

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0846-25 **Applicant:** Mr A Murfet
Proposal: Proposed dwelling
Location: Adj 3-4 Bowgate Gosberton Spalding
Terminal Date: 4th 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
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
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 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	1	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a dwelling. The dwelling is proposed to feature 2 storeys, including 4 bedrooms. A gable end roof form is proposed, measuring 7.9m in height up to the ridgeline.

Site Description

The site comprises land located on the corner of Bow Gate which to the south of the site, and Quading Road which is to the east of the site. The site appears to have been part of the garden of 3-4 Bow Gate, which is a dwelling located to the west of the site. The site is now fenced off with a close boarded timber fence which is located to the west.

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

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

Relevant Planning History

H08-0069-23: (Outline Application) Proposed Dwelling - approved 22 March 2023

H08-0183-24: (Full Application) Erection of two dwellings, associated garaging and formation of new access - approved 10 June 2024

H08-0045-25: (Discharge of Conditions) Details of external materials, existing and proposed site levels, proposed floor levels, landscaping, tree planting, proposed boundary treatments, surface water disposal, foul water disposal and Biodiversity Net Gain Plan (Conditions 3, 5, 6, 7, 8, 9 and 10 of H08-0183-24) - refused 01 April 2025

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.

Welland and Deepings Internal Drainage Board: No comments.

Gosberton Parish Council: Overdevelopment of the site, which is not in keeping with the surrounding properties and street scene.

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: In line with our guidance, we would expect to see three parking spaces for a for a fourbedroom dwelling

Environmental Protection: No comments regarding land contamination.

Conservation Officer: We have no objection to this proposal on built heritage grounds.

Cllr M A Geaney: I believe this is over development for the size and location of this site.

Tree Officer: No response received.

Ecology Officer: No response received.

Cllr H J W Bingham: 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, 5 letters of representation have been received. 2 of the representations are from the same household. The key matters raised within the representations are summarised below.

- The site lies in Flood Zone 3 and already experiences standing water. A third dwelling increases impermeable surfaces (roof, driveway) and therefore surface run-off. The local highway is known to flood, with documented complaints about drains opposite the site. Policy 4 requires each development to demonstrate it will not increase flood risk. This application has failed to provide such an assessment.
- The Planning Statement simply reuses the flood risk conclusions from the earlier two-dwelling scheme. That is insufficient. A third house increases hard surfacing and run-off, adding to flooding on a highway already known to flood.
- Several trees, hedgerows, and shrubs are due to be removed to allow access and visibility splays. These provide habitat, amenity value, and contribute to local biodiversity. Policy 28 requires a net gain in biodiversity, not merely an absence of protected species. This application provides no mitigation or enhancement.
- The proposal represents an overdevelopment of the site.
- The original submission for this site was for one dwelling, later increased to two (H08-0183- 24), and is now proposed as three. This incremental approach amounts to piecemeal development and prevents proper assessment of the full cumulative impacts. By applying in stages, the applicant has avoided full scrutiny.
- The dwelling would result in an increase in traffic, and this represents a safety concern due to the site's proximity to a busy junction.
- Local services are already overstretched. Residents struggle to access GP, dental and school places. Further dwellings will worsen this, contrary to the sustainability principles of the NPPF.
- The proposed buildings will also cause disruption during construction.

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, 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;
- Design and Visual Impact;
- Impact on Heritage Asset;
- Impact on Amenity;
- Flood Risk; 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, 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 committed sites and infill. Therefore, the principle of residential development is acceptable provided the development accords with the Local Plan in terms of other material considerations.

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 site comprises a corner plot, located to the north of Bow Gate and to the west of Gosberton High Street. There is a large hedgerow that runs along most of the southern and eastern edges of the site. The hedgerow partially screens views of the site from the street scene. Bow Gate is considered to feature a verdant character when viewed from the application site, featuring a mixture

of hedgerows and mature trees.

The surrounding dwellings vary in terms of their plot size and appearance. Notwithstanding this, most of the nearest dwellings are set within relatively spacious plots. Approval has already been granted under permission H08-0183-24 for two dwellings to the north the site, sub-dividing the host property 3-4 Bow Gate. The most northern dwelling would be set within a smaller plot, and the southern dwelling would feature a slightly larger curtilage. The current proposal seeks add an additional dwelling to the south of these approved dwellings.

The dwelling is proposed to feature a similar layout and appearance as the southern dwelling, however, the proposal would result in a smaller garden area for the southern dwelling. It is considered that this would result in a cramped form of development, particularly given the surrounding character and appearance of the area which features more spacious plots. As the site comprises a corner plot, the proposed dwelling would be visually prominent within the street scene. Most of the dwellings on Bow Gate are set back from the road frontage at similar distances. 3-4 Bow Gate, is set back even further than the other nearest dwellings on Bow Gate. The proposed dwelling in this instance would result in development further forward than the general building line. It is considered that this would result in a cramped form of development that would not respond positively to the street scene on Bow Gate.

Overall, the development would appear at odds with the surrounding built environment, visually, creating an incongruous final form of development which would be harmful to the appearance of the locality and to the character of the area. This is particularly the case given the nature of the corner plot which would be highly visible in the street scene and would erode the openness and character of the site. As the benefit associated with the creation of one single dwelling, is not considered to outweigh the harm that would arise in this regard when weighed in the planning balance.

Pre-application advice has previously been given indicating that an additional dwelling within the southern part of the site would not be supported as this would comprise an overdevelopment of the site. The layout and appearance of the two dwellings that were approved under permission H08-0183-24 was negotiated in order to achieve an acceptable outcome. The proposed additional dwelling undermines this previously agreed position.

Therefore, the visual impact of the development is unacceptable, harming character and appearance of the area. As such, the development would not accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Heritage Asset

Policy 29 of the Local Plan and Section 16 of the NPPF require proposals to be assessed appropriately and proportionately if they would affect the setting of a listed building. There is a grade II listed building, 7 Bowgate House, located approximately 50m to the west of the site. The council's conservation officer has confirmed that they have no objections to the proposals. It is not considered that the proposed development would affect the setting of the listed building in a detrimental manner.

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.

The dwelling is proposed to feature approximately 109sqm of internal floorspace. This accords with the nationally described space standard for a 4-bedroom 2-storey dwelling, which requires between 97sqm and 214sqm, depending on the number of intended occupants.

The proposed development would result in the loss of external amenity space for the most southerly dwelling that was approved under permission H08-0183-24. This dwelling would be left with a rear garden measuring approximately 96sqm. Whilst this is considered to be a sufficient amount of external amenity space, it is likely that a portion of the garden would experience shadowing from

mature trees located to the west of the site. The proposed dwelling under the current application would also be provided with a sufficient amount of external amenity space, however, as set out previously this would be provided at the expense of negatively impacting the street scene on Bow Gate.

It is considered that there would be suitable separation distances between the proposed dwelling and the nearest dwellings. This includes the dwellings that have been approved, though not yet constructed, under permission H08-0183-24. For example, 3-4 Bow Gate is the nearest dwelling to the west of the site, located to the north-west of the site. As such, habitable windows within the proposed dwelling would not face directly onto 3-4 Bow Gate.

The garden area of 3-4 Bow Gate is located to the west of the site. There would be approximately 9m between the rear elevation of the proposed dwelling and the western boundary of the site. It is considered that this is a sufficient separation distance to avoid an unacceptable degree of overlooking of the garden area of 3-4 Bow Gate.

The proposed dwelling would be located approximately 6.5m to the south of the nearest dwelling that was approved under permission H08-0183-24. Whilst this would reduce the outlook of some of the habitable rooms within the dwelling to the north of the site, it is not considered that this would create an overbearing impact as there are windows on the front and rear elevations which provide other opportunities for an outlook from these rooms. The proposal would nonetheless result in some harm to the amenity of future occupants of the dwelling to the north.

To the south, 100 High Street is located on the opposite side of Bow Gate. 100 High Street is located a sufficient distance from the proposed dwelling to avoid an unacceptable degree of overlooking.

On balance, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring dwellings and future occupants in accordance with the provisions of 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.

Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. As the site lies within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

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."*

In this case, it is recognised that the vast majority of the surrounding area around Gosberton is located within Flood Zone 3. Furthermore, if it can be demonstrated that future occupiers can remain safe and that flood risk would not increase elsewhere as a result of the proposals, the sequential test need not be applied.

In terms of the exception test, Paragraph 178 of the NPPF requires the following to be demonstrated:

*"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."*

The submitted FRA sets out recommended flood risk mitigation for the proposed dwelling. This mitigation includes the recommendation that the finished floor levels of the dwelling should be approximately 150mm above existing road levels (3.50m AOD). Therefore the minimum finished floor level for the house should be 3.65m AOD. The proposed levels are considered to be acceptable in flood risk terms.

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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. In this case, the site is not within a hazard rating area and as such, no specific mitigation is recommended by the SFRA.

According to the application form, the proposed means surface water drainage is via soakaways. Further details of the proposed drainage strategy would need to be secured as it is unclear if soakaways are feasible. A sustainable drainage strategy would be encouraged, and an alternative drainage strategy would only be permitted if it was demonstrated that a sustainable drainage strategy was infeasible. For example, if the ground conditions were not suitable for soakaway infiltration.

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.

Unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

The application is accompanied by a BNG Exemption Statement which sets out the following:

"The additional dwelling will be sited within the approved garden of the plot and there will be no loss of habitat as a consequence (changes to site levels are required to mitigate flood risk on the approved scheme). BNG exemption is therefore claimed on the basis that the proposal would involve less than 25 square metres (5m by 5m) of on-site habitat and less than 5 metres of on-site linear habitats such as hedgerows (the boundary hedge is excluded from the red line other than in the position of the already approved site access)."

The local planning authority does not consider that the proposal would be exempt under the de minimis exemption as suggested. Garden land is not necessarily immune from BNG and when visiting the site during the determination of the application, it appears that there could be habitat within the site. The application should have been accompanied by a BNG Assessment prepared by a suitably qualified ecologist to confirm whether the site contains habitat land. As such, the proposal does not propose any BNG and the proposal is, therefore, unacceptable in that it fails to accord with the statutory requirements regarding BNG and thus would result in an unacceptable level of harm being caused to the natural environment. The resultant harm that would arise, would not be outweighed by the relatively limited benefits of the scheme, being the provision of a single dwelling, when weighed in the planning balance.

Planning Balance

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

The proposed development would provide one dwelling, providing a minor contribution to the supply of homes within the district. This is a minor contribution and is afforded little weight as the local planning authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment (5.5 years as of 31 March 2025). Therefore, full weight can be attributed to the policies in the Local Plan.

Whilst there is no strict uniformity in terms of the surrounding plot layouts, the proposed development would result in a cramped form of development, resulting in an overdevelopment of the site. The proposed siting of the dwelling is considered to be too close to Bow Gate, representing an incongruent form of development by bringing the building line on Bow Gate much closer to the road frontage. It is considered that the siting of the dwelling would be out of keeping with the character and appearance of the area. Furthermore, the development would not achieve any BNG and thus would result in adverse harm being caused to the natural environment.

These matters weigh against the proposal in the planning balance. The development would not accord with Policies 2 and 3 of the Local Plan which, amongst other things, seek to ensure that proposals are appropriately designed and have a suitable impact on the character and appearance of the area. Furthermore, the proposal would not accord with Paragraph 135 of the NPPF which seeks to ensure that proposals are visually attractive. Therefore, the proposals do not conform with the Local Plan and the provisions of the NPPF when viewed as a whole. As such, the planning balance is against the development due to the weight afforded to the resultant harm and the limited benefits that the scheme would deliver.

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 does not accord with Policies 1, 2 and 3 of the Local Plan, along with Section 12 of the NPPF, specifically Paragraph 135. There are no significant factors in this case that indicate in favour the proposal and outweigh the visual harm that would be caused.

Recommendation

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