

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0899-25 **Applicant:** Mr S Pearson

Proposal: Change of use of land to use as short-term holiday accommodation & retention of shepherd's hut & ancillary timber building - Retrospective

Location: Rectory Farm Rectory Lane Gedney

Terminal Date: 26th November 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
09	Promoting a Stronger Visitor Economy
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 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the change of use of land to use as short-term holiday accommodation and for the retention of a shepherd's hut and an ancillary timber building. The application is retrospective, as according to the application form, the works were completed on 19 January 2024.

Site Description

The application site comprises land at Rectory Farm, Rectory Lane, Gedney. According to the application form, the site forms part of the residential curtilage of Rectory Farm. There are mature trees around the site and a close boarded timber fence encloses the area from view on Rectory Lane.

The site is outside though adjacent to the settlement boundary of Gedney, as identified by the South East Lincolnshire Local Plan (2019) and the accompanying policies map. Therefore, the site is within the countryside in planning policy terms.

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

Planning History

H06-0012-91: (Outline Application) Erection of dwelling & 6 no. stables, including details of means of access' - approved 06 August 1991

H06-0123-90: (Full Application) House with garages, including landscaping & access' - approved 30 March 1990

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration (soakaway), however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the

discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): I note that the applicant intends to dispose of foul water to a main sewer. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

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 northern, eastern and western boundaries of the site. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10: (No works within 9 metres of the Edge of Drainage / Flood Risk Management Infrastructure) There are No Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Gedney Parish Council: No objections.

Lincolnshire County Council - Highways and SUDS: No objections. The Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Environmental Protection: No comments.

Cllr L J Eldridge: 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, 4 letters of representation have been received from members of the public. The matters raised within the responses are summarised below:

- There are a number of trees in close proximity to the Shepherds Hut which appear to be structurally weak. There are visible signs of decay, cracks and splits which could cause potential harm to people or property. Would recommend inspection by qualified tree surgeon.
- The site is currently overgrown and unkept.
- There is increased traffic to and from the property causing disturbance as guests / fast food delivery companies are unable to locate the property. Signage should be installed to enable guests and visitors to locate the property more easily.
- Concerns of vermin if there was to be an increase in the number of lettings which would result in an increase in waste. Currently there appears to be no waste bins only plastic sacks which are out for collection the previous night and susceptible to spillage after been torn open by animals. Would recommend commercial bins.
- The location is in an unsustainable village and has been causing issues for some time with local residents.
- This is the second building of this type in the rear grounds of this property. Is planning permission required for the other building?
- Rectory Lane is a quiet cul de sac of 7 residential houses with Rectory Farm at the end. We would point out however that Rectory Farm is not a farm but a bungalow with a long front garden with parking only at the rear. The Shepherd's hut is in the front garden. The imposition of a commercial business is incompatible with the nature of the road.
- Disturbance is caused by visitors including through playing music and visitor's voices.
- The holiday accommodation is located at the end of Rectory Lane (separate from the applicant's residence at Rectory Farm), is not soundproofed and any excess noise can be heard by all residents in the Lane.
- The facility has an extensive number of outside lights which seem to be on all the time whilst occupied making a glare which can be seen from our house. There is no street lighting in Rectory Lane.
- When there is a changeover of clients, rubbish bags green and black are sometimes left out in the lane days before scheduled waste collection.

- Gedney Parish Council have not adequately considered the proposals.
- Rectory Lane is a narrow byway approximately 100 yds in length and it is not wide enough for two vehicles to pass alongside each other. The additional vehicles used by those accessing the holiday accommodation causes disruption and inconvenience to permanent residents.
- Holiday accommodation at this site is inappropriate.

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;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

The proposal seeks consent to change the use of part of the residential curtilage of Rectory Farm to be used as a holiday let.

Paragraph 88 of the NPPF sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas (part a).

Paragraph 89 further sets out the following:

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

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of

development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

In this case, the site comprises land within the countryside, outside of any settlement boundary. Section D of Policy 1 sets out that development within the countryside will be permitted that is necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Within the supporting policy text, paragraph 3.2.16 states that "Some land uses may also require a countryside location because of their functionality".

Notwithstanding the above, it is also acknowledged that the site is located approximately 3m to the south of the settlement boundary of Gedney. There are dwellings to the south and south-west of the site (Rectory Farm and Courtyard Farm). As such, there is built development to the south and south-west of the site which is beyond the settlement boundary. There is a sense of containment within the site as it was formerly part of the residential garden of Rectory Farm. Therefore, in spatial terms, it is not considered that the proposals would result in significant encroachment into the open countryside, which Policy typically seeks to prevent.

Policy 9 of the Local Plan is also relevant as this policy sets out that outside of settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:

- "1. do not conflict with neighbouring land uses;*
- 2. are in keeping with the character of the locality; and*
- 3. demonstrate a functional link with an existing rural attraction or farm enterprise."*

The supporting policy text acknowledges that some small-scale tourist facilities may be more appropriately located outside a settlement boundary (Paragraph 4.4.3).

In this case, the holiday let has been operating since January 2024 and as such, there appears to be a demand for the use. Visitors to the holiday let could potentially benefit local businesses through spending on local facilities and services. Such economic benefits also weigh in favour of the proposals in terms of Policy 1. The holiday let is relatively well screened by existing mature trees around the site and close boarded fencing. The shepherd hut and timber structure are of a similar size to outbuildings that could be constructed using permitted development rights within a residential curtilage. As such, the structures are considered to be in keeping with the character of the locality. Whilst it has not been demonstrated there is a functional link with an existing rural attraction in accordance with part 3, it is considered that the proposals accord with the aims of Policy 9 overall. Furthermore, the site is located very close to the settlement boundary of Gedney, and it is not considered that the holiday let has encroached into open countryside land due to the sense of containment around the site.

Therefore it is considered that the proposals accord with the aims of Policies 1 and 9 of the Local Plan and Paragraphs 88 and 89 of the NPPF, and the principle of development is acceptable in this case.

Design and Visual Impact

Policy 2 of the Local Plan similarly outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF as it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The shepherd hut measures 4.9m by 2.39m, and 2.4m in height. The hut features metal facades and a curved roofline that is typical for shepherd huts. The timber structure is set on higher ground which is accessed by a decking area. The timber structure measures 6m by 3.7m, and 2.6m in height. The structure features a sloping roof line. The structures are partially screened by close boarded timber fencing and mature trees which are located around the site.

The character of Rectory Lane is semi-rural, featuring mature trees, hedgerows and a combination

of boundary treatments including post and rail fencing. It is not considered that the structures have a harmful impact on the character and appearance of the area, due to their siting, scale and appearance. As such, the visual impact of the development is considered to be acceptable in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

There are several dwellings located around the site, in all directions. The nearest dwellings include Frisby House (to the south-east), Hanthorpe (to the east), Hunters Brook (to the north-east), Cardon House (to the north-west) and Courtyard Farm (to the west). The other nearest dwelling is Rectory Farm, which is the host property in this case.

Firstly, due to the siting and scale of the structures within the site, the development has not resulted in an unacceptable degree of overshadowing on nearby dwellings.

As set out previously, public representations have been received raising concerns with the proposals. Some of these concerns relating to the impact of the proposals on the residential amenity of nearby dwellings. One of the concerns raised relates to disturbance that is caused by visitors not being able to find the site, leading to visitors asking neighbours for directions. One of the public representations has suggested signage is installed to help with wayfinding. Whilst signage of an appropriate design and scale might assist with this matter, it is not considered necessary to secure the installation of signage to make the proposals acceptable.

Another concern raised relates to refuse storage as the public representations consider that refuse is left within Rectory Lane a few days prior to waste collection days. The applicant has set out that the shepherd's hut contains 2 internal bins which are emptied as part of the changeover of guests. The contents are sorted into the household waste and recycling bins for Rectory Farm. There are also external bins within the fenced-off guest area. Any waste placed in these bins is also transferred to Rectory Farm before being collected via the household waste collection. In this instance, it is not considered necessary to secure the collection of waste from the site via commercial collections due to the small-scale nature of the proposal.

Another concern raised relates to outside lighting within the site which according to a public representation results in a glare effect. The applicant has clarified that there are no floodlights or high-level bright lights within the site. There was no evidence of flood lights when a site visit was undertaken during the determination of the application. There are fairy / festoon style lights and a small number of ground up lights on the timber structure. It is not considered that the illumination from the site lighting would be significant, nor would it exceed typical lighting within a residential garden that could be installed without planning permission.

As such, it is not considered necessary to impose a condition requiring the existing lighting to be removed. A condition could be included to restrict the use of flood lights within the site in the interests of visual amenity.

The site has already been operating since January 2024. As such, the use of the site as a holiday let rather than as part of the garden for Rectory Farm has likely increased the number of people coming and going to the site. Some concerns have been raised within the public representations related to noise and disturbance from visitors of the holiday let. It is acknowledged the holiday let might cause a degree of disturbance to the nearest dwellings; however, this does not mean that the level of disturbance is necessarily adverse.

The holiday let is relatively small and it is unlikely that the holiday let could accommodate significant numbers of people. The nearest dwelling to the site is Hanthorpe, for which the front elevation is approximately 25m from the site boundary. Frisby House is located approximately 35m from the site boundary. Both dwellings are located within relatively spacious plots and there is amenity space around the dwellings. It is considered that there are suitable separation distances between the

holiday let and the nearest dwellings. Furthermore, the council's environmental protection team have not raised any concerns with the proposed use of the land, including any potential increase in noise that might arise. The host property, Rectory Farm is relatively near to the holiday let and as such, the host property would retain a degree of control in order to manage visitors and intervene if visitors become unacceptably loud.

It is considered that the development would have an acceptable impact on the amenity of the nearest dwellings and future occupants. As such, the proposed development accords with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

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 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

A parking space is provided to the north of the holiday let next to Rectory Lane. No changes to the vehicular access or the parking space are proposed as part of the current application. Lincolnshire County Council's highways team have not raised any objections to the proposed access or parking arrangements. Whilst concerns have been raised within the public representations regarding the suitability of Rectory Lane to accommodate the proposed use, it is not considered that the proposal would result in an unacceptable impact on highway safety. As such, the proposal is considered to accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

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

Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

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

Paragraph 8.3.6 of the South East Lincolnshire Strategic Flood Risk Assessment (SFRA) sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG sets out the following:

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

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the*

area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."

Whilst a district-wide search would typically be required as the proposal is located within the countryside, the site is located adjacent to the settlement boundary for Gedney and the NPPG requires decision makers to apply the sequential test proportionately. Furthermore, as per the above referenced guidance, if it can be demonstrated that future occupiers can remain safe and that flood risk would not increase elsewhere as a result of the proposals, the sequential test need not be applied.

The 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 within a low hazard rating area and as the proposal is for a 'less vulnerable' use, no specific mitigation is recommended SFRA in this case.

It is also noted that Policy 4 specifically seeks to avoid uses, such as holiday-let uses, within areas of notably high flood risk, stating that "Caravan, chalet, log cabin, camping and touring sites at risk of fluvial flooding where there is a 'danger for most' and 'danger for all' will not be permitted". In this instance, when taking account of the SFRA 2115 Hazard Maps, the site does not lie within an area where there is a 'danger for most' and 'danger for all'.

It is noted that South Holland Internal Drainage Board have asked for ground investigation to be carried out if infiltration is the proposed means of surface water disposal. In this case, this is not considered to be necessary due to the small-scale nature of the proposal.

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.

When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements as the proposal is considered to 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 the amenity of nearby residents. It is considered that the proposed development accords with the aims of Policies 1 and 9 of the Local Plan and Paragraphs 88 and 89 of the NPPF, through the provision of a small-scale leisure business. In this instance, there are no material considerations that weigh heavily 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, 9, 30 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.