

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H08-0975-25      **Applicant:** Ms I Negoita  
**Proposal:** Erection of timber framed two storey dwelling & double garage, with associated off street parking & landscaping  
**Location:** Land To The North East Side Of Hedgefield Hurn Gosberton Spalding  
**Terminal Date:** 21st January 2026

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### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 04 Approach to Flood Risk
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 17 Providing a Mix of Housing
- 20 Accommodation for Gypsies, Travellers and Travelling Showpeople
- 28 The Natural Environment
- 30 Pollution
- 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 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	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	0

## CASE OFFICER ASSESSMENT

### **Proposal**

The proposal seeks full planning permission for the erection of a timber framed two-storey dwelling and a detached double garage, with associated off-street parking and landscaping. Vehicular access to the site is proposed from Hedgefield Hurn which is located to the south-west of the site.

Some works have been carried out within the site including the installation of a driveway, fencing on the northern boundary and a 1m high fence along the road frontage with Hedgefield Hurn. As such, the proposal is partly retrospective.

### **Site Description**

The site comprises approximately 0.27 hectares of land located to the north of Hedgefield Hurn. The site is broadly triangular shaped and is located to the west of a railway line. The site is otherwise surrounded by agricultural fields.

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

The eastern side of the site is within Flood Zone 2 and the rest of the site is within Flood Zone 1, as identified by the Environment Agency's flood risk maps.

### **Planning History**

No planning applications have previously been submitted within the site.

### **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.

Network Rail: No objections subject to conditions (e.g. for construction methodology, drainage, fencing, landscaping, lighting, soundproofing).

## Welland and Deepings Internal Drainage Board: No comments.

Conservation Officer: Notwithstanding any other relevant planning matters, I do not object to this application upon built heritage conservation grounds. Whilst the site is within visual range of the Grade II listed Panton House and associated barns, and the design presented is one that I would typically suggest might present some risk of harm to the setting of a designated asset; given the relatively large separation distances involved, I do not consider that this proposal would place the appreciation of the setting of the nearby asset at risk.

Lincolnshire County Council - Highways and SUDS: The proposal is for the erection of timber framed two storey dwelling & double garage, with associated off street parking & landscaping. The location of the access is acceptable however it will need to be upgraded to meet LCC specification. There is sufficient parking and turning demonstrated. The proposal will not have an adverse impact on the public highway. Highway informatics 03 and 08 are recommended.

Environmental Protection: Due to the close proximity of the railway line, construction must ensure a high standard of acoustic protection to protect the amenity of the occupants. An acoustic report is recommended to ensure this can be achieved.

Environmental Protection - Contaminated Land: I have reviewed Ground Sure Screening Assessment for land on North East Side, Hedgefield Hurn, Spalding, PE11 4JE, Ref: GS-BB9-ML3-VJ6-AUM, Dated: 09/05/2025. I request a standard land contamination condition be applied at this location.

Gosberton Parish Council: No response received.

Cllr H J W Bingham: No response received.

Cllr M A Geaney: No response received.

Cllr J L King: No response received.

Ecology Officer: No response received.

## Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one representation from a member of the public has been received. The response is summarised below:

-The site is outside any defined settlement boundary and within the countryside. Development should be directed towards land within settlements and the proposal does not fall within any of the recognised policy exceptions that would justify a new dwelling in the countryside. The development therefore conflicts with the spatial strategy of the Local Plan.

-Paragraph 80 of the NPPF makes clear that planning permission should be refused for isolated homes in the countryside unless specific and narrowly defined exceptions apply. None of these exceptions are demonstrated in this case.

-The site is within an unsustainable location and the site is poorly related to services, facilities and public transport, resulting in a development that would be heavily reliant on private car use. This is contrary to the objectives of sustainable development set out within the Local Plan and Chapter 9 of the NPPF.

-Insufficient internal living space is proposed as some of the headroom on the first floor is under 2m 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 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 Amenity;
- Highway Safety and Parking;
- Flood Risk;
- Biodiversity Net Gain and Ecological Impact; and
- Contamination Assessment.

These matters are assessed in turn below.

### Principle of Development

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and for decision taking this means:

- "c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*

Footnote 8 clarifies that this "includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

According to South Holland District Council's (SHDC) 5-Year Housing Land Supply Assessment (5YHLS) (June 2025), SHDC can demonstrate 5.5 years of housing land supply. Furthermore, SHDC have scored at least 162% for the Housing Delivery Test over the last three years (Paragraph 1.4 of the 5YHLS Assessment). In accordance with Paragraph 232 of the NPPF, it is not necessary to apply the tilted balance in favour of sustainable development in the determination of the current application.

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.

Policy 1 details that "The rest of the Local Plan area outside the defined settlement boundaries of

the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside".

The site is outside any defined settlement and is, therefore, within the countryside in planning policy terms. Part D of Policy 1 sets out that within the countryside, development will be permitted that is necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

In terms of the requirements of Policy 1, it is necessary to consider whether the proposals are necessary for the location. No reference is made to Policy 1 within the submitted Design and Access Statement and there is no explanation as to why the proposed dwelling could not be accommodated elsewhere in the district in accordance with the spatial strategy. The Design and Access Statement sets out that the dwelling is proposed for the applicant's family 'due to being priced out of the current market'. No additional explanation is provided, and it is not considered that this represents a sufficient reason to justify the proposed dwelling in its isolated and rural setting.

Further to the lack of justification for the necessity of this site, the proposal seeks permission for a single residential unit; a development that can be achieved elsewhere, in much more suitable and sustainable location's.

It is also necessary to consider whether the proposals meet the sustainable development needs of the area in terms of economic, community or environmental benefits that would arise from the proposals. These matters are considered below:

*-Economic:* In economic terms, the construction of a dwelling could provide some short terms benefits in terms of employment for construction workers. Such are limited and, in addition, are not benefits beyond those that could be attributed to development within more sustainable and appropriate locations. Economic benefits beyond this, given its rural and unsuitable location, are not present.

*-Community:* In community terms, a single dwelling would provide a minor contribution to the district's housing supply, albeit in the least sustainable location for development within South Holland; comprising the Countryside. The proposal is for a self-build dwelling, which make an important contribution to the area's housing supply. No affordable housing is proposed as the development would not meet the affordable housing threshold.

*-Environmental:* In environmental terms, the proposal would not provide a net gain in biodiversity as the applicant considers that the proposal would be exempt as the dwelling is for a self-build dwelling. Some planting is proposed within the site plan; however, most of this appears to be existing planting. Beyond this, the development of a residential dwelling, on otherwise undeveloped land, has an evident detrimental environmental impact.

Therefore, the development would therefore not result in economic, community or environmental benefits that weigh in favour of the development.

Due to the lack of footpaths to the site and the lack of public transport links, future occupants would likely be reliant on the use of a private vehicles to access keys services and facilities, resulting in an unsustainable form of development.

Paragraph 84 of the NPPF is also considered to be relevant as this sets out that planning decision should avoid the development of isolated homes in the countryside unless one of more of the relevant criteria apply. For example, if the proposal is to meet the essential need for a rural worker. It is not considered that the proposal meets any of the criteria, nor has any case been demonstrated in this regard.

The site is within the countryside in planning policy terms and the proposals would result in unsustainable development, having regard to its countryside location. Significant harm would be caused as a result, as conflict would arise with Policies 1 and 11 of the Local Plan, which seek to direct housing development in accordance with the settlement hierarchy, concentrating on the most sustainable settlements to enable access to everyday facilities and services.

Therefore, the principle of development is therefore not supported in this case.

#### 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 (including beyond the short term) 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, requiring development to feature 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 is within a rural area, surrounded mostly by agricultural land, except for a railway line which is located to the east of the site and Hedgefield Hurn which is located to the south-west of the site. The nearest dwelling is located approximately 300m to the north-west of the site.

The site itself is relatively flat; however, there is a landscape bund located to the north. The height of the bund is unconfirmed nor is it referenced on the submitted site plan. It appears that the bund is approximately the same height as close boarded timber fencing which has been erected along the northern edge of the site. There are various shrubs and trees around the edges of the site.

The dwelling is proposed to be located near the northern edge of the site, with a front driveway that extends from Hedgefield Hurn to the east and south-east. A detached garage is proposed within the south-eastern area of the site.

The dwelling is proposed to measure 9.68m by 6.13m, featuring a gable end roof form that would measure 6.3m in height up to its ridgeline and 3.77m in height up to its eaves. The proposed materials are set out within the application form rather than on the submitted elevation plans and include the following:

- Timber spruce cladding in natural stain finish;
- Black bituminous roofing tiles; and
- Anthracite UPVC windows and doors.

There are areas of darker cladding proposed sporadically on the elevations. It is presumed that these areas are proposed to feature cladding; however, the plans do not clarify this.

The garage is proposed to measure 6m by 6m with a gable end roof form, measuring 5.8m in height up to its ridgeline and 2.5m in height up to its eaves. The external materials are unclear; however, it appears that the building is proposed to feature timber cladding. An external stairway is proposed to allow access to the first floor within the garage.

Some works have taken place within the site such as the installation of a driveway, a close boarded fence along the northern edge of the site and a lower metal fence along the site frontage next to Hedgefield Hurn. From a review of previous street scene imagery, it appears that the site used to feature scrub / grass land.

Except for the works that have already taken place, the site has a rural character. The proposed dwelling, detached garage and vehicular access would urbanise the character and appearance of the site. The submitted Planning Statement contains very limited information in terms of justifying the proposed design.

Section 4.1 of the Planning Statement sets out the following:

*"The overall design is simple in form and approach, using the established materials pallet within a Rural Design Concept, Great care has been given to the detail of the dwelling*

*The Dwelling is externally to be clad in treated Timber, again as a Rural Barn like appearance. All materials will sustainably sourced."*

It is considered that the development would harmfully jar with the rural character of the site and its immediate environment. The proposed urbanisation of the site through the provision of the dwelling, garage, driveway and residential paraphernalia would significantly harm the rural character and appearance of the site and the surrounding area. The resultant harm would be significant as the site

is highly visible within the area due to the open and rural character of the land around the site.

Therefore, the proposed development would not accord with Policies 2 and 3 of the Local Plan as these policies seek to ensure that the design of all development is appropriate to the character and quality of the area. The policies also seek to ensure that proposals demonstrate how they would respect the character and appearance of an area, and the relationship to existing development and land uses. The proposal would conflict with Paragraph 117 of the Framework, which states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting. The development would also be contrary to Paragraph 135 of the NPPF, which seeks to ensure that proposals are suitable designed and respond sympathetically to the area within which they are located.

### 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 next to the site and as such, the proposal would not result in an unacceptable degree of overshadowing, overbearing or overlooking with any neighbouring properties.

It is noted that one of the public representations has raised concerns with the lack of internal floorspace for the dwelling; however, it is considered that the proposed dwelling would accord with the nationally described space standard. The headroom for approximately 10sqm on the first floor is less than 1.5m in height and as such, this area can only be considered as storage space or excluded from the calculation. Even taking this into account, the proposal provides sufficient living space as 84sqm of useable floorspace is proposed.

It is considered that sufficient external amenity space would be provided. Notwithstanding this, the site is next to a railway line and any future occupants would experience a degree of disturbance from trains passing the site. The railway line runs from Spalding to Sleaford. No information has been submitted to assess the noise impact of the railway line in relation to the proposed development. For example, the noise levels that might be experienced by occupants is unclear and as such, it is not known if any specific mitigation is required such as a certain level of insulation or window glazing.

Paragraph 187 of the NPPF sets out that development should not be put at an unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Furthermore, Paragraph 198 sets out that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Part a of Paragraph 198 requires proposals to avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy 30 of the Local Plan also sets out that proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impact in terms of noise disturbance.

The proximity of the railway line to the garden space is likely to negatively impact on the enjoyment of the space by future occupants to a degree. It appears that approximately 14 trains run between Spalding and Sleaford per day from approximately 6:50am to 9:30pm. As such, occupants could be disturbed relatively frequently for a substantial part of the day. The council's environmental protection team have recommended that a noise assessment is provided to assess the proposals.

Therefore, the proposed development would result in an unacceptable impact on the residential amenity of future occupants due to the proximity of the site to a railway line and insufficient information has been provided to show if and how this harm could be mitigated. As such, the proposal does not accord with the provisions of the Section 12 of the NPPF (December 2023), and Policies 3 and 30 of the Local Plan.

## 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The proposed vehicular access is from Hedgefield Hurn on the south-western side of the site. A driveway is proposed within the site which would provide sufficient room for parking and turning. A detached garage is also proposed which would provide sufficient room for parking. Lincolnshire County Council's Highways Team have not raised objections to the proposed access or parking arrangement; however, the team have requested that the site access is upgraded to their specification in the interests of highway safety. The upgrading of the access could be secured by condition to ensure that there is suitable surfacing next to the highway and reduce the potential for mud and debris being brought onto the highway which can pose a safety risk if not managed appropriately.

Therefore, the proposal would have an acceptable impact in terms of highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

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

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

The majority of the site is within Flood Zone 1, as identified by the Environment Agency's flood risk maps. The eastern edge of the site is located within Flood Zone 2.

As the proposal is for a more vulnerable use within mostly Flood Zone 1, the proposal is not required to pass the exception test. However, the proposal is required to pass the sequential test due to the location of a small area of Flood Zone 2 along the eastern edge of the site.

National Planning Practice Guidance (NPPG) sets out the following:

*"You may not need a sequential test if development can be laid out so that only elements such as public open space, biodiversity and amenity areas are in areas at risk of any source of current or future flooding."*

In this case, the proposed dwelling and the garage building would be located within Flood Zone 1. Only a small part of the garden area would be within Flood Zone 2. The NPPG is also clear that a proportionate approach should be taken in applying the sequential test. The vast majority of South Holland is within Flood Zone 3 and in this case the majority of the site is within Flood Zone 1. As such, it is considered that the sequential test is passed.

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. The site is not located within a hazard area within the SFRA and as such, no specific flood risk mitigation is recommended by the SFRA.

Therefore, it is considered that the proposal accords with Policy 4 of the Local Plan and Section 14 of the NPPF.

### Biodiversity Net Gain and Ecological Impact

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 application is accompanied by a BNG Exemption Statement which sets out that as the proposal is for a self-build dwelling, the applicant considers that the proposal is exempt from BNG. The proposed design appears to be bespoke and individualised for the site and it is considered that the proposal could be considered as a self-build dwelling. The LPA requires applicants to prepare a unilateral undertaken agreement to ensure that proposals are built and retained as self-build dwellings in order to meet the requirements of the exemption. The application has not been accompanied by a unilateral undertaken agreement.

The application is also not accompanied by any information setting out if there are protected species within or using the site, including prior to when works commenced on site. Therefore, there is no information from a qualified ecologist to set out whether there are protected species within the site, or habitat for such species. Policy 28 of the Local Plan sets out that proposals that would directly or indirectly adversely affect protected species to not be permitted unless suitable prevention, mitigation and compensation measures are provided. Whilst there might not be any protected species or habitat for such species within the site, without further information the LPA considers that the proposals could adversely affect such species. Paragraphs 187 and 192 of the NPPF also seek to ensure that proposals minimise their impact on priority or threatened species. Therefore, the proposals do not accord with Policy 28 of the Local Plan or Paragraphs 187 and 192 of the NPPF.

### Contamination Assessment

Policy 30 of the Local Plan requires proposal not to be permitted if they would result in an unacceptable adverse impact upon the health and safety of the public or on land quality. The council's environmental protection team have requested a standard land contamination assessment condition and it would be considered appropriate to secure further information to assess and mitigate any potential contamination risks within the site via planning conditions.

### **Planning Balance**

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would result in the provision of housing within the countryside, within the least sustainable location for development within the area's settlement hierarchy, as identified by Policy 1 of the Local Plan. The 'tilted balance' in favour of sustainable development is not engaged at the present time, as the LPA can demonstrate a 5 year housing land supply. The limited benefits that would be provided by the proposals do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

The development would result in significant harm to the character and appearance of the site and the locality. The proposal could also result in unacceptable living standards for future occupiers as a result of noise levels from the railway line to the east, thereby resulting in an unacceptable standard of amenity. Due to the lack of submitted information, it is also unclear if the proposal could affect protected species or habitat. Therefore, the development would not accord with Policies 1, 2, 3, 28 and 30 of the Local Plan and the provisions of the NPPF when viewed as a whole.

There are significant materials considerations that weigh against the proposal and as such, the planning balance is against 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**

The proposal is considered to conflict with Policies 1, 2, 3, 28 and 30 of the Local Plan and the provisions of the NPPF when viewed as a whole. These are 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 refused under delegated authority.