DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0742-26**	**Applicant:**	**W R Kerfoot & Partners**
Proposal:	Proposed Cow Shed		
Location:	Orchard House Farm Chopdike Drove Gosberton Clough		
Terminal Date:	5th October 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 3 - Decision-making policies (DM1 - 10)
Section 4 - Achieving sustainable development (S1 - S6)
Section 7 - Building a strong, effective economy (E1 - 4)
Section 12 - Making effective use of land (L1 - 3)
Section 14 - Achieving well-designed places (DP1 - 4)
Section 15 - Promoting sustainable transport (TR1 - 8)
Section 17 - Pollution, public protection and security (P1 - 6)
Section 18 - Managing flood risk and coastal change (F1 - 9)
Section 19 - Conserving and enhancing the natural environment (N1 - 9)
Section 20 - Conserving and enhancing the historic environment (HE1 - 10)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for an agricultural building which is proposed to house livestock including cattle.

Site Description

The site comprises land at Orchard House Farm, including a vehicular access and land to the east of existing agricultural buildings. The site currently features agricultural machinery and hay bales.

The site is largely surrounded by agricultural land; however, there are two dwellings to the west (Orchard House Farm and Guinea Fowl Cottage) and two dwellings to the north-east of the site (Entry House and The Court Yard).

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is located within Flood Zones 1 and 2, as identified by the Environment Agency's flood risk maps.

Planning History

H08-0644-97: (Full Application) Proposed additional access to existing farmland - approved 30th July 1997

The following partly overlaps some of the site access:

H08-1295-03: (Full Application) Proposed single storey extension - approved 09th January 2004

Consultation Responses

Environmental Protection:

No comments regarding land contamination.

Ecology Officer:

We have reviewed the proposals and have no ecological concerns to raise at this time; therefore, we have no objections.

Lincolnshire County Council - Highways and SUDS:

This proposal is for Proposed Cow Shed and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Black Sluice Internal Drainage Board:

Unfortunately, east & north grid references are not provided on the application, so I am unable to find the exact location on our mapping system in respect of the location of the cowshed. Black Sluice does maintain several drains around the address provided, so I have attached a guidance sheet which may apply in respect of impermeable area (depending on size of shed) and also the 9M byelaw in respect of access to drains.

Lincolnshire County Council - Historic Environment:

The applicant has not submitted an assessment of the archaeological potential and significance of the site, as required by Policy HE5 of the NPPF. The proposed development is situated within an area of very high archaeological potential as recorded in the HER (Historic Environment Record). To the south of the site are records of Early Saxon pottery (MLI20126) and undated cropmarks (MLI20132). To the east lies the Early to Middle Saxon settlement at Chopdike Drove, Gosberton (MLI20123/DLI13473), where archaeological investigations identified several phases of occupation, including possible industrial activity, a Middle Anglo-Saxon timber-built structure, circular or curving ditches and associated environmental remains. Cropmark evidence is also recorded in this area. The concentration of Early to Middle Saxon settlement and activity in the immediate surroundings indicates a high potential for associated buried archaeological remains to survive within the proposed development site. Lidar image confirms that the site is located on a large roddon, the raised and relatively dry ground formed by the silting of former tidal creeks, which may have provided stable, elevated locations attractive for settlement and other activity within the otherwise low-lying fenland landscape.

The proposed development groundworks and any temporary works associated with the development (including potential temporary works, landscaping, drainage/services connections and BNG planting) will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction in accordance with Policies HE10 and HE11 of the NPPF. There is archaeological potential, and we do not possess evidence that previous limited agricultural/ development activity truncated possible present heritage assets. We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will initially comprise but may not be limited to a continuous archaeological monitoring (watching brief) of the site. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03. This is in accordance with Policies HE5, HE10 and HE11 of the National Planning Policy Framework and Policy 29 of the South East Lincolnshire Local Plan.

Gosberton Parish Council: No response received.

Cllr H J W Bingham: No response received.

Cllr M A Geaney: No response received.

Cllr J L King: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no representations from members of the public have been received.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the

development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, August 2026 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located. A Neighbourhood Plan has been designated for Long Sutton, however, a draft version of the plan has not yet been issued.

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

-Principle of Development;
-Design, Layout and Impact on the Character and Appearance of the Area;
-Impact on Residential Amenity;
-Impact on Heritage Assets;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity Net Gain and Ecological Impact.

These matters are assessed in turn below.

Principle of Development

Policy S5 (Principle of development outside settlements) of the NPPF sets out only certain forms of development should be approved outside settlements, including agricultural development. These forms of development should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.

Policy E2 (Meeting the need for business land and premises) of the NPPF sets out that to support business growth, substantial weight should be given to benefits for domestic food production, animal welfare and/or the environment which can be demonstrated through proposals for development for farm and agricultural modernisation.

Policy E4 (Rural business development) of the NPPF sets out that in applying policy E2, the sustainable growth of businesses in rural areas should be supported, including through the development and diversification of agricultural and other land-based businesses.

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.

In this case, the site comprises land within the countryside, outside of any settlement boundary. Section D of Policy 1 sets out that development within the countryside will be permitted that is necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The supporting policy text of Policy 1 sets out the following at Paragraph 3.2.15

"The Countryside of South East Lincolnshire is a precious resource, mainly in its role for agriculture but also for recreation. There are types of development that require a Countryside location either because it is the location of an existing building or use of land. Where changes to such buildings or land uses require planning permission Policy 1 and other more detailed Local Plan policies will

apply. Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan."

The application seeks consent for a building that is proposed to accommodate cattle. The applicant W, R Kerfoot & Partners, has been farming since 1972, with mainly a farm of beef cattle. The applicant farms approximately 120 acres and currently have 100 cows on the farm; however, the proposed cattle shed would enable an expansion up to 150 cows.

There are permitted development rights that allow for livestock buildings such as this; however, as the site is within 400m of dwellings, the proposal does not benefit from such rights in this case. Nonetheless, this suggests there is support in principle for agricultural buildings in the countryside where they are reasonably necessary and support agricultural businesses.

In this case, it is considered that the agricultural unit can reasonably require a building to accommodate more cattle and as such, it is considered that the building is reasonably necessary. Therefore, it is considered that the principle of agricultural development is acceptable as this accords with the aims of Policy 1 of the Local Plan and Policies S5, E2 and E4 of the NPPF.

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

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

Policy 2 of the Local Plan similarly 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 14 of the NPPF as 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.

The building is proposed to measure 30m in length and 12m in width. A gable end roof form is proposed measuring 7.2m in height up to its ridgeline and 4.3m in height up to its eaves. The external materials include concrete block walling, timer hit and miss weather boarding and a grey fibre cement roof. It is considered that the building would feature a utilitarian appearance that is common for agricultural buildings.

Whilst the building would introduce built form within a flat and relatively open landscape, it is considered that the visual impact would be acceptable in this instance. For example, the scale and appearance of the building would not be incongruous for the area.

Therefore, the proposed development would have an acceptable impact on the character and appearance of the area in accordance with Policies 2 and 3 of the Local Plan and Section 14 of the NPPF.

Impact on Residential Amenity

Policy P3 (Living conditions and pollution) of the NPPF sets out that development should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution. The policy also sets out that proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.

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

In terms of the nearest dwellings, the building would be approximately 90m to the east of the dwelling at Orchard House Farm and 110m to the east of Guinea Fowl Cottage. The other nearest

dwelling are located further to the north-east of the site (Entry House and The Court Yard).

As set out previously, the intention of the building is to enable the farm to expand its cattle herd from 100 cows up to 150 cows. This has the potential to increase the amount of noise and odour emanating from the site. Notwithstanding this, the wider site is already used as a cattle farm and as such, the proposal would not result in the introduction of a new use, but expand upon an existing use.

The council's environmental protection team have not responded with an objection to the proposal in terms of noise or odour disturbance. Whilst there might be an increase in odour and noise from the proposals, it is considered that there are sufficient separation distances between the proposed building and the nearest dwellings in this case. Therefore, it is not considered that the proposals would have an adverse impact on the residential amenity of the nearest dwellings. As such, the proposals accord with Policies 2 and 3 of the Local Plan and Policy P3 of the NPPF.

Impact on Heritage Assets

Section 20 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage. For example, Policy HE4 (Securing the conservation of heritage assets) sets out that heritage assets should be conserved in a manner appropriate to their significance.

Policy HE5 of the NPPF (Assessing effects on heritage assets) sets out the following:

"Where a development proposal involves, or has the potential to involve, a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation. These should be used to help understand the asset's significance and the potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development."

Policy 29 of the Local Plan contains similarities to Policy HE5. For example, Policy 29 sets out planning applications should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of archaeological remains. The policy goes on to state that provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer, undertaken by a suitably qualified person.

As set out previously, LCC's Historic Environment Team consider that the site has the potential to contain archaeological assets given the concentration of Early to Middle Saxon settlement around the site. The team consider that there is a high potential for associated buried archaeological remains to survive within the proposed development site.

The application has not been accompanied by an assessment of its archaeological potential and LCC's Historic Environment Team consider that the development could have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As such, planning conditions have been recommended to secure further assessment work, including a written scheme of investigation. These conditions have been agreed with the applicant's agent. With the inclusion of these conditions, it is considered that the development accords with Policy 29 of the Local Plan and Section 20 of the NPPF.

Highway Safety and Parking

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

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

Policy 3 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.

The existing access from Chopdike Drove is proposed to be used for the development. It is unlikely that the proposal would significantly increase vehicular trips to and from the site and Lincolnshire County Council's (LCC) highways team have not raised any objections to the development.

Therefore, the proposal would have an acceptable impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 15 of the NPPF.

Flood Risk

Section 18 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is mostly within Flood Zone 2 and some areas of the site are within Flood Zone 1. As the proposal would comprise a 'less vulnerable' use as defined by Annex F of the NPPF, it is necessary for the development to pass the sequential test.

Paragraph 8.3.6 of the South East Lincolnshire Strategic Flood Risk Assessment (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 application is accompanied by a Flood Risk Assessment (FRA); however, there is no evidence of alternative sites being considered and discounted. Notwithstanding this, it is recognised that large parts of the district of South Holland lie within Flood Zone 3 and most of the rural areas where the proposed building could be located are also within Flood Zone 3. The building is proposed to be used in conjunction with an existing agricultural unit. As such, it is not considered reasonable or practical for the building to be located on land that is within a lower risk flood zone. Therefore, it is considered that the sequential test is passed in this case.

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. The site is not within a hazard area, as identified by the SFRA. Therefore, the SFRA does not recommend any specific flood risk mitigation.

According to the application form, the proposed means of surface wate disposal is via a soakaway which is a sustainable drainage strategy. It is unclear if this is feasible at this stage as it is unclear if the ground conditions are suitable for a soakaway; however, further details could be secured via a planning condition.

It is considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in flood risk terms.

Biodiversity Net Gain and Ecological Impact

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.

The site comprises 0.17ha of land and as such, the proposal is exempt from the requirement to provide BNG.

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 not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and flood risk particularly through the inclusion of relevant planning conditions. 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 accord with Policies 1, 2, 3, 4, 28, 29 and 30 of the Local Plan, along with the identified sections 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.