

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H06-0969-24 **Applicant:** Ms C Bushby

Proposal: Use of land to provide thirteen additional gypsy/traveller pitches with internal access road and landscaping

Location: Green Acres Park Ropers Gate Gedney

Terminal Date: 21st March 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
APPENDIX 6	Parking Standards

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

Policy paper - Planning policy for traveller sites (2024)**Representations:**

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

OFFICER - FLOOD RISK ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	5	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the use of land to provide thirteen additional gypsy/traveller pitches with internal access road and landscaping.

The applicant has provided an existing and proposed site plan as well as well as ecological appraisals, BNG metric and design and access statement. The proposed site layout plan shows 16 number 'units' or plots and the site layout plans shows a number of associated structures to be contained within each plot, elevation plans have not be submitted so the structures cannot be identified as to their purpose/function, nor is there any expansion within the Design and Access Statement as to whet these are.

Internal roads, showing how the pitches are accessed in demonstrated on the block plan.

Site Description

The application site is outside of defined settlement limits (north east of Gedney) and is, therefore, designated as being located in the open countryside in accordance with the policies map contained within the SELLP. Vehicular access is gained to the site from Ropers Gate. The land accommodates 3 number traveller pitches, at present but has received previous permission to site 8 number pitches

The land is bounded to the south by a field drain. The site and the surrounding land is located within Flood Zone 3. Hazard Mapping contained within the SFRA show that the site is in a white cell and partly low hazard. Hallgate Cottage, which is a detached dwelling in substantial gardens, stands to the west of the site.

Further away there are dwellings within sizeable garden plots. Hallgate House (Grade II Listed) is located to the west with Hallgate Cottage and grounds in between. The listed property sits within its own gardens and is not related to the application site. The property sits as an entirely independent dwelling unrelated to the application land

History

H06-0436-24 - Demolition of timber structured mobile homes/day rooms and outbuildings and

erection of 24 semi/terraced bungalows. Refused 19-09-24

H06-1163-19 - Proposed gates with pillars to all three accesses. Approved 05-03-20

H06-1046-19 - Details of foul and surface water disposal (Condition 4 of H06-0233-19). Under consideration.

H06-0233-19 - Change of use of land (part retrospective) to provide five additional gypsy/traveller pitches with one day room per pitch and existing stables converted to dayrooms. Also, erection of one new store and retention of sheds for pitch 1, with construction of internal road to facilitate separate ingress and egress to and from the site, including hardstanding. Approved 05-09-19.

H06-0226-18 - Erection of day room - Approved 22 June 18 H06-0022-17 - Erect fencing around the site with associated landscaping and planting - Approved 7 March 2017

H06-0558-15 - Change of use of paddock to gypsy/traveller site comprising of 2 pitches, including alterations to existing accesses and construction of roadways and hardstanding - Approved 21 October 2015

H06-0105-15 - Provision of three stable blocks, animal feed/supply store and alterations to existing accesses - Approved 15 May 2015

H06-0145-13 - Change of use of paddock to gypsy/traveller site comprising 2 pitches, including alterations to access and construction of roadway and hardstanding - Approved 6 September 2013.
H06-1091-13 - Details of landscaping, surface materials and Flood Risk Assessment 'safe haven' (Conditions 5, 6 and 7 of H06-0145-13) - Approved 4 March 2014.

Consultation Responses

Parish Clerk

Due to the following concerns, the council objects to this application: - There are no clear provisions for sewage disposal in the planning application. - There is doubt about the capacity of existing sewage systems to handle additional units. - The village lacks sufficient infrastructure, including schools and healthcare facilities, to support additional residents. - The road leading to the proposed site is inadequate for increased traffic. - Council has worries about overcrowding with the addition of 13 more pitches.

Anglian Water

Wastewater Treatment - The foul drainage from this development is in the catchment of Sutton Bridge Water Recycling Centre that will have available capacity for these flows.

Used Water Network - This response has been based on the following submitted documents: No drainage strategy provided - have therefore assessed the nearest public sewer The sewerage system at present has available capacity for these flows.

Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer

IDB

No comments

Environment Agency

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and planning practice guidance (PPG).

Historic Environment Officer

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.

Highways Suds

No objection - The site lies on the south side of Ropers Gate and currently comprises of 3no. traveller's pitches with 3no. separate accesses from the highway. The topography of the site is relatively level and is surrounded by open countryside to the northeast of the village of Gedney. The land is bounded to the south by a field drain and is located within Flood Zone 3. Planning permission is sought for the erection of the formation of 16 traveller's pitches with associated access and landscaping. The creation of utilising a single central access (existing) would reduce the number of openings that currently exist to Ropers Gate, which would be to the benefit of local safety, efficiency, and capacity.

The existing single access is wide enough to accommodate the passage of two-way vehicular movements and sufficient visibility can be achieved including suitable parking and turning within the site to allow vehicles to enter and leave in a forward gear. The impact of this proposed development will not be severe regarding highway safety or capacity. The proposal will not increase surface water flood risk as surface water from the mobile homes will disperse into the ground naturally

Natural England

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Crime Prevention Through Environmental Design

Lincolnshire police do not have any objections to this application

Conservation Officer

No objections

Ecologist

No comments received

Environmental Protection

No comments regarding land contamination or environmental protection

Representations

The application has been advertised in accordance with the requirements set out within the Development Management Procedure Order 2015 (as amended). It has been subject to the receipt of objections, of which the material points can be summarised as:

- Flood Risk
- Highway Safety
- Amenity on residents
- Similar development close by
- Scale disproportionate to nearby settlement
- Stretch on GPs

Planning Considerations

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Accommodation for Gypsies, Travellers and Travelling Showpeople
- Impact on Neighbouring Residents/Land Users/Land Uses
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Layout, Design and Impact on the Character of the Area
- Highway Safety and Parking
- Ecology & Biodiversity
- Planning Balance

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 (updated 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.

Boston and South Holland Gypsy and Traveller Accommodation Assessment (2016)

The primary objective of the 2016 Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Boston and South Holland. As well as updating previous GTAAs, another key reason for completing the study was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015

Policy paper - Planning policy for traveller sites (2024)

This document sets out the government's planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework.

Principle of Development and Sustainability

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 SELLP Policy 1 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).*

The application site which already benefits from permission at least in part to be used as a Gypsy Traveller site (this entire site was outlined in red under H06-0233-19, but it is not clear whether that permission was implemented), is succinct with the exceptions for residential development outlined above.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Accommodation for Gypsies, Travellers and Travelling Showpeople

In respect of Gypsy & Traveller Sites the SELLP Policy 20, provides the guidance. This policy is read alongside the Government Policy Paper 'Planning Policy for Traveller Sites'. Policy 'B' 13 of the government policy echoes much of the criteria based assessment that is contained within SELLP Policy 20.

In particular SELLP Policy 20 states that:

Planning permission will be granted for the development of these sites, provided that proposals:

- 1. will be adequately provided with appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management;*
- 2. will not have a significant adverse effect on the amenities of existing local residents or adjoining land users (and proposals must therefore give careful consideration to layout, landscaping, external lighting schemes, and the type of business uses that would be appropriate (if mixed residential and business use is proposed)); and*
- 3. will be successfully assimilated into both their immediate environs and the wider landscape.*

Additional needs which may arise during the Local Plan period will be met through the determination of planning applications on other, unallocated sites. Planning permission will be granted for proposals on such sites, provided that they meet criteria 1 to 3 above, and they:

- a. provide occupants with an acceptable standard of amenity;*
- b. are not located adjacent to uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land;*
- c. respect the scale of the nearest settled community;*
- d. will not place undue pressure on local infrastructure;*
- e. will not adversely affect heritage assets or areas of importance to nature conservation;*
- f. will not prejudice highway safety or give rise to problems of parking or highway access;*
- g. 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; and
h. for sites for transit or stopping place use, are not located within Flood Zone 3b and, if located within Flood Zone 3a, the Sequential and Exception Tests have been passed.

The application site already benefits from the use of the site for Gypsy & Traveller accommodation, planning permission H06-0233-19 allowed for the change of use of land (part retrospective) to provide five additional gypsy/traveller pitches with one day room per pitch and existing stables converted to dayrooms. Also, erection of one new store and retention of sheds for pitch 1, with construction of internal road to facilitate separate ingress and egress to and from the site, including hardstanding.

It is not clear whether or not this proposal was implemented, however it was assessed and granted permission by the SHDC on 1st March 2019 and therefore approved under the existing local policy framework. At present this application confirms that only 3 of the plots are utilised, with a further 5 (if the permission is extant) left vacant, allowing a total of 8 number pitches.

Policy Paper 'Planning Policy for Traveller sites' (2024) 1(h) states that, the government's aims in respect of traveller sites are:

to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply

Locationally then, given that the broader site has been granted permission to be used for Gypsy Traveller Pitches, the site is considered appropriate as site that can accommodate 8 number pitches, as per the approval under H06-0233-19. The site at this scale, which would be for a small number of families is considered acceptable, to extend the site to 16 would represent a large-scale site. Whilst the SELLP identifies (part of) the site as an 'Existing Residential Gypsy Traveller site' (it doesn't not show the extension to the site achieved under H06-0233-19) it is location close to only a small number of dwellings suggests that a large-scale site is inappropriate. Furthermore, the proposal whilst acceptable in general principle terms does not sufficiently justify the site-specific need to intensify the number of pitches to 16, when previous planning permission (for 8 total pitches) have never been met/fulfilled on this site. It is not clear, based on the site history why, at this stage it would be appropriate to intensify the site to such an extent especially given that the need for Gypsy Traveller sites, is more complex, than simply increasing numbers.

The applicant has provided an email in support stating that *there have been a substantial number of enquires to rent and also to sell plots; there is a significant need for these plots*. This is also supported by a screen shot of a message from the estate agent which confirms that they have *received several enquiries*. This message also states that a tentative offer of £700,000 has been made for the entire plot. Whilst this statement is noted, this remains solely anecdotal evidence with no local traveller needs assessment or information supplied by the applicant to support a larger and more strategic gypsy/traveller site in this specific location, which is outside of any designated settlement within the SELLP. A recent proposal from the same applicant to remove the Gypsy Traveller status of the site and erect 24 market dwellings was refused last year, this proposal would have resulted in a loss of the existing gypsy traveller use, this application was not supported by any form of needs assessment.

Whilst the email in support of this proposal has been received, this is not supported by sufficient evidence that the LPA could utilise to give any more than limited weight. An applicant's personal circumstances should be given considerable weight in the determination of an application, and there is no compelling evidence to consider this site in particular could support a total of 18 number pitches when, there a 5 number pitches currently yet to come forward, following the previous permission. Furthermore, the applicant has provided no evidence or documentation that this development should be considered as a traveller rural exception site in accordance with Paragraph 15 of the Planning Policy for Traveller Sites (2024).

Though it is clear that SHDC do not have a 5YLS for Gypsy Traveller sites, and so general need across the district is undisputed, the way Gypsy Traveller Sites are occupied is not as straight forward as when considering general housing need for example. The unique needs of the traveling community should be expressed in terms of site-specific justification and how those needs would translate into this proposed development being realised, as was the case with the previous

approvals granted by the LPA at this site. Consideration should also be given to a harmonious relationship with existing site residents.

The LPA consider that it is reasonable to request that evidence is provided to show that the 16 pitches would be taken up on this one site, and it would not undermine the existing residents on the site. Should such evidence be presented by the applicant, through a waiting list for example, of an estate agents summary of interest, as well as confirmation that existing residents find the intensification appropriate, the LPA would not have such concerns whether a proposal for 16 pitches could be realised and harmoniously sited alongside existing residents, and a greater weight could be applied when considering site-specific need.

Whilst South Holland DC does not have a 5 year land supply for the provision of pitches, proposal sites still need to be commensurate with SELLP Policy 20, this is a permissive policy but does list criteria which should be applied in order for such developments to be considered appropriate. This policy along with the Government Paper 'Planning Policy for Traveller Sites' require proposals to demonstrate that such sites are appropriate, in the terms set out above and one of the requirements is to ensure that traveller sites are commensurate with the scale of the nearby settlement and promote coexistence with the local community. The next section of the report considers this impact.

Impact on Residential Amenity/Land Users

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.

Policies 2 and 3 of 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.

Government Policy Paper 'Planning Policy for Traveller Sites'. Policy 'B' 13 'a' states:

promote peaceful and integrated co-existence between the site and the local community

SELLP Policy 20 states that site (must):

respect the scale of the nearest settled community

The proposal is to increase the site to 16 number pitches including statics and touring for all plots. The application site already benefits from permission to host a number of plots, however only 3 plots currently are utilised on this site.

The site is close to a small group of dwellings located around the B1356, Kingsgate and Ropers Gate (the nearest settled community) and would, if approved represent a disproportionate balance between the local community and the number of Gypsy Traveller plots. This is likely to result in unacceptable amenity impacts through intensification (lighting, noise, disturbance) upon the amenity rights of existing residents. To intensify this site to 16 plots given the location of this site, close to a small hamlet is not commensurate in scale with the existing nearby settlement, contrary to the requirements of Paragraph 14 of the Planning Policy for Traveller Sites (2024). In turn the proposal is unlikely to promote a peaceful and integrated co-existence between the site and the local community, due to it being annexed from the nearest defined settlement boundary, contrary to the requirements of Paragraph 26 of the Planning Policy for Traveller Sites (2024).

The intensification of this site, in this location by virtue of noise, disturbance and other polluting activities associated with the increased number of residents is likely to have unacceptable impacts upon the amenity levels of existing residents. None of which are able to be mitigated through the imposition of conditions in the opinion of the LPA.

Furthermore, consideration is also given to the lack of services and facilities within the nearby hamlet or within the local and immediate area. In this regard, the application site would be remote from shops, schools, health services or employment opportunities for any future residents. As such, the site is not considered to be a suitable or sustainable location for a larger gypsy/traveller site as proposed, with future residents being solely reliant on the use of cars or other motorised vehicles to go about their day to day lives and living.

The proposal is considered contrary to SELLP Policy 20 in these terms as well as Government Policy Paper 'Planning Policy for Traveller Sites'. Policy 'B' 13 'a' as well as policy 2 of the South East Lincolnshire Local Plan.

Flooding Risk Considerations

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.

SELLP Policy 4 sets out South Hollands approach to Flood Risk. The application site lies within Flood Zone 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 wider application site already benefits from the intended use, and this application represents an intensification to increase the number of pitches. Given this scenario there is no requirement to demonstrate a sequential test.

However, the Environment Agency have objected to the proposal, given the flood zone and that the proposal relates to the permanent residential occupation of caravans. This position cannot be supported by the LPA given that the site already benefits from permission to function as a Gypsy Traveller sites, that includes the permanent occupation of caravans. Therefore, in flooding principle terms the proposal is considered to have an already established use for the siting of permanent residential caravans.

Therefore, whilst the views of the Environment Agency are duly noted, for the reasons detailed above it is considered that flood risk does not represent a valid reason to justify or warrant the refusal of this planning application.

Foul and Surface Water Drainage

The applicant states that the proposal site would drain surface water through soakaway, however no information as regards infiltration has been received, given the nature of the structures however, in that many are mobile with only some permanent buildings, it is considered that a drainage condition would satisfactorily mitigate.

In terms of foul water, no information has been received and the application form is ticked as 'unknown' as to the method of disposal. There have been objections relating to this. However, these issues could satisfactorily be mitigated through a foul water drainage condition.

Therefore, whilst the proposal is considered contrary to the aims of SELLP Policy 4 (given it relates to the use of caravans for a permanent residential use), the existing permission on the site already allows for this to occur. It is therefore considered that material considerations exist that would indicate that a departure from the development plan policy is appropriate on these grounds.

Surface water and foul water would need to be mitigated through the application of associated conditions.

Layout, Design and Impact on the Character of the Area

Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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"

Notwithstanding the intensification of the site to 16 number pitches, each pitch with a number of facilities, the proposal in terms of character could be made acceptable through the mitigation of a landscaping scheme, which would help soften the visual impact of this proposal. It is of note that the entire site was granted permission for 8 number pitches, with mature hedging treating the boundaries, this was considered sufficient in landscape character terms.

The scale of the caravans, tourers etc. are likely to be of a low scale and therefore would only result in giving rise to a localised impact. This impact would fairly be mitigated through the correct type of boundary planting. Whilst, the LPA is mindful of Paragraph 27(d) of the Planning Policy for Traveller Sites (2024), which confirms that sites should not be enclosed 'with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.' This in effect has already been achieved under previous permissions.

Therefore, subject to condition it is likely that the proposal would accord with policies 2 and 3 of The South East Lincolnshire Local Plan 2019.

Highway Safety and Parking

SELLP 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.

SELLP 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.

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. It 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 would be severe.

The site lies on the south side of Ropers Gate and currently comprises of 3no. traveller's pitches with 3no. separate accesses from the highway. The proposal is to remove two of the access points and create a single access/egress from the applications site. The Highway Authority consider this betterment in highway safety terms.

Furthermore, the authority consider that the existing road network is acceptable and would be able to support the proposed development.

In highway safety terms then the proposal would accord with SELLP Policies 2, 3 or section 9 of the National Planning Policy Framework.

Ecology & Biodiversity

NPPF Paragraph 187 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.

NPPF Paragraph 187d is also relevant requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

SELLP Policy 28 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 an Ecological Appraisal and BNG net gain statement (by ESL).

The ecologist has not made comment however, on a previous submission for the demolition of timber structured mobile homes/day rooms and outbuildings and erection of 24 semi/terraced bungalows (ref: H06-0436-24) the ecologist reviewed this information and considered it acceptable.

Whilst the approach is the same with regards the ecological related documents, there appears to be some conflict with the proposed site plan which shows plots 1 and 16 to be in the area given over to BNG. This would need addressing.

That said, once addressed it is considered that the proposal would not have a detrimental impact upon protected species, and has demonstrated that 10% net gain can be achieved on site.

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.

Despite the proposal representing an appropriate type of residential development within the open countryside, insufficient information has been presented as to why this site in particular would be able to accommodate 16 number units. Recent planning permissions have allowed for 8 units on site, and these numbers have never been realised. This submission is unsupported by sufficient evidence demonstrating the site specific need for 16 units. The applicant previously submitted an application for 24 market dwellings which was refused last year, if approved, this would have sterilised and ended the use of this gypsy/traveller site.

Therefore, given the lack of site-specific supporting information as well as the fact that previous permission allowing for more pitches have not come forward, it is considered that the intensification to allow for a total of 16 pitches is not demonstrated as achievable on this site and so limited weight is given to need in relation to this site in particular (despite accepting that there is a broader need for such pitches across the district).

More pertinent however, given the location of the application site, close to a small group of dwellings in the open countryside the proposal would be disproportionate in scale to the nearby settlers and would likely result in giving rise to unacceptable impacts in relation to neighbouring residential amenity, through noise and disturbance and other polluting activities, following the intensification of this site. No information has been presented by the applicant to demonstrate that the noise environment would support such a high level of activity, nor has any information as regarding other pollution activities been provided, such as light pollution, both of which are especially pertinent given the open countryside location.

Government Policy Paper 'Planning Policy for Traveller Sites'. Policy 'B' 13 'a' states that permissions should *promote peaceful and integrated co-existence between the site and the local community* SELLP Policy 20 reaffirms this by stating that proposals should *respect the scale of the nearest settled community*. The proposal then to increase the site to 16 number plots would not promote peaceful and integrated co-existence due to the disproportionate between the small cluster of existing dwellings located close to the site, and the proposed intensification of this existing site to form 16 number pitches.

Whilst the EA have objected, the LPA suggest that given the existing use of the site then material considerations exist that would suggest a departure from local policy 4 of the South East Lincolnshire Local Plan is indicated.

In terms of landscape character, the whole site has been given permission as a Gypsy Traveller site, previously it was considered that mixed hedging along the boundaries provided sufficient mitigation.

In this instance, there are material considerations that weigh against the proposal and as such, the planning balance is not in favour of the development, as the identified harm would outweigh the limited and unsubstantiated benefits of the scheme.

Conclusion

Taking into consideration these factors, the proposal is considered not to comply with Policy 2, 3, 4 and 20 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). As well as the sections of the Policy paper *Planning policy for traveller sites (2024)* outlined within this report.

On this basis the proposal is recommended for refusal.

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.