DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0672-26**	**Applicant:**	**Mr J Depear**
Proposal:	Siting of residential mobile home - Retrospective		
Location:	Land Adjacent To The Poplars 164 North Road Gedney Hill		
Terminal Date:	19th October 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 2 - Plan-making policies (PM1 - 17)
Section 3 - Decision-making policies (DM1 - 10)
Section 4 - Achieving sustainable development (S1 - S6)
Section 6 - Delivering a sufficient supply of homes (HO1 - 13)
Section 12 - Making effective use of land (L1 - 3)
Section 14 - Achieving well-designed places (DP1 - 4)
Section 15 - Promoting sustainable transport (TR1 - 8)
Section 17 - Pollution, public protection and security (P1 - 6)
Section 18 - Managing flood risk and coastal change (F1 - 9)
Section 19 - Conserving and enhancing the natural environment (N1 - 9)

Representations:

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

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for the siting of a residential mobile home. According to the submitted Design and Access Statement, the site was formerly used as a paddock.

The application is retrospective as it appears the mobile home was installed in 2023, according to the submitted application form. The submitted plans also show a new vehicular access from North Road and land around the mobile home which is presumed to be a proposed garden.

Site Description

The site comprises land to the north-east of The Poplars and to the south-west of 170 North Road. Before the mobile home was installed, it appears that the site included an open grassed area of land.

The site is outside any defined settlement, as identified by Policy 1 in the South East Lincolnshire Local Plan (2019) 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

No planning applications have been determined on land within the red line boundary; however, the following applications relate to land at the Poplars (to the south of the site).

H07-1235-03: (Outline Application) Erection of replacement dwelling - refused 29 March 2004 - appeal dismissed 04th May 2005

H07-1259-07: (Full Application) Two 2-storey extensions, alteration and renovations to dwelling - approved 14th November 2007

H07-0035-08: (Discharge of Conditions) Details of landscaping scheme (Condition 7 of H07/1259/07) - approved 21st January 2008

H07-0050-08: (Discharge of Conditions) Details of windows (Condition 4 of H07/1259/07) - refused 06th February 2008

H07-0140-08: (Discharge of Conditions) Details of external doors (Condition 3 of H07/1259/07) - approved 19th February 2008

H07-0190-08: (Discharge of Conditions) Details of window frames (Condition 4 of H07/1259/07 - re-application after refusal of H07/0050/08) - approved 21st February 2008

H07-0081-15: (Full Application) Extension & Alterations - approved 01st April 2015

H07-0055-21: (Full Application) Proposed extension and alterations - approved 15th March 2021

H07-0908-21: (Prior Approval) Change of use of barn to residential dwelling - approved 25th October 2021

H07-0604-22: (Prior Approval) Change of use of barn to residential dwelling - re-submission of H07-0908-21 - approved 03rd August 2022

H07-0617-22: (Prior Approval) Change of use of barn to residential dwelling - approved 19th August 2022

H07-0996-22: (Discharge of Conditions) Details of ecological biodiversity measures (Condition 7 of H07-0617-22) - approved 30th November 2022

H07-0600-23: (Full Application) Change of use of outbuilding to holiday let - approved 21st August 2023

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below; however, 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, 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 2/l/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 cess pit. Should the applicant's 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 Board arterial watercourse E22 Highstock Drain - North (DRN196P2201) adjacent to the east of the wider site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10: Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board arterial watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Lincolnshire County Council - Highways and SUDS:

This proposal seeks retrospective planning permission for the siting of a residential mobile home. The site access has already been constructed; however, the works were undertaken without the benefit of a Section 184 Agreement with the Highway Authority and are therefore unauthorised. The applicant is requested to submit an application under Section 184 of the Highways Act 1980 to regularise the access. Further details are provided within the informative below. The access provides acceptable visibility in both directions, and satisfactory parking provision is available within the site. As such, the proposal is not considered to result in an unacceptable impact on highway safety, subject to the access being brought up to the Highway Authority's standards and approved through the Section 184 process. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Informatives 03 and 08 are recommended.

Ecology Officer:

We request that a minimum of 1 tree mounted bird box and 1 tree mounted bat box are included on site to help mitigate habitat loss. These are required to enhance biodiversity and to be in line with NPPF Policy N2 and Local Plan Policy 7.2.14.

Lincolnshire County Council - Historic Environment:

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.

Environmental Protection:

No comments.

Environment Agency:

The proposed development involves the use of a mobile home for year-round residential occupation. As outlined in paragraph 079 of the planning practice guidance section on Flood Risk and Coastal Change (ID: 7-079-20220825), the proposed residential static caravans have a flood risk vulnerability classification of 'highly vulnerable' and are incompatible with Flood Zone 3a. Therefore, this element of the proposal is contrary to national planning policy. Notwithstanding the policy objection, the hazard mapping found in South East Lincolnshire Strategic Flood Risk Assessment shows the site to be situated outside of the hazard extents for the future climate change scenario. Therefore, we do not wish to object to this application. We recommend that static caravans are secured to the ground using an adequate mechanism such as chains and ground anchors and finished floor levels should be set at a minimum 300mm above ground level.

Foul Drainage: We would like to highlight that requirement H1 in Schedule 1 to the Building Regulations 2010 requires that cesspits should only be used as a last resort option. The Environment Agency do not support the use of a cesspool as a long-term solution in anything other than exceptional circumstances. This is due to cesspits presenting a considerable risk of causing pollution when poorly managed. There must be no discharge to the environment from cesspits and whilst they are sealed units used for the storage of untreated sewage, should there be any pollution occurrences, these can be difficult to monitor and correct. We advise that it should be demonstrated to the satisfaction of the Local Planning Authority that connection to a foul sewer is impracticable, the installation and operation of a package treatment plant or septic tank is not possible, and a system is in place through planning to ensure and record the proper operation and maintenance of the cesspit, for the use of a cesspit to be considered acceptable. We therefore strongly advise that alternative foul drainage methods are fully explored as part of this application.

Gedney Hill Parish Council: No response received.

Cllr L J Eldridge: 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, no representations have been received from members of the public.

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, August 2026 (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, Layout and Impact on the Character and Appearance of the Area;
-Impact on Residential Amenity;
-Highway Safety and Parking;
-Flood Risk and Drainage; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

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

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site lies outside of any settlement boundary, as outlined in the SELLP. The definition of "settlement" is found within Annex B of the NPPF, reading as follows:

"Settlement: Includes cities, towns, villages and other predominantly built-up areas, including land which is allocated or has permission for development which will form part of the built-up area once the development is complete. This includes areas defined as a settlement in the development plan (whether using defined settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined). Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan. For the purpose of this Framework they also exclude villages which lie within and are defined as part of the Green Belt in the development plan."

The Framework is clear that settlements which are defined in a Local Plan would constitute settlements for the purposes of the NPPF. It is also clear that settlements would not include hamlets or scattered groups of houses.

On this basis, it is considered that the settlement boundaries outlined in the SELLP are still wholly applicable here, and that the site should be considered as an outside of settlement location.

Therefore, the site is viewed to be within the countryside in planning policy terms. Policy 1 sets out that within the countryside development will be permitted that is necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Therefore, Policy 1 seeks to limit development in the open countryside, subject to exceptions which can include householder developments.

Policy S5 of the NPPF (Principle of development outside settlements) contains similarities with Policy 1 as Policy S5 sets out that only certain forms of development should be approved outside settlements (parts a to j). It is not considered that the siting of the mobile home accords with any of the exceptions in this case. For example, although part e of Policy S5 allows for limited infilling within groups of houses, it is not considered that this would be the case in this instance.

Assessing whether a site is within groups of houses needs to be determined on a case-by-case basis; however, it is considered that there should be a recognisable, cohesive physical cluster rather than a loose scattering of remote or isolated buildings in order to be regarded as groups of houses. In this case, there is a dwelling to the north and a dwelling to the south of the site. There also appears to be a bed and breakfast further to the north. Other than the two nearest dwellings, the site is surrounded by agricultural land and there is only sporadic development within the wider area. Therefore, the site is not considered to be within 'groups of houses' as is required by part e.

Part j of Policy S5 allows for development outside of settlements where the LPA cannot demonstrate a 5YHLS provided the development would be "physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure". Although the LPA cannot currently demonstrate a 5YHLS, the site is not considered to be well-related to an existing settlement given its isolated nature and the distances between the site and the nearest settlements. For example, the nearest settlement of Sutton St Edmund is approximately 1.6km to the south-east of the site and the settlement is not accessible via public footpaths.

Part 3 of Policy S5 subsequently sets out that "Development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with policy HO11". It is not considered that the development complies with any of the criteria set out within Policy HO11.

Returning to requirements of Policy 1, it is not considered that it has been demonstrated that the proposal is necessary for the location. The submitted Design and Access Statement suggests that the mobile home is required to enable the applicant's relative to live close to The Poplars for the purposes of providing care, supervision and practical support. The statement sets out that the personal circumstances of the occupant are material considerations that need to be weighed in the planning balance; however, the personal circumstances of applicants or their relatives generally carry little to no weight and are often deemed as non-material considerations. This is partly because planning permissions are generally attached to the land they relate to, rather than the applicant who applied for the permission. Notwithstanding this, there are some exceptions where personal circumstances carry weight such as in situations where essential facilities are required to meet the needs of a person with a severe disability.

Whilst the submitted information sets out that there is a need for the applicant's relative to live within the mobile home to be close to their home at The Poplars, limited information has been provided to explain why the relative needs to live within the mobile home. Therefore, it is not considered that there is sufficient justification for the retention of the mobile home. The applicant's desire for their relative to live close to them is not considered to be a sufficient reason and whilst the applicant's relative might require a degree of care, it is unclear why this could not be delivered in an alternative location such as within the curtilage of The Poplars. For example, the occupant of the mobile home could live within an annexe or within a mobile home within the curtilage of The Poplars. Therefore, there is not considered to be a clear need for the mobile home to be sited in its current location.

It is also necessary to consider whether the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits that would arise from the proposals. In this case, it is not considered that there are any particular economic, community or environmental benefits other than a minor contribution to the area's housing land supply.

The proposal does not highlight any benefits that would not otherwise be attributed or equally achieved by the large majority of proposals for single dwellings within a settlement boundary and, therefore, in accordance with the aims of the spatial strategy.

The site is within the countryside in planning policy terms and the proposal would result in unsustainable development, having regard to its countryside location. Significant harm would be caused as a result, as conflict would arise with Policies 1 and 11 of the Local Plan, which seek to direct housing development in accordance with the settlement hierarchy, concentrating on the most sustainable settlements to enable access to everyday facilities and services. Therefore, the principle of development is not supported in this case and the proposal is not considered to be acceptable in principle. Therefore, it is considered that the proposed retention of the mobile home would be contrary to Policies 1 and 11 of the Local Plan and Policy S5 of the NPPF.

Design, Layout and Impact on the Character and Appearance of the Area

Policy DP3 (Key principles for well-designed places) of the NPPF states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

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

Policy 3 of the Local Plan 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 site was formerly part of an open grass field to the east of North Road. Whilst there is a dwelling located to the north of the site and a dwelling located to the south, there is open land between the application site and the nearest dwellings. The site is located within a rural area and the surrounding landscape includes largely flat and open agricultural fields.

The mobile home comprises a single storey structure set within a relatively central position within the site. A driveway area has been installed in front of the mobile home and post and rail fencing has been installed around the site.

The application is retrospective and prior to the unauthorised works, the site comprised an open parcel of grassland and there appears to have been trees along the site frontage. Some of the trees have been removed to facilitate the access, which has negatively affected the formerly rural and verdant character of the site.

The development introduces built development into what was formerly an open parcel of land, changing the character of the site with a domestic character, replacing its formerly rural character. It is considered that this has harmed the character and appearance of the area. If the development is permitted on a permanent basis, residential paraphernalia could be installed within the site, further urbanising the site.

The development harmfully jars with the immediate environment of the site, and it is considered that the negative visual impact is contrary to Policies 2 and 3 of the Local Plan and Policy DP3 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.

Impact on Residential Amenity

Policy P3 (Living conditions and pollution) of the NPPF sets out that development should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding

exposure to levels of air, noise, artificial light or other sources of pollution. The policy also sets out that proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.

Policies 2 and 3 of the 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 considered that there would be sufficient internal living space and outdoor amenity space within the site. Due to the separation distances between the site and the nearest dwellings, the development would not result in an unacceptable impact on the amenity of the nearest dwellings. Therefore, in amenity terms, the development would accord with the Policy P3 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Policy TR6 (Assessing transport impacts) of the NPPF sets out that development proposals should only be refused on highways grounds if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement.

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 of the Local Plan 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 of the Local Plan 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 and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The site access has already been constructed; however, the works were undertaken without the benefit of a Section 184 Agreement with the Highway Authority and are, therefore, unauthorised. Lincolnshire County Council's highways team have set out that an application under Section 184 of the Highways Act 1980 to regularise the access would be required.

The highways team have set out that the access provides acceptable visibility in both directions, and satisfactory parking provision is available within the site. As such, the proposal is not considered to result in an unacceptable impact on highway safety, subject to the access being brought up to the Highway Authority's standards and approved through the Section 184 process.

Therefore, the proposed development would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3 and 36 of the Local Plan, as well as Section 15 of the NPPF.

Flood Risk and Drainage

Section 18 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 site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Mobile homes are identified within Annex F of the NPPF as 'highly vulnerable' developments. As the proposal is for a highly vulnerable use, the proposal is required to pass the sequential test; however, both Policy 4 of the Local Plan and Policy F6 of the NPPF recommend that highly vulnerable uses within Flood Zone 3a are refused planning permission. This also accords with the

recommendations of the South East Lincolnshire Strategic Flood Risk Assessment. As the NPPG states that the proposal should not be permitted, the exception test is not applicable.

In terms of the sequential test, the submitted Flood Risk Assessment (FRA) does not contain a site search exercise and as such, it appears that no alternative sites have been considered and / or discounted. Therefore, it is considered that the submitted FRA is insufficiently detailed, and insufficient information has been provided by the applicant.

Whilst it is recognised that vast areas of South Holland are within Flood Zone 3 and this includes areas near the site, there are areas within lower risk flood zones. In this case, land to the south of the site is within Flood Zones 1 and 2 and this includes land within the curtilage of The Poplars.

Although the submitted information suggests that the mobile home is sited in its location due to the need to be close to The Poplars as the occupant of the mobile home is a family member, it is considered that the mobile home could have been located within the curtilage of the Poplars, which would be within a lower risk flood area. Therefore, it is considered that the proposal has not passed the sequential test thereby conflicting with Policy 4 of the Local Plan and Policy F5 of the NPPF.

Although Policy 4 of the Local Plan and Policy F6 of the NPPF recommend that highly vulnerable uses within Flood Zone 3a are refused planning permission, it is noted that the Environment Agency (EA) have not raised an objection to the proposal in this instance. The EA have recognised that the site is not within a hazard area as identified by the South East Lincolnshire Strategic Flood Risk Assessment. Therefore, the EA have not raised an objection in this instance; however, the EA has recommended that the mobile home is secured to the ground using an adequate mechanism such as chains and ground anchors and that the finished floor levels (FFLs) should be set at a minimum 300mm above the ground level. It appears that the FFLs have been raised above the surrounding ground levels.

According to the application form, the proposed means of surface water drainage is a via a soakaway; however, no further details have been provided. As such, it is unclear if soakaways are feasible or in place. Notwithstanding the lack of information, it is considered that further details of surface water management could be secured via a condition.

The proposed means of foul drainage is via a cesspit according to the application form. The EA have set out that requirement H1 in Schedule 1 to the Building Regulations 2010 requires that cesspits should only be used as a last resort option. The EA do not support the use of a cesspool as a long-term solution in anything other than exceptional circumstances. This is due to cesspits presenting a considerable risk of causing pollution when poorly managed. There must be no discharge to the environment from cesspits and whilst they are sealed units used for the storage of untreated sewage, should there be any pollution occurrences, these can be difficult to monitor and correct. The EA have advised that alternative options should be investigated such as connected to a foul sewer or using a package treatment plant or septic tank. It is considered that an alternative foul drainage strategy could potentially be secured via a condition in the interests of reducing pollution risks from the site.

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.

As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (BNG)(10%), a condition would be required, as mandatorily set.

In this case, the application was submitted on 16th July 2026 according to the application form. The application is accompanied by a Biodiversity Net Gain exemption statement sets out that the applicant considers that the proposal is exempt from BNG as the application is retrospective and submitted under Section 73A. As the application was submitted prior to 06th August 2026, it is considered that this exemption applies in this case.

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 proposed development would result in the provision of a mobile home within the countryside, within the least sustainable location for development within the area's settlement hierarchy, as identified by Policy 1 of the Local Plan. Although the LPA cannot currently demonstrate a 5 year housing land supply, the benefits of providing one dwelling would not outweigh the demonstrable harm of developing in the countryside in an unsustainable location. It is also not considered that the mobile home has been demonstrated as necessary for the location. Therefore, it is considered that the proposal is contrary to Policies 1 and 11 of the Local Plan and Policy S5 of the NPPF.

It is also considered that the development has not passed the sequential test in flood risk terms and as such, the proposal is contrary to Policy 4 of the Local Plan and Policy F5 of the NPPF.

There are significant material considerations that weigh against the proposal and as such, the planning balance is against 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

The proposal is considered to conflict with Policies 1, 4 and 11 of the Local Plan and Policy S5 and F5 of the NPPF when viewed as a whole. These are 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 refused under delegated authority.