DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0753-26**	**Applicant:**	**John Grant (Donington) Pen. Scheme**
Proposal:	Proposed residential development - single dwelling		
Location:	Land Between 31 & 35 Westhorpe Road Gosberton Spalding		
Terminal Date:	15th 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
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 3 - Decision-making
Section 4 - Achieving sustainable development
Section 5 - Meeting the challenge of climate change
Section 6 - Delivering a sufficient supply of homes
Section 12 - Making effective use of land
Section 14 - Achieving well designed places
Section 15 - Promoting sustainable transport
Section 18 - Managing flood risk and coastal change
Section 19 - Conserving and enhancing the natural environment
Section 20 - Conserving and enhancing the natural environment

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
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application (with ALL matters reserved), seeking permission for the erection of a single residential dwelling, on land between 31 and 35 Westhorpe Road.

The submission has been accompanied by an indicative site plan, illustrating a single dwelling which is located fairly central within its plot, with access gained to the eastern point of the plot, directly from Westhorpe Road. This plan is purely for indicative purposes.

Site Description

The application site lies to the northern side of Westhorpe Road, between the existing residential dwellings of No.31 and No.35 Westhorpe Road, within the defined settlement limits of Gosberton.

The site currently comprises an undeveloped parcel of land, which is neighboured to the east by a single storey bungalow (No.31Westhorpe Road) and to the west by a further single storey bungalow (No.35 Westhorpe Road). To the rear of the site lies agricultural land.

The surrounding area is characterised by linear development, which is predominantly characterised by single storey bungalows. A sycamore tree subject to a Tree Preservation Order is located at the frontage of No.31 Westhorpe Road, to the east of the site. The canopy of the tree overhangs the application site frontage and the root protection area will cover the south-eastern frontage of the site.

The site lies within Flood Zone 3 of the Environment Agency Flood Maps for Planning; however, lies within an area of no hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

History

H08-0685-11

Outline - Proposed residential development - Approved - 01 November 2011.

H08-0653-14

Outline - Residential development - erection of dwelling - Approved - 11 September 2014.

H08-0603-17

Outline - Residential development - erection of dwelling (re-submission H08-0653-14) - Approved - 18 August 2017.

H08-0509-20

Outline - Residential Development - erection of dwelling (Re-submission of H08-0603-17) - Approved - 26 August 2020.

H08-0890-23

Outline - Residential Development - Erection of Dwelling - Approved - 04 December 2023.

Consultation Responses

Historic Places Team, - Archaeology

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.

Environmental Protection - Contamination

No comments regarding land contamination.

Lincolnshire County Council - Highway/SuDS

No objections.

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.

Gosberton Parish Council

No comment from Council.

Partnership Ecologist

Comments:

Ecological Considerations:
- We request that a total of 1 integrated universal nest brick (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) in incorporated into the external fabric of the proposed building. This should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, in accordance with best-practice guidance such as British Standard BS 42021:2022.
- We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) is added to the 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 and the bricks must be installed during the construction phase and retained thereafter for the lifetime of the development. These are required to enhance biodiversity and to be in line with NPPF Policy N2 and Local Plan Policy 7.2.14.

BNG Comments and Notes to applicant:
- BNG exempt - development <0.2ha on non-priority habitat.

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, no letters of representation have been received.

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 national decision-making policies (NDMPs) set out in the National Planning Policy Framework (updated August 2026) (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents. In regard to development plan policies, Annex A of the Framework identifies that development plan policies (or parts of those policies) which are materially inconsistent with the NDMPs should be given very limited weight.

Whilst the council have scored at least 161% for the Housing Delivery Test over the recent period, the Authority are presently unable to demonstrate a supply of deliverable sites equivalent to 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

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.

Policy S3(1) of the NPPF states:
"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
b. Outside settlements, policy S5 should be applied"
As previously outlined, the site is within a defined settlement limit, and therefore, Policy S4 is relevant.

Policy S4 of the NPPF states that:
"Development proposals within settlements 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 this Framework."

Policy S4(2) outlines circumstances where the benefits of approving a development are likely to be substantially outweighed by adverse effects. This includes, but is not limited to, development on allocated land for purposes other than those allocated, the loss of cemetery land, loss of land used for flood risk management, or failure to comply with a policy which explicitly states development should be refused in specific circumstances.

The application site in this instance is within Gosberton, a 'Minor Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of

development for the location and would be in accordance with the overall principles of the spatial strategy. Beyond this, the development forms a clear infill development along an existing linear built form.

Furthermore, as set out previously, applications for residential development have previously been approved within the site several times. Whilst none of these permissions remain 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.

In addition, as previously outlined, South Holland District Council are currently unable to demonstrate a 5-year housing land supply. On that basis, there is a tangible and quantified need for additional housing within the District. Notwithstanding this, the permanent presumption in favour of sustainable development outlined in Section 4 of the NPPF should also be noted within the planning balance. Whilst this is noted, the benefits of a single residential dwelling are limited; albeit, this does carry positive weight in favour of the development.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019), as well as Policy S4 of the National Planning Policy Framework (2026), when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

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

Section 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines 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".

In order to create well-designed places, Paragraph 2 outlines that proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

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.

The site comprises a typical infill plot, located between the residential bungalows of No.31 and No.35 Westhorpe Road. The surrounding area comprises a fairly consistent form, particularly those within the immediate vicinity; comprising single storey bungalows along a very consistent linear form, with similar degrees of set back from the highway.

The proposal in this instance comprises an outline application with ALL matters reserved and as such, at this stage the proposed access, layout, appearance, scale and landscaping for the

proposed development has not been submitted or put forward for approval by the Local Planning Authority.

Notwithstanding this, the application is accompanied by an indicative site layout plan which illustrates how a proposed dwelling could potentially be accommodated within the site. The indicative layout illustrates that a dwelling, detailed within the submitted design and access statement as comprising a single storey property, could be set back from the highway, as to accommodate a well proportioned single dwelling fairly centrally within the plot, that would be consistent with the linear form and siting of development along this western side of Westhorpe Road.

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.

Taking the above into account, subject to an appropriately designed dwelling at reserved matters stage, the proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 14 of the National Planning Policy Framework (2026).

Impact on Residential Amenity/Land Users

DP3 of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals 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 which could have an unacceptable adverse effect on health and the quality of life".

It is considered that a dwelling could be accommodated within the site without causing unacceptable adverse harm to the residential amenities of neighbouring occupiers.

The nearest dwellings to the application site are No.31 and No.35 Westhorpe Road, each immediately neighbouring the application site to the east and west. It is considered that there is scope for a single storey dwelling to be accommodated 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.

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

In addition, turning to the resultant development itself, it is considered that the site is of an adequate size as to accommodate a well proportioned and sized dwelling, whilst providing sufficient internal living space and maintaining a suitable external amenity space.

Whilst the detailed design is not yet confirmed, it is considered that the site has the capability to accommodate a suitably designed dwelling, without causing harm to residential amenities of neighbouring occupiers.

Taking the above into account, subject to an appropriately designed dwelling at reserved matters stage, the proposal is considered to be such that a suitably designed dwelling could be accommodated as to ensure 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 14 and 17 of the National Planning Policy Framework (2026), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, Policy TR6(4) advises that "development proposals should be refused 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. This applies both during the construction phase and following completion."

Policy TR3 of the NPPF outlines that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. The policy outlines a series of principles to achieve these aims, with the expectation that all proposals should, so far is relevant, conform to them. Policy TR3(2) is explicit that "The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development."

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. Adequate parking has been provided on the site, in line with the above standards.

It is considered that the site would comprise sufficient room, subject to appropriate design, as to accommodate ample 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 be provided as part of any subsequent reserved matters application.

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 South East Lincolnshire Local Plan (2019), and Section 15 of the National Planning Policy Framework (2026).

Flood Risk and Drainage

Section 18 of the NPPF relates to "Managing flood risk and coastal change". It requires a sequential approach to flood risk, in accordance with the decision making policies contained within this section. Policy F7 is clear that "development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere."

Policy F5(1) outlines that:
"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users."

Paragraph 3 expands on this, stating that :
"The strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test."

The site in this instance lies 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 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.

As explicitly stated within Policy F5(3), the SFRA should be used in conjunction within the Environment Agency's maps to assess 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 2115. Likewise, 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.

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. Furthermore, when considering the more detailed maps pertinent to the SFRA, the site lies outside of any hazard area and within the lowest risk of flooding in this regard. Typically, 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 would be 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, the drainage arrangements are unknown and would eb secured by condition should the application be approved. Notwithstanding this, the proposal seeks to provide an additional dwelling to the housing land supply, with the LPA currently unable to demonstrate a sufficient supply in this regard. In addition, the application site lies within an area identified as being outside an area of hazard within the SFRA maps and would comprise a typical infill development amongst a plethora of linear development.

In terms of part ii, the submitted FRA sets out recommended flood risk mitigation for the proposed dwelling. It is considered that this mitigation, in addition to further detail such as site levels, could be secured by conditions. 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.

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 South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (2026) in this regard.

U]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 in this case is below 0.2ha and as such, the proposal is exempt from the requirement to provide BNG.

The council's ecology officer has requested further details with regard to further ecological enhancements, including nest bricks and bat boxes. These are considered to be suitable and necessary in line with Policy 28 of the South East Lincolnshire Local Plan and Policy N2 of the NPPF. These matters could be secured via a condition.

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 bale of land and trees to minimise the fragmentation of habitats.

As set out previously, there are protected trees within the adjacent site. The council's tree officer has not raised objections to the principle of development, nor commented on this case specifically; however, comments were raised within previous proposals on site. Taking these into account, it is considered that this the matters raised are achievable and planning conditions could be included to require tree protection measures.

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 proposal represents appropriate development within the defined settlement boundary. The development hereby proposed could be accommodated, subject to appropriate design at reserved matters stage, without causing unacceptable materially harm to the character or appearance of the locality, or amenity of nearby residents, and can accommodate adequate parking and remaining suitable in flood risk terms, particularly through the inclusion of relevant planning conditions; whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (2026) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework

(2026). The 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.