

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0752-26 **Applicant:** John Grant (Donington)

Proposal: Residential Development - Single Dwelling

Location: Adjacent To 12 Bow Gate Gosberton Spalding

Terminal Date: 8th 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
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 6 - Delivering a sufficient supply of homes (HO1 - 13)
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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission with all matters reserved for the development of one dwelling.

Site Description

The site comprises land between 12 Bow Gate and 100 High Street in Gosberton. The site is currently used as an arable access track leading towards the south-west of the site. There are trees subject to Tree Preservation Orders on either side of the frontage of the site including a sycamore. There is a grade II listed building on the opposite side of Bow Gate (7 Bow Gate) which is located to the north-west of the site.

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

The south-eastern part of the site is partly within Flood Zone 3 as identified by the Environment Agency's flood risk maps. The rest of the site is within Flood Zone 1.

Relevant Planning History

H08-0124-95: (Full Application) Erect 37 dwellings with roads and sewers - refused 20th July 1995

H08-0684-11: (Outline Application) Proposed residential development - approved 01st November 2011

H08-0654-14: (Outline Application) Residential development - erection of dwelling - approved 17th September 2014

H08-0592-17: (Outline Application) Residential development - erection of dwelling (Re-submission of H08-0654-14) - approved 07th August 2017

H08-0512-20: (Outline Application) Residential Development - erection of dwelling (Re-submission of H08-0592-17) - approved 01st September 2020

H08-0893-23: (Outline Application) Residential Development - Erection of Dwelling - approved 04th December 2023

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below; however, the responses can be viewed in their entirety on the South Holland website.

Welland and Deepings Internal Drainage Board:

No comments.

Environmental Protection:

No comments.

Lincolnshire County Council - Historic Environment:

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Ecology Officer:

We request that a Reasonable Avoidance Methods Statement for amphibians and reptiles be provided pre-commencement for this application due to the habitat suitability to support both amphibians and reptiles.

We request that a total of 1 integrated universal nest brick and one integrated bat box is added to the dwelling. The authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site and the bricks must be installed during the construction phase and retained thereafter for the lifetime of the development.

The proposal is exempt from BNG and the site is less than 0.2ha.

Conservation Officer:

We have no objections in principle to a building on this plot. The applicant should be mindful that, at the Reserved Matters stage, the site is within the setting of a listed building so will require careful consideration. The proposed dwelling should therefore be of a high quality design, incorporating appropriate materials and detailing that respond positively to the character of its surroundings. We would also expect details of landscaping and boundary treatments to be provided as part of any future submission, as these elements can play a significant role in either mitigating or exacerbating impacts on the setting of the listed building. Overall, the design should be informed by and respond positively to the local character and setting of the heritage asset.

Lincolnshire County Council - Highways and SUDS:

The principle of development is acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach, in order to support any further application.

Additionally, sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Tree Officer:

There is a mature sycamore tree at the eastern end of Group Three of Gosberton Tree Preservation Order No. 1 1957, situated on the western side of the frontage of the potential development plot to the east of 12 Bowgate. A tree of heaven grows in the front garden of 12 Bowgate and overhangs the western boundary of the proposed development plot; it is similarly situated within Group Three of Gosberton Tree Preservation Order No. 1 1957. Mature trees including a Lombardy poplar and sycamores overhang from the garden of 100 High Street. Great care must be taken not to damage the roots or overhanging branches of all these trees should development take place.

Should permission be granted for a dwelling to be built on the site, the driveway /dwelling should be designed to avoid as much as possible the Root Protection Areas of all the trees on or adjacent to the site, in particular the frontage sycamore and adjacent Tree of Heaven. Should the driveway encroach on any Root Protection Area a 'no-dig' method of construction should be used (please see attached notes).

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, one representation has been received from a member of the public. The response sets out support for the proposal; however, it was queried why the development had not yet been built given that planning permission has been granted previously.

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.

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

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

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable

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

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

The site is within the settlement boundary of Gosberton which is a Minor Service Centre. Policy 1 sets out that within this type of settlement, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill. As the proposal is for a minor residential development within an infill plot, the scale of the development is acceptable in principle.

Furthermore, as set out previously, applications for residential development have previously been approved within the site several times. Whilst only one of these permissions remains extant, these planning permissions nonetheless form a material consideration and they demonstrate that the principle of allowing residential development within the site has been found to be acceptable previously.

Whilst the principle of development is acceptable, it is also necessary to assess the proposed development against other relevant material considerations, as assessed below.

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 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.

Policy 3 of the Local Plan 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 site comprises an infill plot located to the east of 12 Bow Gate and to the west of 100 High Street. Bow Gate features mostly detached dwellings set within relatively evenly sized plots. On the southern side of the road, the dwellings are set back from the road frontage at similar distances.

The application is in outline form only with all matters reserved and as such, at this stage the proposed access, layout, appearance, scale and landscaping of the development is unconfirmed. However, the application is accompanied by an indicative site layout plan to show how a dwelling could potentially be accommodated within the site. The indicative layout shows how a dwelling could be set back within the lot at a similar distance from the road frontage as 12 Bow Gate, which is to the west of the site. Whilst the detailed design is not yet confirmed, it is considered that the site has the capability to accommodate a suitably designed dwelling. Therefore, although the application is in outline form only, it is considered that the site has the capacity to accommodate a suitably designed dwelling.

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 HE5 (Assessing effects on heritage assets) requires proposals affecting heritage assets to be accompanied by an assessment of the significance of the assets affected.

Policy HE6 (Proposals affecting designated heritage assets) of the NPPF sets out that when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

Policy 29 of the Local Plan (Part B) sets out proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

There is a grade II listed building on the opposite side of Bow Gate (7 Bow Gate) which is located to the north-west of the site. Therefore, the site is considered to be within the setting of a designated heritage asset. The council's conservation officer has not raised any objections to the principle of allowing a dwelling within the application site; however, the officer has set out that the detailed design should taken into account the setting of the listed building by including a high quality design, incorporating appropriate materials and detailing that respond positively to the character of its surroundings. The officer has also requested details of landscaping and boundary treatments to be provided as part of any future submission. Such details could be secured via a planning condition.

Therefore, it is considered that the site has the capacity to accommodate a development that has an acceptable impact on the setting of the listed building of 7 Bow Gate.

Impact on Protected Trees

Policy N2 of the NPPF sets out that development proposals should conserve and enhance existing natural features of nature conservation value including established trees.

Policy 28 of the Local Plan sets out that development proposals should provide an overall net gain in biodiversity by protecting the biodiversity value of land and trees to minimise the fragmentation of habitats.

As set out previously, there are protected trees within and adjacent to the site. The council's tree officer has not raised objections to the principle of development; however, the office has recommended that the layout of the development should be designed to avoid the root protection areas of the trees within the site as much as possible. It is considered that this is achievable and a planning condition could be included to require tree protection measures.

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.

It is considered that a dwelling could be accommodated within the site that provides sufficient internal living space and external amenity space.

The nearest dwellings to the site include 12 Bow Gate and 100 High Street. It is considered that there is scope to include a dwelling within the site without resulting in an unacceptable degree of overshadowing or overlooking of neighbouring dwellings. This is due to the size of the plot and the likely positioning of the dwelling within the site. This is also provided that the positioning of windows within the dwelling is carefully considered as part of any future reserved matters application.

Due to the likely positioning of the dwelling within the site, the likely separation distances and the existing boundary treatments, it is considered that there could be an acceptable relationship between the properties.

Although the application is in outline form only, it is considered that the site has the capacity to accommodate a dwelling that results in an acceptable impact on the residential amenity of future

occupants and neighbouring dwellings.

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 of the Local Plan sets out that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

It is considered that there could be sufficient room within the site for parking and turning within the site. Lincolnshire County Council's highways team have not set out any objections to the proposals. Further details of the proposed access and parking arrangements would need to be provided as part of any subsequent reserved matters application.

Therefore, the proposed development would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3 and 36 of the Local Plan, as well as Section 15 of the NPPF.

Flood Risk and Drainage

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.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The south-eastern part of the site is partly within Flood Zone 3 as identified by the Environment Agency's flood risk maps. The rest of the site is within Flood Zone 1.

The proposed development is classed as a 'more vulnerable' use, according to Annex F of the NPPF. Therefore, the proposal needs to pass the sequential and exception tests in accordance with Section 18 of the NPPF.

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

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

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

Therefore, a settlement-wide search of Gosberton would typically be required; however, the submitted Flood Risk Assessment (FRA) does not contain a site search exercise despite there being some areas within Gosberton within lower risk flood zones. Notwithstanding this, it is recognised that only limited areas of Gosberton are within lower risk flood zones and only the south-eastern portion of the site is located within Flood Zone 3. Furthermore, in this case the application site is not within a hazard area as identified within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). Areas that are not within hazard areas can be regarded as sequentially preferable given how much of the district is within higher risk hazard areas and Flood Zones 2 and 3. As such, in this case it is considered that the sequential test is passed.

In terms of the exceptions test, Policy F6 (Development in areas at risk of flooding from rivers or the sea) of the NPPF requires the following criteria to be met:

- i. Provide wider sustainability benefits to the community that outweigh the flood risk;*
- ii. Be safe for its anticipated lifetime in accordance with policy F7; and*
- iii. Not increase flood risk elsewhere and, where possible, reduce flood risk overall."*

In term of part i, the NPPF does not specify what is considered to comprise a wider sustainability benefit; however, the NPPG provides some additional guidance including examples of such benefits. The examples include the re-use of previously developed land, an overall reduction in flood risk to the wider community through the provision of flood risk management infrastructure, and the provision of sustainable drainage systems (Paragraph 036 Reference ID: 7-036-20220825).

In this case, according to the application form and FRA, the proposed means of surface water drainage is via a soakaway which is a sustainable drainage system. Further details of the proposed drainage strategy could be secured via a condition to ensure that a soakaway or soakaways are feasible. As such, this represents a benefit that helps to outweigh the flood risk in accordance with part i.

In terms of part ii, the submitted FRA sets out recommended flood risk mitigation for the proposed dwelling. This mitigation includes the recommendation that the finished floor levels of the dwellings should be raised to a minimum of 3.65 OD. Whilst the site levels are not indicated within the submitted site layout plan nor on the elevation plans, it is considered that this mitigation could be secured by conditions. It is also considered that the proposed level of mitigation is appropriate in this case based on the recommendations of the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). As such, it is considered that the development could be made safe in flood risk terms in accordance with part ii.

In terms of part iii, subject to conditions requiring compliance with the submitted FRA and requiring further drainage details, it is considered that the development would not increase flood risk elsewhere.

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

Biodiversity 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 site area is 0.075 ha and as such, the proposal is exempt from the requirement to provide BNG.

The council's ecology officer has requested a Reasonable Avoidance Methods Statement for amphibians and reptiles be provided pre-commencement due to the habitat suitability to support both amphibians and reptiles. This could be secured via a condition.

The ecology officer has also requested a universal nest box and a bat roosting box to be added to the development and these measures could also be secured via a 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 is an appropriate form of development within a defined settlement boundary. 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, biodiversity 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 these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 10, 11, 17, 28, 29, 30 and 36 of the Local Plan, as well as the identified section of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.