DECISION DELEGATED TO HEAD OF PLANNING

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|---|---|---|---|
| **Application No:** | **H08-0233-25** | **Applicant:** | **Mr P Thorold** |
| **Proposal:** | Proposed Single Storey Detached Treble Garage | | |
| **Location:** | 7 Cooks Road Gosberton Spalding | | |
| **Terminal Date:** | 13th May 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 |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework December 2024**

**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

**National Guidance**

## Representations:

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| OTHER STATUTORY BODIES | 0 | 1 | 0 | 1 |

## CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for a detached garage. The proposed garage building would be located to the north of 7 Cooks Road, Gosberton. The building is proposed to feature a gable end roof form, measuring 6.5m up to the roof ridgeline.

### Site Description

The application site comprises land at 7 Cooks Road, which is a two-storey detached dwelling set back from the road frontage.

The site is outside any defined settlement limits, as identified by the South East Lincolnshire Local Plan 2011-2036 (March 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

H08-0002-19: (Full Application) Proposed replacement dwelling - approved 06 March 2019

H08-0147-21: (Full Application) Proposed replacement dwelling and change of use from agricultural to residential - approved 12 April 2021

H08-1009-22: (Non material amendment) Proposed replacement dwelling and change of use from agricultural to residential - approved under H08-0147-21. Amendment to brick type - refused 17 November 2022

H08-1114-22: (Section 73 Application) Proposed replacement dwelling & change of use from agricultural to residential - approved under H08-0147-21. Modification of Condition 2 to allow amendments to previously approved plans - approved 19 January 2023

H08-0952-24: (Full Application) Proposed single storey rear extension including change of use of land from agricultural to residential - approved 08 January 2025

H08-0146-25: (Full Application) Proposed removal of existing garage doors & replace with bi-fold doors - approved 09 April 2025

### 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.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS: No objections. The proposal will not have an impact on the public highway.

National Grid (formerly Western Power Distribution): Plans have already highlighted the application is aware of an underground cable. No other observations noticed.

Environmental Protection: No comments regarding amendment 1 for environmental protection or land contamination.

Welland and Deepings Internal Drainage Board: No comments.

Tree Officer: No response received.

Ecology Officer: No response received.

Gosberton Parish Council: No response received.

Cllr H J W Bingham: No response received.

Cllr M A Geaney: No response received.

Cllr J L King: 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 letters of representation have been received.

**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;
-Visual and Amenity Impact;
-Highway Safety and Parking; and
-Flood Risk.

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 is within outside any defined settlement limits and is therefore within the countryside in planning policy terms. The site is however within the curtilage of an existing dwelling. Policy 1 sets out that within 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.

The proposal is for the erection of a garage building that is to be used by 7 Cooks Road. The principle of allowing outbuildings such as garages for the use of residential buildings is generally acceptable provided such buildings are suitably designed and of a proportionate scale to the host dwelling. Similarly, some garage buildings can be allowed through permitted development rights provided such buildings accord with the relevant requirements and restrictions.

In this case, the proposed garage building would be positioned in front of the host dwelling and as such the building would not be eligible for permitted development rights. Furthermore, condition 9 of permission H08-1114-22 restricted permitted development rights for outbuildings such as garages within the site. The intention of this condition was to ensure the local planning authority retain control over the design and positioning of any future buildings within the site. The curtilage of the dwelling is relatively large and the site is located within the countryside policy area. As such, it was considered necessary to restrict permitted development rights for outbuildings. The principle of the proposed garage building is therefore acceptable provided that the building is suitably designed and positioned.

Visual and Amenity Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 also states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

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

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

The proposed garage would measure approximately 11.5m in length and 7.5m in width. The garage building is proposed to feature a gable end roof form and measure 6.6m up to the ridgeline, and 2.8m up to the eaves.

The building is proposed to feature three evenly spaced garage doors on the front elevation, with solder course brick detailing above the doors. Three roof lights are also proposed on the front roof slope. A window is proposed on each of the side elevations. No windows or doors are proposed on the rear elevation.

The garage building would not be as tall as the main dwelling, which measures approximately 9m up to its ridgeline. The scale of the garage building would therefore be subservient to the host dwelling. The garage building is proposed to be located towards the front of the dwelling at 7 Cooks Road, however, it is not considered that its positioning would be overly dominant or incongruent. For example, the building would be next to a relatively long driveway and there is vegetation which screens views of the site from the surrounding area, reducing the visual impact and ensuring that no harm would arise to the character of the area as a result of the development.

The submitted plans indicate that there is a 'future habitable room' within the first floor within the

garage building. Provided any rooms within the building are occupied as ancillary accommodation to the host dwelling at 7 Cooks Road, this is acceptable in principle. In order to ensure that this room is used or occupied as ancillary accommodation to the host dwelling, it is considered reasonable and necessary to tie the use of the garage to property through the imposition of a planning condition.

The visual impact of the proposed development is therefore acceptable. The proposed development would not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Sections 12 and 16 of the NPPF.

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

Lincolnshire County Council's highways team have not raised any concerns with the proposals from the highway safety perspective. The proposed garage building would provide covered parking spaces for occupants of 7 Cooks Road. There is ample room for parking and turning within the site and the garage building would not impact the nearest public highway from a highway safety or capacity perspective.

The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

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

Policy 4 of the Local Plan development in Flood Zones 2 and 3 can be permitted in instances where specific criteria is met. Policy 4 also sets out that "change of use of existing buildings will be supported providing they do not pose an increase in risk to people".

The South East Lincolnshire Strategic Flood Risk Assessment (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 not identified within a hazard rating area and as such the SFRA does not identify any specific flood risk mitigation as necessary for the site.

The application is also a householder application and Paragraph 174 of the NPPF sets out that householder applications should not be subject to the sequential or exception tests. Developments should however still meet the requirements for site-specific flood risk assessments, as set out in footnote 63. In this case, there are therefore no significant flood risk issues. The development therefore satisfactorily accords with Policy 4 of the Local Plan and Section 14 of the NPPF.

Biodiversity Net Gain

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

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

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

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

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

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

## Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

## Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

## Conclusion

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