DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0155-26**	**Applicant:**	**Miss A Hutchesson**
Proposal:	New Vehicular Access - Retrospective		
Location:	14 Holbourne Site Dawsmere Road Gedney Drove End		
Terminal Date:	16th April 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
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

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the creation of a new vehicular access from Dawsmere Road. The application is retrospective as according to the application form, the access was completed in 2022.

Site Description

The application site comprises land at the front of 14 Holbourne Site, Dawsmere Road in Gedney Drove End. The driveway area measures approximately 5m by 6m. The site previously formed part of a grass verge that is located in front of residential dwellings located to the south of Dawsmere Road.

The site is within the settlement boundary of Gedney Drove End, 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

H06-0017-22: (Full Application) Erection of gate/fence and covered area - retrospective.

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.

Gedney Parish Council: No objections.

Lincolnshire County Council - Highways: The proposal will not result in an unacceptable impact on highway safety. Highway Informative 03 is recommended.

Environment Agency: The Environment Agency does not wish to make any comments on this application. It does not appear to fit any of the criteria on our consultation checklist, 'When to consult the Environment Agency'.

Cllr J L Reynolds: No response received.

Welland and Deepings Internal Drainage Board: 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, two representations have been received from members of the public. The following summarises the matters raised within the representations:

-The development has resulted in a materially harmful alteration to the character of Dawsmere Road and has introduced an unsafe and unnecessary access point across a public footpath. It is also relevant that the works have already been carried out without prior permission and are now the subject of a retrospective application. Retrospective status does not confer any presumption in favour of approval; the development must still be assessed strictly against the Local Plan and the NPPF
-The proposal conflicts with Policy 36 of the Local Plan - The new access fails to provide safe and appropriate access, introduces conflict with pedestrians, and lacks the visibility, gradient and safety arrangements required for safe operation.
-The proposal conflicts with Policy 30 of the Local Pla - The hardstanding slopes upward toward the

highway, with no drainage channel, soakaway, or permeable surface. Surface water is directed back toward the dwelling and across the public footpath.
-The works disrupt the established hedge line, introduce a visually intrusive access, and harm the rural character of Dawsmere Road.
-The new access is unsafe.
-The frontage was never intended for vehicular use.
-A long-established rear access already serves the property. It is safe, compliant, and avoids all hazards associated with the new front access.
-The presence of a safe, lawful, and operational rear access renders the new front access unnecessary. The two access points are separated by only 15.03Ã?¢?¯m (49.30Ã?¢?¯ft).
-The existence and active use of the established rear parking area demonstrates that there is no parking shortfall at the property. As such, the creation of a second, unsafe access across a public footpath cannot be justified on parking-need grounds.
-Children walking to and from the play area pass directly across the unauthorised access.
-The footpath is in extremely close proximity to the access point.
-The hardstanding has been constructed on a steep bank rising directly from the public footpath up to the dwelling. Vehicles must climb this bank from a standing start on the footpath.
-A site measurement was taken using a standard 65Ã?¢?¯mm house brick placed beneath the lower edge of a vehicle to level it on the slope. This confirms a minimum vertical rise of 65Ã?¢?¯mm over a 1.0Ã?¢?¯m horizontal run, equating to a minimum gradient of 6.5%, with the slope increasing further toward the dwelling.
-The gradient, drainage and footpath crossing arrangement is wholly inconsistent with safe access design under Policy 36 and proper surface water management under Policy 30.
-The unauthorised access is not visible to approaching drivers, and vegetation obstructs the driver's view when exiting, forcing vehicles to cross the public footpath without adequate sightlines.
-There is only one street light along this section of Dawsmere Road. The footpath and access point are therefore poorly illuminated, particularly during winter months and early evenings. This significantly exacerbates the risk to pedestrians, including children and mobility-impaired users.
-It is noted that the applicant may refer to the circumstances of the neighbouring property or to perceived fairness between adjoining occupiers. However, such matters are not material planning considerations and cannot lawfully form the basis for granting permission.
-Excavation of the bank and installation of a tarmac hardstanding has produced a visually intrusive frontage that resembles a small car park rather than a domestic driveway. This harms the appearance of the area, which the council identifies as a valid planning matter , and conflicts with Policy 3.
-Noise and Disturbance (Policy 4) Use of the hardstanding as a multi- vehicle parking area has increased noise, engine idling, and exhaust fumes directly outside neighbouring windows. These impacts fall within the council's definition of noise and disturbance as a material planning issue and conflict with Policy 4.
-The tarmac surface is non- permeable and no drainage measures appear to have been installed. Removal of the bank has altered natural drainage patterns, increasing the risk of surface water run-off onto the pavement and highway, contrary to Policy 30.
-Approving this application would set a precedent for other residents to excavate banks or verges to create informal parking areas, leading to cumulative harm to the street scene, drainage, and pedestrian safety.

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:

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

These matters are assessed in turn below.

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 (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 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.

It is noted that concerns have been raised within the public representations regarding the visual impact of the access. The access covers approximately 5m by 6m of land and features compact stone with tarmac planing on the surface of the access. The access has been installed on land within a grass verge that is located in front of residential properties on Dawsmere Road. There are driveways that cross the grass verge to the north of the site, and it is not considered that the access would be out of keeping, or cause a detrimental impact upon the character and appearance of the area in this instance.

Concerns have also been raised within the public representations regarding the potential for an increase in noise and disturbance from the access as a result of engine idling etc. The access is intended to be used as a crossing point to allow access from Dawsmere Road to the dwelling within the site. It is not considered that the use of the land as an access point would materially lead to an increase in noise and disturbance. The resultant impact of the development is not considered to give rise to an unacceptable nuisance in respect of noise, or additional vehicular movements that would give rise to an unacceptable impact upon neighbouring amenities.

As such, the development is considered to accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF, which amongst other things, seek to ensure that the design of all development is appropriate to the character and quality of the area.

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.

It is noted that the public representations have raised concerns with the safety of the access; however, Lincolnshire County Council's (LCC) highways and sustainable drainage team have not raised any objections or concerns with the vehicular access. Therefore, the visibility splays and surfacing of the access are considered to be acceptable in safety terms. The proposal has an acceptable impact in terms of highway safety in accordance with Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk and Drainage

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

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

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

The site lies within Flood Zone 3, as identified within the Environment Agency's Flood Maps. Policy 4 of the Local Plan sets out that development in Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

It is noted that concerns have been raised regarding how surface water is managed from the access onto adjacent land. The access is relatively small and as such, any surface water run-off is relatively minimal. LCC's highways team have not raised any concerns in terms of surface water run-off from the access. Due to the sloped natured of the access, surface water runoff is likely to run into the site rather than onto Dawsmere Road, reducing the potential for a highway safety hazard. As such, the proposal is considered to accord with Policy 4 of the Local Plan and Section 14 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

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

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The development is also acceptable in terms of highway safety. Overall, the development accords with the Local Plan and the provisions of the NPPF when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4 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.