

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0813-25 **Applicant:** Mr C Johnson
Proposal: Erection of 2 bed detached annexe and games room with covered porch
Location: The Old Vicarage 53 Clough Road Gosberton Risegate
Terminal Date: 25th November 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution
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 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

ENVIRONMENT OFFICER				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	1	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a 2-bedroom detached annexe building and a games room building with a covered porch. The buildings are proposed to be used as ancillary buildings to the host property, The Od Vicarage.

Initially, the buildings were proposed to be located within the south-western area of the site, to the rear of the dwelling. The position of the buildings was changed during the determination of the application in order to move the buildings further from the root protection areas of the trees within the site. As such, the buildings are now proposed to be located within the south-eastern area of the site. It was not considered necessary to re-consult neighbouring properties on the revised positions of the buildings as the revised positions were not considered to significantly or detrimentally impact the amenity of neighbouring properties due to the separation distances involved.

Site Description

The site comprises land The Old Vicarage, 53 Clough Road, Gosberton Risegate. The site features a detached dwelling set back from the road frontage along Clough Road set within a relatively spacious plot, including a rear garden and front driveway area. There are various trees within the site which are subject to protection a Tree Preservation Order. There are dwellings to the east and west of the site, and agricultural land to the south.

The site is located within the settlement limits of Gosberton Risegate as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H08-0872-16: (Tree Works) Works to Gosberton Risegate Tree Preservation Order No 4 1995 - approved 26 October 2016

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS: This is basically a further dwelling that could be sold off in the future as a separate entity to the house. Can vehicles access the proposed building to the rear of the dwelling? If so, the access will need to be widened to accommodate two-way traffic.

Minimum of 4.1m.

Tree Officer:

First Response (10 October 2025): I think the last Decision Notice for tree works was issued in 2016 please see the attached. I think that an arboricultural survey should be carried out by a qualified arboriculturalist with Root Protection Areas calculated. Most of the canopies have been reduced in size over the years so do not give an indication of potential root spread. So, the Root Protection Areas do need calculating using trunk diameters. Once all the information is received, I will be in a position to pay a visit. I believe that T7 was to be removed in 2009 and a silver birch planted as a replacement. Should T9 have been removed then a replacement horse chestnut should have been planted which will probably depending on species require at least the same space as the original when mature. The proposed buildings would appear to be far too near to the trees, can they not be re-situated at this stage ? If there is a mature native species hedgerow ideally it certainly wants retention in such a rural environment, so Root Protection Areas included for it too. The trees are preserved, they should be given every opportunity to add to the amenity of the landscape for as long as possible. Apart from potential root damage and the likely need for canopy pruning, putting buildings in such close proximity will only precipitate Applications for works in the future.

Second Have just come back with a useful meeting with the Applicant. Have persuaded him to re think whole design and put proposed buildings the other side of the garden, which would mean that it should not precipitate major tree works, as he had already planned and assumed he would get permission for; would minimise the effect on tree roots by damage from underground services, and his log cabins would then be in a light and airy position and not in the shade and damp. He seemed happy with my suggestion, but he may have a job to persuade his 'other half'. Have to wait and see, so an extension may be wise.

Gosberton Parish Council: No objections.

Cllr H J W Bingham: No response received.

Cllr M A Geaney: No response received.

Cllr J L King: No response received.

Black Sluice Internal Drainage Board: No response received.

Environmental Protection: 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, 3 letters of representation have been received. The following summarises the key matters raised within the representations:

- The proposed buildings are large and are around the same size as the house (No. 53) which is quite large.
- Where will the utilities come from such as water, electricity and drains?
- Access down either side of the house is only possible by walking so no vehicles can get to the buildings. If there is a fire, a fire engine would not be able to access the buildings.
- It is unclear how the buildings will be used.
- The blackthorn hedge should not be removed as this has nesting sparrows within it.
- The applicant's claim that the blackthorn hedge is within their boundary and is fully maintained them is incorrect. It has been established that the blackthorn hedge is located on the border of 53 and 55 Clough Road. The applicant does not trim the hedge.
- Removal of the blackthorn hedge and replacement with a feather edge fence, of unspecified height, would deprive natural wildlife of sanctuary and make the drive look more like a new build estate than an entrance to an old Lincolnshire Long Back farmhouse.
- Do these buildings need a concrete base? If so this will be over the TPO roots and this will be detrimental to protected trees T5 ,T6 and T8.
- The application states that "Access may be required through removal of existing blackthorn hedge" This will require access to a neighbouring property and a request for this has not been made, nor will it be granted.
- The footprint of the buildings would be close to the footprint of 53 Clough Road, and not suited to a

rural environment. The would be within 3 metres of a neighbouring workshop. The workshop is equipped with noisy devices, including but not limited to, compressors, sand blasters, impact tools and probably most importantly heated by a multifuel stove that will exhaust in a southerly wind directly over the proposed annexe and games room.

- An objection is raised to the placement of the games room next to the boundary of the property.
- The potential for noise complaints from neighbours is high.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority (LPA) 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, December 2024 (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 Protected Trees;
- Design and Visual Impact;
- Impact on Amenity;
- Flood Risk;
- Highways Safety and Parking; 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 defined settlement of Gosberton Risegate, which falls under the category of 'Other Service Centres and Settlements'. 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 committed sites and infill.

There are no specific policies within the Local Plan or within the NPPF which set out how proposals for annexes and outbuildings should be determined. This is likely because there are permitted development rights allow for the use of ancillary buildings as annexes and for outbuildings. This represents a potential fallback position in this case. Notwithstanding this, proposals for annexes are expected to be of a size and scale reflecting their ancillary function.

In most instances, annexes should demonstrate dependency on the relevant host dwelling in some degree. For example, through physical linkage, close siting, the provision of limited accommodation, the sharing of curtilage and facilities, and the ability to be used as part of the main dwelling at a later date. Case law has established that the provision of facilities for independent living would not necessarily result in the creation of a separation planning unit from the host dwelling. This is a matter of fact and degree.

In this case, the annexe is proposed to be located within the rear garden of the host dwelling. It is unclear who intends to occupy the building, though it is presumed that the annexe would be occupied by relatives of the host dwelling as this has been indicated to the LPA. The occupation of the annexe could be controlled via a condition to ensure that it remains ancillary. The annexe would be a single storey structure that is proposed to measure 8.7m by 7.1m, located within the south-eastern corner of the garden. The annexe is proposed to feature a gable end roof form, measuring 3.3m in height up to the ridgeline. As a comparison, outbuildings can measure up to 4m in height with a dual-pitched roof under permitted development (subject to meeting other criteria). The host dwelling features two storeys and a larger building footprint than the proposed annexe and the games room. One of the public representations has raised concerns with the scale of the buildings, setting out that the buildings would be as large as the host dwelling; however, the buildings would be smaller.

In this case, the annexe would share garden space with the host dwelling and there would not be a separate vehicular access to the annexe. Whilst the annexe would replicate some of the facilities within the host dwelling, it is considered that the annexe would be of a proportionate scale to the host dwelling and that the annexe would remain subservient to the host dwelling due to shared facilities and the lack of a separate vehicular access. A planning condition can be included to limit the occupation of the annexe to ensure that it remains part of the planning unit.

Therefore, the principle of development is acceptable, and the proposal is considered to accord with Policy 1 of the Local Plan.

Impact on Protected Trees

There are various trees within the site which are subject to protection a Tree Preservation Order. Policy 28 of the Local Plan sets out that proposals should protect trees. Paragraph 136 of the NPPF similarly sets out that existing trees should be retained wherever possible.

The application was also not initially accompanied by a tree survey and as such, it was unclear where the root protection areas of the trees were, and it was unclear how the proposals might affect the trees. This was discussed with the applicant and a tree survey was subsequently provided.

The submitted tree survey sets out that the buildings will comprise lightweight prefabricated structures that will sit on concrete pads with the same dimensions as the buildings. The concrete pads are to be 100mm thick and with 50mm sub bases of crushed limestone. The proposal would require the excavation of a maximum of 100mm organic layer of topsoil before constructing the bases.

As set out previously, the buildings were initially proposed to be located within the south-western area of the site, to the rear of the dwelling. The position of the buildings was changed during the determination of the application in order to move the buildings further from the root protection areas of the trees within the site. This change was made in response to feedback from the council's tree officer. As such, the buildings are proposed to be located within the south-eastern area of the site.

It should be noted that the submitted tree survey is based on the previous layout; however, the proposals for the installation of the concrete bases remains unchanged. Based on the revised layout, the buildings would still be partially within the root protection areas of a protected sycamore tree (T10) and a protected ash tree (T11). It appears that the sycamore tree is located further to the south than it shown within the tree survey. However, this means that the buildings are further from the root protection area than shown which should have less of an impact on the tree. It is considered that the revised positioning of the buildings is acceptable in terms of the impact on the root protection areas of the trees. A planning condition would be appropriate to ensure that tree protection measures are implemented.

The tree survey report sets out that the services to the building will be laid in a trench running close to the western boundary of the site, within the root protection areas of the trees. The position of this

trench has subsequently been revised to avoid most of the root protection areas. The trench will instead run from the south of the dwelling in a south-eastern direction towards the buildings and this is shown within a revised version of the block plan. Whilst this trench does not require planning permission, the council's tree officer requested that the position of the trench was revised to avoid damaging the trees. A planning condition can be included to restrict the placement of services under the trees.

The tree survey report also sets out that the parts for the buildings will be delivered via a neighbouring driveway to the west of the site. One of the public representations raised concerns with this as they have not given consent for this to take place. This has been queried with the applicant, and they have clarified that access has instead been agreed for the building materials to be delivered behind the fence to the rear of the garden which is via a local farmer's land. Securing consent from landowners to use their land for deliveries is not part of the planning process. Furthermore, due to the prefabricated nature of the buildings, it is unlikely that access would be required over neighbouring land for a significant period of time. The building parts could also be delivered to the front of the site and transported through the site via a patio area. As such, it is not considered that the delivery of building materials is a significant concern in this case.

Some of the representations have raised concerns with the potential removal or damage to a blackthorn hedge on the site boundary. Whilst reference is made to removing this hedge and replacing it with a fence within the application, the plans shown that this hedge is to be retained. The hedge is not subject to the Tree Preservation Order within the site and as such, the hedge could potentially be removed within planning permission. Any hedge removal is still subject to other legislation and it would be considered appropriate to include an informative relating to hedge removal and bird disturbance for reference.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The host dwelling in this case, Old Vicarage, is a detached dwelling set within a spacious plot. The dwelling features two storeys and is set back from the road frontage. The annexe and games room are proposed to be located within the south-western area of the site, towards the rear of the plot. The buildings are unlikely to be visually prominent within the street scene due to their positioning behind the host dwelling and the location of various trees and a blackthorn hedge to the west.

The annexe building is proposed to measure 8.7m by 7.1m, with a front projection that measures 3m by 1m. The annex is proposed to feature a shallow pitched gable end roof form, measuring 3.3m in height up to the ridgeline, and 2.3m in height up to the eaves.

The games room is proposed to measure 12.2m by 5.3m. The games room is proposed to feature a similar roof style to the annexe building, seeming as it would also measure 3.3m in height up to the ridgeline and 2.3m in height up to the eaves.

The buildings are of a similar size to outbuildings that could potentially be constructed using permitted development rights. In this case, the buildings would need to be approximately 0.5m further from the site boundaries to be considered as permitted development. As such, this represents a potential fallback position in this case which needs to be considered in terms of the visual impact of the buildings.

The buildings are proposed within the south-eastern part of the site. The buildings were moved further from their original position which would have been close to No. 55 and 57 Clough Road. There is also a close boarded along the eastern boundary of the site which provides screening.

Furthermore, the buildings would be within a rear garden and would not be visually prominent within the surrounding area.

The proposed materials of the buildings are set out within the application form rather than on the submitted plans. The materials for both buildings include wooden facades, black straight roof shingles, and white uPVC. The host dwelling features a mixture of red brickwork and render. Whilst the materials of the outbuildings would differ, it is not considered that the visual impact of this would be unacceptable. Furthermore, due to the scale and siting of the buildings, they are unlikely to be highly visible from the surrounding area, particularly as the eastern boundary fence would screen most of the buildings from view.

Therefore, the visual impact of the proposed development is acceptable and the proposals accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

There are no dwellings directly to the east of the site and as such, the buildings would not be directly next to any neighbouring gardens or dwellings. The nearest dwelling is No. 47 Clough Road which is to the north-east of the site. The distance between the games room and what appears to be an outbuilding within 49 Clough Road is 30m, or 23m to the boundary of 49 Clough Road. This is considered to be a suitable separation distance to prevent an unacceptable degree of disturbance. There is also a close boarded along the eastern boundary of the site which provides screening, and this should prevent an unacceptable degree of overlooking.

No.57 Clough Road is located to the west of the site, and No. 55 Clough Road is located to the south-west. There are considered to be suitable separation distances between the proposed annexe and games room and these dwellings. Objections have been raised within the public representations due to the placement of the buildings near the western boundary of the site. The buildings have been moved further to the east in the interests of protecting the trees the site; however, this should also reduce any potential impacts on the dwellings to the west.

The proposed development would not result in significant detrimental impact on the amenity of future occupants or the neighbouring properties. Therefore, the development would accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is within Flood Zone 3, however, the site is not within a hazard rating area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. As the proposal is for two outbuildings, no specific flood risk mitigation is required in this instance as the development would not result in any increased flood risk either at the site or to any surrounding land.

Furthermore, Paragraph 176 of the NPPF sets out that applications for some minor development and changes of use should not be subject to the sequential test or the exception test. As the proposal is a householder application, it is not considered necessary to apply either of these tests in this instance.

Therefore, it is considered that in terms of flood risk, the proposed development accords with Policy 4 of the Local Plan and the Paragraph 178 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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 would be severe, following mitigation.

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

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 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.

No changes are proposed to the vehicular access to the site. Sufficient room would be retained within the site for parking and turning. It is noted that Lincolnshire County Council's Highways Team have set out concerns that the annexe might become a dwelling in future and concerns have been raised how vehicles will access the annexe building. A planning condition can be included to prevent the use of the annexe as a separate dwelling. Therefore, the proposed development would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

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.

Unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

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 development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby residents. The proposal would have an acceptable impact in terms of the impact on protected trees, highway safety and flood risk. The proposal accords with the Local Plan and the NPPF 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 accord with Policies 1, 2, 3, 4, 28, 30 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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