

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-0011-26	Applicant:	Mr & Mrs J Pateman
Proposal:	Proposed Domestic Garage		
Location:	Lowlands Hurn Bank Holbeach Hurn		
Terminal Date:	12th March 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
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for a domestic garage building to the front of a dwelling, Lowlands, which is located to the north of Hurn Bank. The garage is proposed to measure 5m by 4.5m, featuring a gable end roof form that measures 3.5m in height up to the building ridgeline. The building is proposed to feature timber facades and a slate roof.

Site Description

The site comprises land at Lowlands, which includes a detached bungalow and its associated garden and residential curtilage. The site is located to the north of Hurn Bank and there are similar properties located to the east of the site.

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

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

Relevant Planning History

The following applications overlap the eastern side of the site:

H09-1027-79: (Outline Application) Erection of dwelling at Roman Bank, Holbeach Hurn - approved 14 November 1979

H09-0610-80: (Reserved Matters) Erection of dwelling at Roman Bank, Holbeach Hurn -approved 17 June 1980

H09-0072-84: (Full Application) Change of use from storage of marble and manufacture of marble and stone fire places - approved 15 June 1984

H09-0041-91: (Full Application) Erection of 2 no houses and garages - approved 28 March 1991

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.

South Holland Internal Drainage Board: Whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Although the site falls below our threshold for commenting, I'd like to ensure the applicant is aware of the Board arterial watercourse known as P25 Hurn Bank Drain and Branch (DRN206G2502) adjacent to Lowlands, Hurn Bank wider site boundary. Whilst not currently proposed, if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Lincolnshire County Council - Highways and SUDS: The proposal is for a domestic garage and the access arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Holbeach Parish Council: No response received.

Cllr C N Worth: 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 representations have been received from members of the public.

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;
- Flood Risk and Drainage; 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 settlement limit of Holbeach Hurn, which falls under the category of 'Other Service Centres and Settlements'. Policy 1 sets out that development in this type of settlement 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.

In this case, the proposal solely relates to the erection of an outbuilding. Therefore, the principle of such development is appropriate, comprising an appropriate form of development for the location. This is provided the proposals are suitable in terms of their visual and amenity impact and 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 existing dwelling comprises a detached single storey bungalow with a gable end roof form. There is a driveway area in front of the dwelling, and garden land on either side of the dwelling and at the rear of the site. The dwelling is set back from the road frontage at a similar distance as the other nearest dwellings. Whilst plot sizes vary within the street scene, there is a general building line.

The garage is proposed to measure 5m by 4.5m featuring a gable end roof form that measures 3.5m in height up to the building ridgeline. The external materials are not set out within the submitted elevation plans; however, the materials are indicated on the application form including oak frame featheredge boarding for the walls and a slate roof.

Whilst the size of the garage building is considered to be proportionate to the host dwelling, there are concerns with the proposed siting of the building due to its position in front of the dwelling. The nearest dwellings are set back from the road frontage at similar distances and there are no other garages or outbuildings located in front of the nearest dwellings. Whilst there is a storage container located within the site to the front of the dwelling, it appears that this does not have planning permission. As such, this is not considered to be a permanent fixture within the street scene. The site slopes down from the road frontage and as such, the garage building would be positioned on lower land than the road frontage. Notwithstanding this, the building would still be highly visible within the street scene. This is particularly the case since vegetation has been cleared along the site frontage which previously provided more screening.

The proposed structure would be an unduly prominent and incongruous feature in the street scene due to its position in front of the dwelling and its proximity to the highway. The negative visual impact would be further exacerbated by the absence of other buildings in front gardens and driveways areas within the vicinity of the site. Permitting the development in this instance could set a harmful precedent for allowing similar structures in front of dwellings, which could detract from the character and appearance of the area.

The concerns with the proposals were raised with the applicant's agent and the agent was offered the opportunity to consider alternative locations such as to the side of the dwelling. However, the agent did not opt to submit any amended plans.

The visual impact of the development is unacceptable and would cause an adverse impact on the character and appearance of the area. Therefore, the proposals would not accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF, which amongst other things, seek to ensure that the design of all development is appropriate to the character and quality of the area.

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.

Due to the scale and positioning of the garage, the development would not result in an unacceptable degree of overshadowing or overlooking of neighbouring properties. Therefore, the impact of the proposed development on the amenity of neighbouring properties and future occupants would be acceptable, in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Flood Risk and Drainage

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

The site is located within Flood Zone 3. Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 can be permitted in instances where specific criteria is met.

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 identified within a 'Danger to Most' hazard rating area; however, as the proposal is for a householder development no specific mitigation is recommended within the SFRA.

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

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.

It is considered that the proposed development would be exempt from the requirement to provide BNG as the proposal comprises a householder 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.

The proposed garage building would be an incongruent and harmful feature within the street scene. There are no similar garages or outbuildings in front of the nearest dwellings and the proposed garage would result in a harmful impact on the character and appearance of the area. In this instance, there are material 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 2 and 3 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.