

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0312-26 **Applicant:** Wilf Hammond Homes Ltd

Proposal: Erection of 4 No Self-Build Dwellings & Garages

Location: Land West Of Spalding Road Gosberton Spalding

Terminal Date: 1st July 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
19	Rural Exception Sites
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
22	Replacement Dwellings in the Countryside
23	The Reuse of Buildings in the Countryside for Residential Use
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 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

Self-build and Custom Housebuilding Act 2015

Representations:

	Object	Support	No Obj.	Comments
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PARISH COUNCIL	1	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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	5
RESIDENTS	3	0	1	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission for the erection four self build dwellings and garages, on Land west of Spalding Road, Gosberton.

This is an outline application with access being the only matter sought for approval, all other matters are reserved for subsequent consideration; however, an indicative proposed layout has been submitted illustrating the potential form of development, comprising four detached dwellings on the land off Spalding Road.

This application is a resubmission of application H08-0743-23. Application H08-0743-23 was an outline planning permission seeking permission for the erection four dwellings, however, this application was refused.

Site Description

The application site lies south west of Spalding Road in Gosberton. The site is located within a rural location with open fields to the south west, with existing dwellings to the north east and north west, with one neighbouring property to the south east, offering a clear rural dwelling. The site is outside any settlement boundary and within the countryside.

History

H08-0743-23 - Outline - Residential Development for up to 4 dwellings - Refused 10.10.2023.

Consultation Responses

Initial Responses Received (Consultation period between 09th April 2026 - 30th April 2026)

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environment Agency

This proposal comes under cell G8 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. We therefore do not need to be consulted on this application.

Historic Environment

Thank you for consulting us on this application.

It is noted that the applicant has not submitted a Statement of Heritage Significance in accordance with the NPPF (paragraph 207).

Recommendation: Currently there is insufficient specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed development. Therefore, I recommend the applicant to provide the results of a full standard archaeological evaluation of the site. This is in line with the guidance set out in the NPPF 2024 (paragraphs 207 & 218). The applicant has not adequately described the significance of any below-ground heritage assets that may be affected by the proposed development, and it is not "sufficient to understand the potential impact of the proposal on their significance (the heritage assets'") (Paragraph 207 of the National Planning Policy Framework (NPPF)). This in turn does not allow the Local planning authority to "identify and assess the particular significance of any heritage asset that may be affected by a proposal." (Paragraph 208 NPPF). Given the high archaeological potential, but as yet unknown character and extent, I recommend this application to be accompanied by the results of a HIA (Heritage Impact Assessment) informed by a Desk Based Assessment, Geophysics Survey and full standard archaeological trial trench evaluation in order to properly assess the site potential, inform the appropriate planning advice and design an appropriate mitigation strategy should consent be subsequently granted. The evaluation will aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which will be impacted by the proposed development as noted above. It should also be noted that preferred mitigation strategies will include preservation in situ (avoidance of sensitive areas) where possible and open area excavation where not. It is important that this application to fully considered the implications of this in its project feasibility assessment and that the results have been considered in designing the layout. The ability and flexibility for this is only as good as the knowledge of extent, character and significance of the archaeological resource on the site. We cannot plan mitigation appropriately against unevidenced conclusions.

BNG Ecologist

Ecological Considerations:

-We request that a reptile and amphibian method statement is submitted pre-commencement to minimise potential impacts on newts. All measures set out within the statement must be adhered to throughout the development to avoid impacts on great crested newts.

-We request that a total of 4 integrated universal nest bricks (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) are incorporated into the external fabric of one or both buildings. These should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, and grouped colonially where possible, in accordance with best-practice guidance such as British Standard BS 42021:2022. The bricks must be installed during the construction phase and retained thereafter for the lifetime of the development.

-We also request that 2 integrated bat boxes (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) are added to the development plans.

-In both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site. These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14.

-We believe that the habitats on site have the potential to support nesting birds. It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, we request a condition requiring that: Works should not be carried out in the main nesting season (March 1st -

August 31st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.

BNG Comments and Notes to applicant

-No Biodiversity Net Gain (BNG) documents have been submitted with this application (H08-0312-26). However, we consider that BNG is required, as the total area of the proposed development exceeds 0.5ha. Accordingly, the self-build exemption does not apply in this case due to the scale of the development.

-We will require the following documents to be provided to meet the BNG requirements:

oA completed Statutory Biodiversity Metric spreadsheet (not extracts or a pdf version).

oCondition assessments of baseline and proposed habitats, noting which criteria are (or are projected to be) passed and which are not.

oAssessors' notes on any assumptions made in the metric.

oBaseline and post-development habitat maps.

oA biodiversity net gain plan describing management and monitoring prescriptions for at least 30 years.

Responses Received within Re-consultation one (Consultation period between 08th April 2026 - 09th May 2026)

Trees and Nature Conservation Officer

Suggest that the Applicant has a full survey done of the two preserved beech trees on the frontage, BY A FULLY QUALIFIED ARBORICULTURALIST TO British Standard 5837:2012. To assess the condition of the trees and to show on plans their Root Protection Areas.

The Root Protection Areas of the large sycamore at 29 Spalding Road, and the ash at 11 Spalding Road should be calculated too, as the canopies of both overhang the site by approximately 5 metres.

A young ash sapling is present on the site frontage at very approximately 8 metres from 11 Spalding Road. This could be a replacement for the elm T44 and therefore protected by the Order.

All trees to be retained must be protected to British Standard 5837:2012 prior to site clearance, also those overhanging the site. Soil levels must not be altered within the Root Protection Areas.

LAMP STANDARDS MUST NOT BE PLACED WITHIN THE ROOT PROTECTION AREA OF ANY TREE. Generally, a totally ineffective place to situate them, and as excavations should not be carried out in the Root Protection Area of a tree, how are the cables to be laid to them?

Planting of young trees as part of a landscaping scheme should not be approved until full details of the species chosen are provided.

Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust is a conservation charity in the county with a strategic remit to support conservation of the natural world, lead on the recovery of key habitats and species, and empower local communities to take action for nature. The Trust is supported by over 27,000 members across Lincolnshire.

Thank you for inviting comment from Lincolnshire Wildlife Trust on this application. Our conservation officers have reviewed the referenced development against a series of strategic conservation and ecological criteria. In review of the variation documents presented, The Trust has no substantive comments or recommendations on the proposal.

LCC Highways

ADDITIONAL INFORMATION REQUIRED Visibility is to be demonstrated for each access point, and it shall be in accordance with Manual for Streets - 40 limit. The field access will also need to be upgraded to Lincolnshire County Council Specification - this should be detailed on the proposed site plan. There are a number of telegraph poles within the site and fronting the site that need to be

detailed on the proposed site plan.

SHDC Environmental Protection Officer

No comments

Anglian Water

Section 1 - Assets Affected

New development must comply with Building Regulations and the Water Industry Act. Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary or affected by the proposals. It is highly recommended that the applicant carries out a thorough investigation of the proposed working area to establish whether any unmapped public or private sewers, lateral drains, or other water infrastructure assets are in existence. Due to the private sewer transfer in October 2011, many newly adopted public used water assets and their history are not indicated on our records. Any encroachment zones should be reflected in the site layout. The development site may contain private water mains, drains or other assets not shown on our records. These are private assets and not the responsibility of Anglian Water but that of the landowner.

Section 2 - Wastewater Treatment - Objection

Anglian Water OBJECTS to the proposed development due to the intended connection to the public foul drainage network. This site is located within the catchment of the Gosberton Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. When assessing Dry Weather Flow (DWF) headroom at the receiving Water Recycling Centre (WRC), we apply a three year Q90 DWF average (2023-2025), together with the flows associated with sites that already benefit from planning consent. Our DWF dataset is reviewed and updated annually in consultation with the Environment Agency. This ensures that our planning assessments reflect the most up to date information regarding the WRC's compliance with its environmental permit and its ability to accommodate additional flows from new development without creating an unacceptable risk of breaching environmental legislation. This approach also ensures that there is no pollution or deterioration of the receiving watercourse. Based on the above, Anglian Water has determined that the site is unsustainable due to the associated environmental risk and the increased discharge rates, which could lead to a deterioration in water quality and an unacceptable risk of breaching environmental legislation at Gosberton WRC. Considering these concerns, we recommend that planning permission be refused on the grounds of insufficient infrastructure capacity and to prevent environmental harm.

Anglian Water collaborates with local planning authorities across the region to identify sustainable locations for future development, taking into account infrastructure capacity as part of the development plan processes. We also work closely with our regulators to identify opportunities for future growth investment. At present, no funding has been allocated at this Water Recycling Centre (WRC) for AMP 8 (2025-2030). However, we may seek to promote investment through our future business plans.

Section 3 - Used Water Disposal

The sewerage network at present has available capacity for the anticipated foul flows. However as advised above, any connection into our foul network from the proposed development will contribute to pollution and deterioration of the watercourse via the WRC as it cannot accommodate additional flows. If the LPA is minded to grant approval despite our WRC objection, the developer will need to serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 - 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.

From the details submitted to support the planning application the proposed method of surface

water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. If planning permission is granted, the surface water strategy should be listed within the decision notice with any approved plans.

Section 5 - Environmental Incentive Scheme

Anglian Water's Environmental Incentive Scheme (EIS) has been developed in accordance with the Environmental Incentive Common Framework (EICF), which was released by Ofwat in December 2024. For this charging year, 2025-26, and in accordance with Ofwat guidance, only household properties will be eligible for our EIS. We will continue to reassess this for future charging years. There are then two types of Environmental Incentive in our EIS. The first is our Water Environmental Incentive and the second is our Sewerage Environmental Incentive.

Responses Received within Re-consultation two (Consultation period between 07th May 2026 - 17th May 2026)

Welland & Deepings Internal Drainage Board

Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application.

LCC Highway and Lead Local Flood Authority

Recommendation for No objection subject to conditions: No Objections

Comments: Erection of 4 No self-build dwellings & garages - Outline with access to be considered. Visibility has been demonstrated for each access point, and it is in accordance with Manual For Streets. There is an existing footway on Spalding Road that connects to the site. When an application is submitted for Reserved Matters please be aware that gravel drives should be set back from the highway so as not to drag loose material onto the highway. The field access and all new access points will be constructed to Lincolnshire County Council Specification. The proposal will not have an adverse impact on the public highway. 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.

Gosberton Parish Council

Council object to this application as it is outside of the red line for building

Lincolnshire Police

Lincolnshire Police have no objection to the amendment

BNG Ecologist

Documents reviewed:

-4330-24 01E Site Plan - Proposed & Location Plan - Amendment 2Comments

Ecological Considerations:

-We request that a total of 4 integrated universal nest bricks (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) are incorporated into the external fabric of one or both buildings. These should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, and grouped colonially where possible, in accordance with best-practice guidance such as British Standard BS 42021:2022. The bricks must be installed during the construction phase and retained thereafter for the lifetime of the development.

-We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) are added to each dwelling.

-In both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate

the proposed location of bird/bat boxes on-site. These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14.

BNG Comments and Notes to applicant

-Having reviewed the updated proposed site plans, we are now confident that, as the site is less than 0.5 ha and is a self/custom build development, the proposal on the amended site plan is exempt from BNG.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 5 letters of representation have been received.

These can be summarised as follows:

- Request for swift nesting bricks
- Nothing has changed since the last application
- Contravene the SELLP 2019 & NPPF
- This is not infill
- The houses offer no economic, community or environmental benefits
- 'Existing field access' is factually and demonstrably incorrect. There is no field access as shown and never has been
- Concerns for the further fields in the future
- Concerns for the deer, owls, bats and many other wild animals live in the field and surrounding tree line
- This will set precedent
- Concerns regarding privacy
- Risk to highways safety
- Refuse collection problems

Key Planning Considerations

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

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity

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.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

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.

As such, development within these settlements, subject to the proposals compliance with other relevant national and Local Plan policies, may be considered acceptable in principle where they lie within the settlement boundaries of that settlement.

The application site in this instance lies within a postal area of Gosberton, a settlement that is identified as a Minor Service Centre within Policy 1 of the South East Lincolnshire Local Plan. However, the site itself lies detached from the main built form or built-up area of Gosberton and lies beyond the clearly identified settlement boundaries for this settlement, as specified within Policy 1.

Policy 1 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".

Within the Inspector Report associated with Appeal APP/A2525/W/25/3362446, the Inspector stated, "There is no clause within the LP (Local Plan) which indicates that the defined settlement boundaries should be reconsidered in the event development is permitted outside of their limits". To this end, the decisions by the Planning Inspectorate have been clear that there is no policy need to reconsider settlement boundaries, in light of development within the intervening years since the Local Plan's creation.

The site is located outside the Settlement Limits for Gosberton, as defined within the South East Lincolnshire local Plan. It is therefore regarded, by matter of fact, as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

As such, Part D of 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.

Within the Reasoned Justification section of Policy 1, Paragraphs 3.2.15, 3.2.16 and 3.2.17 broadly outline when a proposal may be considered "necessary to such a location". These include but are not limited to: applications relating to agriculture and forestry, appropriate tourism uses, reuse or replacement of an existing asset, housing for Gypsy, Traveller and Travelling Showpeople accommodation or to meet the specific housing needs of a settlement. This final point is in relation to rural exception sites, which this application is not seeking.

The Inspector's comments within APP/A2525/W/22/3313330, APP/A2525/W/24/3343297, APP/A2525/W/25/3362446, APP/A2525/W/25/3364588 and 6001518, amongst other appeals, have also been used to consolidate this interpretation of Policy 1. Paragraph 21 of the Inspector's Report for APP/A2525/W/22/3313330 outlines that the South East Lincolnshire Local Plan, 2019, "advocates containment within settlement boundaries other than in selected cases". Furthermore, Paragraph 8 of appeal decision APP/A2525/W/25/3364588 sets out the following at Paragraph 8: "The proposed development is in clear conflict with Policy 1 of the Local Plan, as it lies outside the defined settlement boundary. Although its proximity to the settlement edge, the enclosing effect of existing vegetation and surrounding development, and the designation of Holbeach as a location

suitable for directed growth may offer some justification, along with limited short-term economic benefits, these factors do not outweigh the fundamental policy conflict".

These appeal cases outline that the benefits to the area must go beyond what would be typically expected for an in-settlement development of the same nature.

Of particular note in the case of appeal decision APP/A2525/W/25/3364588, is that the proposal was located within very close proximity to the settlement boundary. As such, the proposal, in locational terms, had a much better relationship with the existing settlement that was defined by the settlement boundaries pertinent to Policy 1.

In terms of the requirements of Policy 1, it is necessary to consider whether the proposals are necessary for the location.

It is noted that the proposal would be for self-build dwellings; however, it is unclear why a self-build proposal could not be provided within a settlement boundary instead of within the application site. This matter is addressed further below. Given the outline nature, with no detail design being secured at this time, there is also no evidence of any such need for particular housing in this case.

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. These matters are considered below:

- Economic: In economic terms, the construction of four dwellings could provide some short term benefits in terms of employment for construction workers. Such are limited and, in addition, are not benefits beyond those that could be attributed to development within more sustainable and appropriate locations. Economic benefits beyond this, given its rural and unsuitable location, are not present.

- Community: In community terms, the development of four dwellings would provide a minor contribution to the district's housing supply, albeit in the least sustainable location for development within South Holland; comprising the Countryside. The proposal is for self-build dwellings, which would make a contribution to the area's housing supply; albeit, SHDC can demonstrate a sufficient supply in this regard, and the proposal does not demonstrate that such a provision could not be achieved in a more appropriate location, that accords with the aims of the spatial strategy. No affordable housing is proposed as the development would not meet the affordable housing threshold and the proposal does not seek to achieve any community facility or function. The proposal does not offer any notable community benefits.

- Environmental: In environmental terms, the proposal would not provide a net gain in biodiversity as the proposal would be exempt as the dwellings are for self-build dwellings. In any case, such BNG uplift would be a statutory requirement, and not a benefit to the scheme beyond that which would be required legislatively. The development of four residential dwellings on otherwise undeveloped land, has an evident detrimental environmental impact.

The development would therefore not result in economic, community or environmental benefits that weigh in favour of the development.

The proposal does not highlight any benefits that would not otherwise be attributed or equally achieved by the large majority of other residential schemes of a similar nature, within a settlement boundary and therefore, in accordance with the aims of the spatial strategy.

Consequently, notwithstanding the fairly close proximity of the site to the neighbouring plot, the proposed development would not provide a suitable location for housing, when viewed in principle, in respect of Policy 1, and when viewed in respect of its locational characteristics.

As such, the proposal is not considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle.

Self and Custom Build Housing

The description of development specifies that the proposed development, comprising four dwellings, would take the form of 'self-build' dwellings.

In this regard, appeal decision 6002149 which was issued on 13th March 2026, was clear in that

self-build dwellings that are situated outside of settlement boundaries must be secured via legal agreement, as the only appropriate means to do such, with conditions not being a sufficient tool. Under paragraph 26 of this appeal decision, the inspector stated that they were:

"not persuaded that planning conditions relating to self-build would meet the rests set out within paragraph 57 of the Framework. A more appropriate mechanism to secure the dwelling as a self-build would be through a s106 planning obligation or unilateral undertaking". As such, any proposal seeking to secure self-build plots, would be required to be subject to a legal agreement.

Turning to the matter of assessing self-build proposals, pertinent to housing need is Section 2 of the Self and Custom Housebuilding Act, 2015, which states that:

"an authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period."

To this end, and as reaffirmed within Footnote 28 of the NPPF, the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. The definition contained within the Act is as follows:

"In this Act "self-build and custom housebuilding" means the building or completion by:

- (a) individuals,
 - (b) associations of individuals, or
 - (c) persons working with or for individuals or associations of individuals,
- of houses to be occupied as homes by those individuals."

It is acknowledged that the Self-build and Custom Housebuilding Act 2015 places a duty on all Local Planning Authorities to grant enough suitable permissions on serviced plots to meet the need set out in the self-build register, for each year, within a 3 year reporting period. In short, a sufficient number of serviceable plots must be approved for the relevant base period, and as such during the period of Oct 2025 to Oct 2026 sufficient approvals must be secured based upon the base period of Oct 2022 to Oct 2023.

Self and custom build housing is defined as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can either be market or affordable housing.

The aforementioned Act requires that all authorities must have granted sufficient planning consents for enough serviced plots, which are suitable for self and custom build to meet the demand for the period. In this regard, demand is measured by the number of people joining SHDC's Self and Custom Build Housing Register.

In this case, South Holland District Council have published a position in respect of the Self and Custom Build Register, which was subsequently updated further in January 2026.

The latest figures published in January 2026 shows that between the 31 October 2022 and the 30 October 2025, South Holland District Council received 34 applicants for entry onto its register. "In response to this demand, SHDC has granted permission for 50 dwellings that comprise 34 self and custom build dwellings supported by a unilateral undertaking or a biodiversity net gain exemption plus 16 others where the applicant evidence on planning applications, condition discharge, modifications and Building Regulation applications indicate a person rather than a building company during this period". Furthermore, in light of the breakdown for each relevant base period, and given the period between 2022 and 2023 resulted in 0 requests to join the register, the LPA are sufficiently meeting the required demand for the current base period.

Therefore, SHDC has met and exceeded the requirements of the legislation by having granted sufficient Self and Custom Build permissions to meet the registered demand. Therefore, SHDC has currently fulfilled its requirements, in meeting the registered demand for the preceding three years.

However, it is acknowledged that demand has substantially increased in recent years, primarily due to the exemption for Self and Custom Build Developments from Biodiversity Net Gain requirements. There is, therefore, a requirement to demonstrate an equivalent increase in the number of Self and Custom Build permissions granted for the relevant base period. SHDC has three years in order to grant enough permissions to meet the recent demand in order to comply with this duty, which it is presently achieving.

Whilst the requirement for providing Self and Custom Build housing is acknowledged, such developments must be in accordance with the policies set out within the SELLP as a whole. The requirement to provide Self and Custom Build development does not attract such overriding weight, that it should outweigh the fundamental spatial planning policies within the SELLP which directs suitable locations for residential development through its spatial strategies.

Whilst the SELLP does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17 provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the SELLP states:

"Within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met."

Policy 17 expands upon this briefly, outlining that the "Local Plan will also seek to meet the housing needs of custom and self-builders as they may come forward." Paragraph 5.9.4 of the reasoned justification for this policy reiterates that "opportunities for infill development within Settlement Boundaries can also meet the known interest registered by self and custom house builders".

In other words, proposals for self-build dwellings should be consistent with the Development Plan as a whole and appropriately located within settlement boundaries.

This approach has been confirmed within Appeals APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted. No such justification or search for sites has been presented to SHDC at this time.

SHDC is supportive of Self and Custom Build housing, and will continue to meet the required number of granted planning approvals to comply with the Self and Custom Housebuilding Act 2015. Furthermore, SHDC does consider that weight should be afforded to Self or Custom Build proposals in line with National requirements. SHDC will not however, support Self and Custom Build housing where it fundamentally conflicts with the Locational Strategy or other policies within the SELLP.

Whilst SHDC will need to grant sufficient suitable developments in order to meet the uplift in Self and Custom Build demand, it has three years in which to do so. As such there is no compelling need at this time to grant Self or Custom build developments which would otherwise conflict with the SELLP. The requirement to meet demand for Self and Custom Build housing does not overcome the current planning applications fundamental policy conflict with the SELLP, and therefore the proposal is not considered to be acceptable in principle.

As SHDC has currently exceeded its requirements in relation to Self and Custom Build, the weight afforded to this in the determination of this current planning application alone is insufficient to warrant a departure from the SELLP in this instance. Whilst weight is rightly afforded to the Self and Custom Build nature of the proposal, in light of the above, it is considered that only limited weight should be attached to this matter in the determination of this planning application owing to the proposals lack of compliance with the SELLP.

Furthermore, it is considered that the limited benefits of the proposal in this specific location (particularly given SHDC is able to demonstrate it is meeting the requirements of the Self and Custom Housebuilding Act 2015) is not considered to overcome the fundamental policy conflict, and does not attract sufficient weight to outweigh the proposals clear lack of compliance with the Development Plan in the planning balance, or justify a departure from the Spatial Strategies of the SELLP.

As such, the proposal is not considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), 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.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal has been submitted in outline form and has been submitted under the basis that some matters are reserved, with access to be assessed only. It is not therefore possible to assess the resultant siting, layout or form of the four dwellings, given that these matters are reserved for later approval. However, an indicative site layout plan has been provided within the application, which demonstrates the potential siting of four dwellings on site. This details four detached dwellings with individual accesses and driveways.

This indicative plan shows the potential positioning of the dwellings and how they could sit within the site illustrating their siting being set back from the road and somewhat level with the existing neighbouring dwelling to the northwest and located forward of the neighbouring dwelling to the southwest.

It should be noted that, despite two dwellings on either side of the vacant site and the small cluster of dwellings to the southeast, the area is within a rural setting. It is therefore considered, due to the openness of the site and the expanse of undeveloped fields, paired with the sporadic nature of the nearby areas, that the site sits within and forms part of the open countryside, as outlined above.

As such, the development would result in a loss of open landscape via developing on current vacant land and therefore combining two separate groups of dwellings to form a minor example of ribbon development, which is vastly averse to the existing rural setting and would be more suitable to a more urban area.

The development of the site would result in a loss of open landscape, detracting from the rural character of the area, making this part of Spalding Road, Gosberton appear more suburban.

Therefore, whilst the detailed design remains unconfirmed at this stage, it is considered that the proposed development would not accord with Policies 2 and 3 of the Local Plan as these policies seek to ensure that the design of all development is appropriate to the character and quality of the area. The policies also seek to ensure that proposals demonstrate how they would respect the character and appearance of an area, and the relationship to existing development and land uses.

The proposal would conflict with Paragraph 117 of the Framework, which states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting. The development would also be contrary to Paragraph 135 of the NPPF, which seeks to ensure that proposals are suitably designed and respond sympathetically to the area within which they are located.

Taking account of the design, scale and nature of the development, although it remains indicative, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the rural nature of the character and appearance of the area and would therefore conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

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.

A residential property is situated directly to the northwest and southeast of the site. However, although it remains indicative, due to the size of the site there could be adequate separation distances between the existing properties and the proposed new development generally. It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise, and disturbance, etc.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, 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. 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.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), 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.

During the application Lincolnshire County Council (LCC) Highways Team requested an updated site plan showing the visibility and to highlight the existing telegraph poles within the site. This was submitted and LCC highways confirmed that visibility has been demonstrated for each access point, and it is in accordance with Manual for Streets and that the proposal would not have an adverse impact on the public highway.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Historic Environment - Archaeology

The National Planning Policy Framework expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework (December 2024). Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology." Part C of Policy 29 concerns "archaeology and scheduled monuments". This Policy outlines five assessment points for an application which may impact upon archaeological remains, the first three of which are particularly relevant here:

- "1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.
2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.
3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."

Upon consultation with the Historic Places Team, it was commented that the application site lies within an area of multi-period activity. Prehistoric evidence includes Iron Age artefacts and saltern activity. The Historic Environment Record records Roman activity nearby, including Romano-British pottery and Roman finds, together with medieval and later activity associated with the settlement of Gosberton. To the south lies the moated site at Halstead, and the wider area includes medieval pottery, Manor House Moat, post-medieval remains, undated ditches, and ridge and furrow earthworks.

Following the above, it is evident that the application site lies within an area of archaeological importance and sensitivity. In this regard, it is evident that the proposed development, with regard to groundworks and any temporary works associated with the development, will have the potential to impact on any surviving archaeological remains, resulting in total or partial loss, if present. Therefore, archaeological conditions for a mitigation strategy to effectively deal with this site have been recommended to be added to any subsequent permission. This would include a phased approach of archaeological investigation and mitigation work. This would enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

Overall, subject to the conditions in such an instance where the proposal was considered acceptable and favourably determined, the proposal would not cause harm to any designated or non-designated heritage asset, including the archaeological importance of the site, and the proposal

is considered to be in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (December 2024).

Tree Protection Order

Within the site are a number of TPO trees that run along the front boundary. Upon consultation with the Trees and Nature Conservation Officer it was commented that a full survey was to be done on the two preserved beech trees on the frontage, as well as further information to be submitted with regards to the other TPO trees with regards to the canopies and root protection areas.

In this case, this information was not requested due to the application being unacceptable, and as such, it was felt this would have been an unreasonable request. However, in any circumstance of a favourable decision, further information would have been sought, or been subject to conditions for reserved matters stage.

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies mostly within Flood Zones 1, with a small part within flood zone 2, and a very small area within flood zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site being outside of low hazard area for the present day, and for 2115. The Residual Peak Depth Map for the 1% fluvial and 0.5% tidal shows that the site is outside of the area at risk in the present day, and for 2115. Given that the application is located mainly within Flood Zone 1, with a low probability of flooding the site, and lies outside of any hazard area, it is considered, even in the absence of an appropriate sequential test by the applicant, that the site is located within a sequentially preferable location in flood risk terms.

Any mitigation would be sought via conditions, were the proposal was considered favourably.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

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 the site is less than 0.5 ha and is a self/custom build development, the proposal is exempt from BNG. The application is in outline form only and as such, future applicants / occupants of the dwellings could potentially have an input into the detailed design of the dwelling. It is considered that the proposal could be considered as a self-build dwelling; albeit, no detail of the design phase nor how the proposal strictly accords with the self-build requirements, has been set out. The LPA requires applicants to prepare a unilateral undertaken agreement to ensure that proposals are built and retained as self-build dwellings in order to meet the requirements of the exemption. The application has not been accompanied by a unilateral undertaken agreement.

The ecology officer has also recommended that one integrated nest brick for birds and one integrated bat box should be provided within the development on each property to provide habitat in accordance with Policy 28 of the Local Plan. These measures could be secured via a planning condition.

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 housing 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. The 'tilted balance' in favour of sustainable development is not engaged at the present time, as the LPA can demonstrate a 5 year housing land supply. The limited benefits that would be provided by the proposals do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

Although the application is in outline form only, it is considered that the development would harm the character and appearance of the site through the urbanisation of the open countryside. Therefore, the development would not accord with Policies 1, 2 and 3 of the Local Plan.

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

Taking the above considerations into account, the proposal is considered to conflict with Policies 1, 2, and 3 of the South East Lincolnshire Local Plan (2019), along with the identified sections

contained within the National Planning Policy Framework (NPPF) (December 2024). 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.