DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-1261-25**	**Applicant:**	**Mrs K M Baxter**
Proposal:	Demolition of existing barn & erection of detached dwelling		
Location:	Belnie House Farm Buildings Belnie Lane Gosberton		
Terminal Date:	16th February 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and 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
Section 16 - Conserving and enhancing the historic 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	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the demolition of an existing barn within the site and the erection of a dwelling to replace the existing building. The dwelling is proposed to feature a gable end roof form and a side extension featuring a sloping roof form. Although the specific materials are not yet confirmed, the dwellings are proposed to feature brickwork facades and aluminium windows and doors.

The overall form and appearance of the building would be similar to a barn conversion that has been permitted on land to the north-east of the building under prior approval consent H08-0970-24.

Site Description

The application site comprises land at Belnie House Farm, which is located to the north of Belnie Lane, approximately 700m to the south-east of Gosberton. The site contains an agricultural building which is proposed to be demolished to facilitate the proposals. The site is mostly surrounded by agricultural fields; however, there are dwellings located to the south-east and south-west of the site.

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

Relevant Planning History

Within the site:

H08-0972-24: (Prior Approval) Change of use of agricultural building to two dwellings - approved 14 January 2025

H08-0852-25: (Full Application) Demolition of Existing Barns & Erection of 2 Dwellings - refused 06 November 2025

Land to the north-east:

H08-0970-24: (Prior Approval) Change of use of agricultural building to dwelling & removal of timber lean to - Change of use of agricultural building to dwelling - approved 14 January 2025

H08-1263-25: (Full Application) Barn Conversion to Single Dwelling - pending determination

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 - Highways and SUDS: Parking spaces and turning need to be detailed on the site plan. For a 4 bed house three parking spaces should be provided.

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.

Ecology Officer: There has been sufficient evidence provided to determine this application, we are happy that 10% net gain can be achieved onsite but require confirmation of land management to the East of the site. An HMMP will be required pre-commencement. We support all mitigation and enhancement recommendations provided in the PEA and request they be set as a condition at discharge. We will require at least 2 barn owl boxes to be included in the ecological enhancement plans to mitigate the loss of habitat.

Environmental Protection: I request a screening assessment form to be completed and submitted with photographs for this application.

Welland and Deepings Internal Drainage Board: I have held informal discussions with the agent and as a result of these I am pleased to see the revised location & proposed site plan submitted reference: 4301-24 11A, which details as requested by the Board that all new planting is to be set back to at least six metres from the top edge of Old Sea Dike and that all fencing erected within the six metre strip is constructed of a demountable nature which are both agreeable in principle. An application for a relaxation of the nine metre byelaw is required for this prior to works commencing on site. Erecting demountable fencing ensures that in the event of an emergency the current homeowner can remove the fencing in this strip at their own cost to provide the Board with access, subject to receiving notice as necessary. I recommend that this information is relayed to the future homeowners in writing within the property deeds which should be passed on in perpetuity.

I note that surface water disposal is proposed to soakaway and foul water is proposed to be disposed of via a package treatment plant. If at any point in the future any discharge is required into a watercourse then the prior written consent of the Board will be required. Any application for this will be subject to the agreement of technical details and payment of all necessary fees and costs prior to works commencing on site.

Lincolnshire Bat Group: No response received.

Gosberton Parish Council: No response received.

Cllr H J W Bingham: No response received.

Cllr J L King: No response received.

Cllr M A Geaney: 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, no letters of representation have been received.

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 Assets;
-Impact on Residential Amenity;
-Highway Safety and Parking;
-Flood Risk;
-Biodiversity Net Gain; and
-Contamination.

These matters are assessed in turn below.

Principle of Development

Paragraph 84 of the NPPF sets out that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

"a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential building; or
e) the design is of exceptional quality, in that it:
i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

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 outside any defined settlement boundary. The nearest settlement to the site is Gosberton, for which the settlement boundary is approximately 700m to the north-west of the site. Therefore, the site is 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.

It has not been demonstrated that residential development is necessary in this location; for example, in conjunction with agriculture or other rural based business. Moreover, the site is physically divorced from larger service settlements. Whilst there is a footpath on Spalding Road which leads towards Gosberton, it is likely that future occupants would be reliant on the use of private cars to access services and facilities. Consequently, the proposal does not accord with Policy 1 and would not normally be considered a suitable site for new housing.

The application is accompanied by a Planning, Design and Access Statement, within reference is made to the Class Q approvals as fall-back positions. The Statement refers to approval H06-1043-21 as a fall-back position; however, this approval relates to a different site and as such this is presumed to be an error. It is presumed that reference was meant to be made to prior approval H08-0972-24 which granted consent for the conversion of the building to form two dwellings on 14 January 2025.

Caselaw has demonstrated that Class Q consents are a legitimate fallback position when considering alternative proposals for development of the same site. The relevant legal principles relating to fallback were set out in R v Secretary of State for the Environment and Havering BC (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test:

"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is "yes", a comparison must be made between the proposed development and the fallback use."

The notion of the Class Q fallback position was also comprehensively dealt with at the landmark Court of Appeal case, Mansell vs Tonbridge and Malling Borough Council (2017). This case established that that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority. Therefore, where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could be allowed to proceed.

The local authority considers that there is a realistic prospect that the Class Q conversion could take place. Consent has recently been granted, and the developer has three years to complete the development. Therefore, it is necessary to consider if the current proposals offer either an enhancement to the setting or a reduction in density when compared to the fallback position. This is discussed within the remainder of this report.

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.

Firstly, there would be a reduction in the density of the development as the prior approval conversion scheme (H08-0972-24) allowed for 2 dwellings within the site, whereas the current proposal seeks consent for only 1 dwelling.

In terms of the proposed design, the proposed dwelling would feature a gable end roof form and a sloped roof side extension. The dwelling would measure 11m by 13.7, measuring 7.1 in height up to the roof ridgeline. This is smaller than the prior approval conversion scheme which would have resulted in a building that measures 18m by 9.2m, measuring 5.8m in height up to its ridgeline. As such, the proposed building under the current proposals would be smaller in terms of its width and length, though slightly taller.

The dwelling would feature a similar layout and appearance as the approved barn conversion on land to the north-east, permitted under prior approval H08-0970-24 and a similar proposal currently pending determination under application H08-1263-25.

It is not considered that the existing building within the site features historic or architectural merit. Whilst its conversion was deemed acceptable through the prior approval process, it is considered that the proposed dwelling under the current proposals would provide a building that is more attractive.

The proposed materials are not indicated within the submitted elevation plans; however, the application form refers to facing bricks, tiles and aluminium windows and doors. As such, it would be considered appropriate to secure further details of the external materials via a panning condition to ensure any dwelling is constructed using suitable materials.

The proposed development would result in a larger residential curtilage than previously approved. As the proposal seeks to extend further into the countryside than previously approved, it is considered appropriate to limit certain permitted development rights for dwellings, in the interests of visual amenity.

Overall, it is considered that the proposal represents a betterment over the previously approved scheme for the site. As such, the proposed development would have an acceptable impact on the character and appearance of the area, in accordance with Policies 2 and 3 of the Local Plan, and Sections 12 and 16 of the NPPF.

Impact on Heritage Assets

Section 16 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage. For example, Paragraph 207 of the NPPF sets out the following:

"Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 216 of the NPPF sets out the following:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Paragraph 218 of the NPPF sets out the following:

"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the record evidence of our past should not be a factor in deciding whether such loss should be permitted."

Policy 29 of the Local Plan sets out the following:

"Where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made to its setting, it should be informed by proportionate historic environment assessments7 and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports)"

As set out previously, Lincolnshire County Council's Historic Environment Team consider that the existing brickwork barn on land to the north-east is a non-designated heritage asset (NDHA). There are no other known heritage assets on or next to the site. The building within the current application site is not considered to be a NDHA. The proposed dwelling would feature a similar form and appearance as the NDHA to the north-east, if the building is converted to a barn through the partial demolition of its lean-to element.

Therefore, it is considered that the proposed development would have an acceptable impact on the setting of the NDHA to the north-east in accordance with Policy 29 of the Local Plan and Section 16 of the NPPF.

Impact on Residential 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.

Sufficient internal floorspace and external amenity space is proposed to offer a good standard of living for future occupants.

The nearest dwelling to the site is Belnie House, which is located to the south-west of the site. There is approximately 10m between the rear elevation of Belnie House and the site boundary. No windows are proposed at the first-floor level on the south-western side of the dwelling, which reduces the potential for overlooking with Belnie House. A close boarded timber fence is proposed between the site and Belnie House. Therefore, it is considered that there would not be an unacceptable degree of overlooking between the properties.

There would be approximately 8m between the proposed dwelling within the site and the nearest elevation of the potential barn conversion on land to the north-east. Various bedroom windows are proposed at the first-floor level on the north-eastern side of the dwelling. These windows would face towards the rear elevation of the proposed dwelling to the north-east. Whilst the bedroom windows would look onto the kitchen and lounge windows of the other dwelling, it is not considered that this would result in an adverse degree of overlooking between the plots.

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.

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

Policy 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.

Lincolnshire County Council's (LCC) highways team have requested that the parking spaces and turning area within the site are detailed on the site plan. The team have not objected to the proposed access or queried the visibility splays for the site access junction. The site plan has been updated to show where parking spaces are proposed within the front driveway area.

It is considered that there is sufficient room for parking and turning within the site for at least 3 parking spaces for both dwellings. Therefore, the proposal would be acceptable in terms of highway safety, in accordance with Policies 2, 3 and 36 of the Local Plan, 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 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."*

Whilst a district-wide search would typically be required as the proposal is located within the countryside, it is recognised that there is fallback position in this case that would allow for the creation of 2 dwellings within the site if the prior approval consent was implemented and completed. Furthermore, as per the above referenced guidance, 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."

In terms of part a, the proposal would provide two dwellings which would provide a moderate contribution to the district's housing land supply. Soakaways not proposed but could be secured by condition. The proposals seek to include soakaways which are recognised in the NPPG as a potential sustainability benefit. Furthermore, the proposals would reduce some of the built footprint within the site which could assist with managing surface water run-off within the site.

In terms of part b, the submitted FRA sets out that although the site is within Flood Zone 3, the probability of this development flooding from localised drainage systems is low. 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. The site is not within a hazard rating area. As such, in this case no specific mitigation is recommended by the SFRA. Notwithstanding this, the submitted Flood Risk Assessment does recommend out that the finished floor levels should be set 0.3 above the surrounding ground levels. As such, it would be considered appropriate to include a planning condition requiring compliance with the submitted FRA.

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.

The site plan has been amended during the determination of the application in order to move some planting further away from the north-western boundary of the site where there is a watercourse. Welland and Deepings Internal Drainage Board maintain the watercourse and requested that the landscaping was moved and the fencing that was proposed within 6m of the watercourse has been changed to demountable fencing to ensure the Board can maintain the watercourse if needed.

It is considered that an appropriate level of flood risk mitigation is proposed and the development would remain safe from current and future surface water flood risk for the lifetime of the development. As such, it is considered 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 Assessment which sets out that the development should be able to deliver a gain of 10.52% in habitat units. The council's ecology officer has reviewed the submitted information and has set out that the BNG Assessment is acceptable in principle. The landscaping details can be secured through an appropriately worded condition. Furthermore, the proposed BNG measures can be secured through conditions.

The submitted information indicates that there are no protected species within the site and the council's ecology officer accepts this conclusion. Various measures are proposed within the submitted Preliminary Ecological Appraisal and the council's ecology officer has requested that the development is carried out in accordance with the recommendations outlined within the appraisal. As such, a planning condition would be considered appropriate to ensure the implementation of these measures.

Contamination

Policy 30 of the Local Plan sets out the development proposals will not be permitted where, taking

account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon land quality and condition.

The council's environmental protection team have been consulted on the application to determine if any conditions are required in relation to investigate any potential contamination risks from the proposals. The environmental protection team have requested a standard land contamination condition and this has been agreed with the applicant's agent as this condition needs to be discharged prior to the commencement of development.

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.

Although the proposal conflicts with Policy 1, it is considered that the proposed development would represent a betterment in comparison with the Class Q approval. As such, it is considered that the benefits of the proposal outweigh the conflict with Policy 1 in this instance. The proposed development is also considered to be acceptable in terms of other relevant considerations such as highway safety, flood risk and ecology.

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, 11, 17, 28, 29, 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.