site. Therefore subject to condition in relation to a HMMP and BNG, the proposal is considered acceptable.

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 proposal represents inappropriate development within flood zone 3. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear that caravans, mobile homes and park homes intended for

permanent residential use will not be permitted in areas at risk of flooding. However, the EA have been consulted and have no objection to the siting of caravans as permanent residential accommodation in this area given the information contained within the SFRA that identifies this site as low risk.

In terms of principle, the use meets with the exceptions contained within the policy justification of Policy 1 of the South East Lincolnshire Local Plan (2019). There is a need across the district for Gypsy/Traveller sites and policies 1 and 20 of the South East Lincolnshire Local Plan (2019) are permissive and allow them to be sited in appropriate locations.

However, the application site is constrained by IDB byelaws, one of which is that there are no planting or fixtures allowed within 9m of IDB owned watercourses. This has implications for the access, which highways would require improvement works to, there is then no assurances that these works can be carried out. Moreover, given the comments from the IDB (and their byelaws that are in place) it is not evident at this stage how the proposal could in fact be developed in accordance with the plans.

The IDB have confirmed that the position set out on 17th March 2025, remains in force. On this basis then the LPA are not in a position to support the planning application and the identified harm above outweighs the benefits of the scheme.

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 into consideration these factors, the proposal is considered to be contrary to Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). These factors in this case would outweigh any benefits brought about by the scheme.

Recommendation

It is recommended that the proposal be refused, under delegated authority.