

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H08-0744-25      **Applicant:** Mr M Van Lier  
**Proposal:** Erection of 2 Detached Bungalows  
**Location:** Adj. 43 Mill Lane Gosberton Spalding  
**Terminal Date:** 15th December 2025

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### 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
- 28 The Natural Environment
- 33 Delivering a More Sustainable Transport Network
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

#### National Guidance

#### National Planning Policy Framework December 2024

- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

### Representations:

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

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

## CASE OFFICER ASSESSMENT

### **Description of Proposal**

This is a Full Planning Application for the erection of two detached bungalows on the land to the east of 43 Mill Lane, Gosberton. Two identical, four bedroom dwellings are proposed, fronting onto a private driveway.

Each dwelling would be "H" shaped, with a maximum width and depth of 17.83m and 12m respectively. Each dwelling would have an external footprint of 183sqm, and an internal floor area of 157sqm. Gable roofs are proposed, with an eaves height of 2.6m, rising to a ridge of 5.3m. No details of materials have been provided at this stage.

A private drive joining onto the south side of Mill Lane is proposed, which forks off into the two detached garages proposed. An extensive scheme of landscaping is proposed, focussed primarily around the planting of native trees and edges around the site's perimeter.

### **Site Description**

The site is within the settlement boundaries of Gosberton, outlined within the South East Lincolnshire Local Plan, 2019. The site is located along Mill Lane, a narrow residential road located north-east of Gosberton's centre. The area has an eclectic mix of dwelling styles, with bungalows interspersed with larger two-storey dwellings.

The proposed site is an area of grassland immediately adjacent to 43 Mill Lane, one of the larger houses in the area.

### **Relevant History**

H08-0071-09 - Full - Change of use of agricultural land to residential - Refused - 27 March 2009.

H08-0360-09 - Full - Change of use of agricultural land to residential (retrospective) - Approved - 19 August 2009

H08-0325-20 - Outline - Residential development - Erection of two storey dwelling - Approved - 08 October 2020.

H08-0517-21 - Full - First Floor Rear Bedroom Extension - Approved - 05 July 2021.

H08-0855-22 - Full - Proposed residential dwelling - Approved - 26 October 2022

### **Consultation Responses**

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:

### SELCP Ecologist

## "Comments

### Ecological Considerations:

-We would request that the applicant include at least 1 universal bird (e.g. <https://cieem.net/swift-bricks-the-universal-nest-brick-by-dick-newell/>. ) and integrated bat box (e.g. <https://www.wildcare.co.uk/wildlife-nest-boxes/bat-boxes/wall-integrated.html>) per dwelling to be in their development plans to enhance the biodiversity on site post-development.

### BNG Comments:

-Unfortunately there are some issues with the BNG metric that need to be addressed pre-commencement. However, we can have confidence that 10% net gain will be achieved for this site which may need to be secure off site.

-We believe the proposed 'Good' target condition for the traditional orchard is unachievable, as the site is unlikely to meet condition criteria A or B. If conditions C to H are met, a 'Moderate' condition is more realistic, resulting in a 0.04-unit deficit (6.72% net gain).

-Per the BNG user guide (p. 56), ground-level planters within domestic curtilage cannot count as habitat creation. These should be replaced as areas of vegetated garden.

-Finally, we require confirmation that the proposed tree planting onsite is to be managed by the landowner and not fall under the domestic curtilage of the proposed dwellings. If the trees are not in the domestic curtilage of the property the applicant will need to secure 0.04 area habitat units following the previously mentioned changes to the BNG calculations. However, if the 16 trees proposed to be planted near to the dwellings and not in the orchard do fall under the domestic curtilage of the properties then they would have to be removed from the metric following guidance from the BNG user guide (page 58). This would mean that the applicant would need to secure 0.21 area habitat units pre-commencement.

### Conclusion:

There has been sufficient evidence provided to determine this application, as long as the mandatory 10% net gain is achieved through securing offsite units pre-commencement."

## Highway and Lead Local Flood Authority

The proposal is for the erection of two Detached Bungalows. The site has a previous planning permission for one dwelling, as this is for two dwellings. The access should be a minimum of 4.1m wide constructed to Lincolnshire County Council Specification, therefore I have included a condition in respect of this. Please could the Local Planning Authority ensure that refuse bins are not placed on the highway as the road narrows at this point therefore an internal collection point should be incorporated into the layout. There is sufficient parking and turning on site for the size of the dwellings. The proposal will not have an adverse effect 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.

### Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:  
HP11A - Prior to first occupation on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first occupied and thereafter retained at all times.

Reason : In the interests of safety of the users of the public highway and the safety of the users of the site.

## Environmental Protection

No comments regarding land contamination.

## Welland and Deepings Internal Drainage Board

A piped watercourse runs along the northern boundary of the proposed site. This piped watercourse is critical to the drainage of upstream land properties.

Care must be taken to preserve its structural integrity, both during construction of the new site access and any landscaping works. Tree roots can find their way between joins in the pipe and cause blockages.

Riparian landowners will be responsible for the maintenance of their section pipeline in perpetuity. I recommend pointing this out to them within the information that will be contained in their deeds.

## 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, one letter of objections has been received.

This can be summarised as:

- Lack of public footpath
- Road is too narrow for addition vehicles and construction traffic

## **Key Planning Considerations**

### 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.

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

### Principle of Development

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

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

The site is within the settlement of Gosberton which is classed as minor service centre within Policy 1. As such development will be permitted that supports Gosberton's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within minor service centres will normally be limited to Allocated and Committed sites and infill.

The NPPF outlines, within Paragraph 61, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.".

Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area (...) and are often

built-out relatively quickly"). This paragraph seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

As the site is within Gosberton, development within this location is considered appropriate. The proposal would support the settlement's role as a minor service centre and make a positive contribution to local housing stocks. Whilst it is acknowledged that the proposal does not strictly conform to the definition of infill in its traditional sense, the proposal would meet the definition to a sufficient degree. The development would be located wholly within the settlement boundaries and would be in a sustainable location, consistent with the aims of the spatial strategy.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 61 and 73 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

### Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states 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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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.

Mill Lane, while somewhat eclectic in its dwelling mix, does display a clear preference for frontage development with a degree of set back from the road. In locating these dwellings off a private drive, which is functionally necessary due to this section of Mill Lane changing from a vehicular access to a footpath, the proposal would break with the established built form of the area to a certain extent. Likewise, in positioning the eastern plot so that it does not front the roadway, the proposal would also break from the established frontage development of the area.

Given the design proposed, comprising a 'H-Shaped' arrangement, the overall scale of each dwelling, coupled with the somewhat awkward arrangement and siting of the easternmost plot, which is at odds with the more linear pattern of the neighbouring plots, the development appears cramped in nature and introduces a detrimental addition to the area.

Despite the varied designs in the area, the proposed designs are considered to be unacceptable in this setting, representing an incongruous form of development at odds with existing design preferences. The "H" arrangement fails to respect the existing built form of the area, whilst the resultant scale would exceed typical dwellings in the area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal

is considered to be unacceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore be contrary to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

### Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

As single storey dwellings, with no roof lights, the potential for overlooking would be low. Any views towards neighbouring dwellings would be obscured by the proposed boundary treatments. 43 Mill Lane has no windows in its side elevation which would overlook, and the distance to other neighbouring boundaries is significant enough as to prevent overlooking.

The relatively low roof height would reduce the potential for overshadowing. The main point of shadow cast would be towards the west, at 43 Mill Lane. Shadow cast here would primarily fall onto a small area of garden, which is currently already largely overshadowed by the existing dwelling. As such, this is not considered to present an unacceptable amenity impact.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

### Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. Ample parking has been provided on the site.

Whilst the road is narrow, adequate access has been provided, subject to the appropriate condition being applied. The access is suitable for the relatively small increase in vehicles created by 2 dwellings.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

### Flooding Considerations

Section 14 of the NPPF requires development plans to "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: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "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". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states 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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zones 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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of any identified hazard zone.

Paragraph 174 of the NPPF is clear that the "strategic flood risk assessment will provide the basis for applying (the sequential) test." To this end, despite the proposal being located in Flood Zone 3, as the site is not within an area identified to be at risk of flooding in the SFRA, the proposal is considered to pass the sequential test.

In any event, it is proposed that the dwellings would be raised by 300mm, which would ensure their safety for their lifetime.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

### 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.

The submitted metric shows that there would be a 70% increase in hedgerow units, thereby meeting the required provisions. However, a gain of only 9.49% has been demonstrated for habitat units, meaning that additional units should be purchased from a habitat bank to meet the shortfall.

To secure the maintenance of the proposed habitats, a condition requiring the submission of a Habitat Management and Monitoring Plan is recommended.

## 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 arrangement and scale of the dwellings proposed would be incongruous in this setting, thereby representing harm to the character and appearance of the area. Paragraph 139 of the NPPF is clear that "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design<sup>54</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes." As such, the planning balance is against the proposal.

## 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 these factors into consideration, the proposal is considered contrary to Policies 2 and 3 of the SELLP, as well as Section 12 of the NPPF. There are no significant factors in this case that would outweigh the harm of the proposal; therefore, the planning balance is against the proposal.

### **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.