

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0254-25 **Applicant:** Mrs C Wilson
Proposal: Erection of 1 Residential Dwelling
Location: Rear Of 2 Godfrey Avenue Gosberton Spalding
Terminal Date: 28th November 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 04 Approach to Flood Risk
- 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 December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering and sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	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	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks outline planning permission with all matters reserved for the erection of a dwelling. As such, the proposed access, appearance, scale, layout and landscaping of the development is unconfirmed.

Notwithstanding this, the application is accompanied by an indicative site layout which shows a similar layout that was approved under permission H08-0304-21.

Site Description

The application site comprises land to the rear 2 and 4 Godfrey Avenue which is mostly enclosed by close boarded timber fencing. There are bungalows located to the north and west of the site, including 10 to 16 Belchmire Lane. To the north, east and south of the site, there are mostly two storey dwellings.

The site is outside the settlement boundary of Gosberton, as identified by the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

The site is primarily within Flood Zone 1 as identified by the Environment Agency's flood risk maps. However, part of the site is within Flood Zones 2 and 3.

Planning History

H08-0914-05: (Full Application) Alterations and ground floor extension to house - approved 24 August 2005

H08-0304-21: (Full Application) Erection of Single Storey Dwelling - approved 15 June 2021

H08-0976-24: (Full Application) Erection of Single Storey Dwelling - resubmission of H08-0304-21 - withdrawn 22 January 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.

Welland and Deepings Internal Drainage Board: No comments.

Lincolnshire County Council - Historic Environment Officer: 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: this is an outline planning application with all matters reserved for later approval for 1 no. self-build/custom build dwelling, as shown on drawing number: 3149-S02 Rev C, albeit indicative only. The principle of development would seem acceptable and as this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach. Sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land. Highway informatics 3 and 8 are recommended.

Environmental Protection: No comments regarding land contamination and environmental protection.

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.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received. The key matters raised within the response are summarised below:

- The proposed development will not leave any room to go on the road if a lorry parks down Godfrey Avenue.
- The development would result in a large amount of noise.
- There is asbestos in the garage within the site.
- The proposed double garage will mean that when the car or cars, pull out at night time, the lights will shine directly into all the properties, at the rear of 10, 12, 14 Belchmire, directly where there are bedrooms, and living rooms. What is the plan to reduce light pollution to these residents?
- The actual location of the build, is very close to the boarder of 10 Belchmire Lane's rear garden. Will there be any windows on the left side facing numbers 10 Belchmires garden? Will a fence be erected limiting and noise pollution?

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;

- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity.

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 the defined settlement of Gosberton which is a Minor Service Centre. Policy 1 sets out that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

Therefore, the proposed development is acceptable in principle, as the proposed dwelling is considered to comprise an infill development. However, it is necessary to assess the proposed development against other relevant criteria and material considerations, as set out below.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

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.

At this stage, the proposed scale, appearance and layout of the dwelling is unknown. As such, it is difficult to assess the visual impact of the proposals. Notwithstanding this, it is considered that a single storey dwelling would be appropriate within the site. This is supported by the previous approval for one dwelling within the site under permission H08-0304-21.

An indicative site layout plan has been provided which shows a similar layout to the previously approved layout. Any dwelling within the site would not be highly visible from the surrounding area, including the street scene on Godfrey Avenue. It is considered that the site has the capacity to accommodate a relatively small-scale dwelling, whilst having an acceptable visual impact in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

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

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

The site is currently mostly enclosed by a close boarded timber high fence. The indicative block plan shows that the proposed dwelling would be located relatively close to the site boundaries. This would reduce the outlook from within the proposed bungalow itself; however, the layout is indicatively only. Furthermore, the proximity of the bungalow as shown has previously been found to be acceptable through the approval of permission H08-0304-21. Whilst this permission is no longer extant, the permission can be given some weight in the determination of the current application.

There are bungalows to the north-west of the site with rear gardens that are next to the north-western boundary of the site. Due to the single storey nature of the bungalows to the north-west of the site and the positioning of the existing boundary fence, it is not considered that there would be an unacceptable degree of overlooking between the properties. This is provided that the proposed dwelling within the site features only one storey.

The nearest dwelling to the north is Impala, which is located on Belchmire Lane. It is likely that Impala would not face directly onto the proposed dwelling. As such, the degree of overlooking between the dwellings would not be adverse.

In terms of the other nearest dwellings, there are three pairs of semi-detached dwellings to the south-east of the site including 2 and 4 Godfrey Avenue. The separation distances are likely to be sufficient to prevent an unacceptable degree of overlooking between habitable rooms or the amenity space of the proposed dwelling. For example, within the indicative block plan, there would be approximately 21m between the front elevation of the proposed dwelling and the rear elevation of 2 Godfrey Avenue.

The proposed development would result in the subdivision of the rear gardens of 2 and 4 Godfrey Avenue; however, the gardens have already been reduced in size due to the erection of a timber fence which encloses the site. Furthermore, it is considered that the remaining gardens for 2 and 4 Godfrey Avenue are sufficient to enable a suitable level of amenity for occupants of these dwellings.

Previous applications H08-0304-21 and H08-0976-24 were accompanied by plans showing the shadowing impact of the proposed development. The shadowing impact assessed the indicative layout that has been submitted with the current application. The shadowing impact plans showed that neighbouring properties would not be materially impacted by a loss of light throughout the day as a result of a proposed single storey bungalow. As such, it is considered that the site has the capacity to accommodate a dwelling that would not unacceptably overshadow neighbouring dwellings.

Based on the indicative layout, it is considered that the site has the capacity to accommodate a dwelling with sufficient internal living space and external amenity space.

Therefore, the site has the capacity to accommodate a suitably designed development that would have an acceptable impact on the residential amenity of neighbouring dwellings and future occupants. As such, the proposal is considered to accord with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for

dwellings with four or more bedrooms.

Although consent is not sought for the proposed access at this stage, the dwelling would need to be accessed via the existing vehicular access that runs to the north-west of 2 Godfrey Avenue. The proposal would need to extend the driveway to rear of the site. It was demonstrated during the determination of application H08-0976-24 that 2 Godfrey Avenue and the proposed dwelling would both have two off road parking spaces. This would accord with the recommendation of Appendix 6 within the Local Plan for dwellings of this size.

Lincolnshire County Council's highways and sustainable drainage have reviewed the proposals and have confirmed they have no objections, nor have they recommended any planning conditions.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk

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

Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 can be permitted in instances where specific criteria is met.

The site is mostly located within Flood Zone 1. A small part of site, along the eastern edge, is located within Flood Zones 2 and 3. The proposed dwelling could therefore be located within Flood Zone 1 and this is shown within the indicative layout.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. As the site lies within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

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

Paragraph 27a: "For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."

In this case, the submitted Flood Risk Assessment (FRA) does not contain a site search exercise and as such, the FRA is considered to be insufficiently detailed. Notwithstanding this, it is recognised that the vast majority of the surrounding area around Gosberton is located within Flood Zone 3. Furthermore, it is likely that the dwelling would be located within Flood Zone 1 rather than Flood Zones 2 and 3. Lastly, as set out above, if it can be demonstrated that future occupiers can remain safe and that flood risk would not increase elsewhere as a result of the proposals, the sequential test need not be applied.

In terms of the exception test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the

flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

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. In this case, the site is not within an identified hazard area and as such, specific mitigation is recommended for the proposal based on guidance within the SFRA. Notwithstanding this, the submitted FRA recommends that the floor levels of the proposed dwelling would be set 300mm above the existing ground levels. The site is not within a hazard area as identified by the SFRA. As such, no specific flood risk mitigation is recommended for the proposed development by the SFRA. The proposed mitigation outlined within the SFRA is however considered to be suitable and would help ensure the safety of the development for its lifetime. The submitted application form indicates that surface water is proposed to be discharged via a sustainable drainage system. The feasibility of this has not been demonstrated at this stage, however, if this is feasible then this would help to provide sustainability benefits and recue the flood risk impact of the proposals.

Therefore, it is considered that the exception and sequential tests are passed, and that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Biodiversity

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 (BNG) 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.

The application form indicates that the proposed dwelling is self-build and is therefore exempt from the requirement to provide BNG. The local authority agrees with this given that the proposal is for outline permission for one dwelling only and there is therefore scope for any future occupant to input into the design of the development. As such, the development is exempt from the requirement to provide BNG. A legal agreement has been prepared by the applicant to demonstrate compliance with this. Therefore, the development in this instance the application is exempt from the statutory 10% BNG 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 proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed would not materially harm the character or appearance of the locality, or amenity of nearby residents. Therefore, the proposed development 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 be in accordance with Policies 1, 2, 3, 4, 17 and 36 (including Appendix 6) 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.