

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H09-0150-25                      **Applicant:** S Munn  
**Proposal:** Erection of Self Build Dwelling & Garage  
**Location:** Land West Of Fensever Further Old Gate Holbeach  
**Terminal Date:** 10th April 2025

**Planning Policies**

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

01                      Spatial Strategy  
02                      Development Management  
03                      Design of New Development  
04                      Approach to Flood Risk  
28                      The Natural Environment  
30                      Pollution  
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 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:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full planning application for the erection of a detached dwelling and garage. The proposal would utilise an existing access arrangement that serves an existing parking area, from Further Old Gate.

### **Site Description**

The application site is located within the open countryside and outside of any defined development limit as identified by the proposals map of the SELLP 2019. The application site is also located within flood zone 3 in accordance with Environment Agencies Mapping System. The South East Lincolnshire SFRA however considers the site to be in a low hazard area, within the 2115 predicted flood levels.

The site is accessed from Further Old Gate and has a parking area to the front of the site. An agricultural building, which is located to the south of the site on the eastern boundary is sited, this was approved under planning application H09-1210-18. The wider site also benefits from planning permission to function for equine purposes, achieved under planning permission H09-0790-23. An access and car parking area are located to the south west of the wider site.

There are also a number of shelters dotted about the field, there are areas divided by temporary fencing for paddocks and numerous animals were seen grazing the field on site visit.

### **History**

H09-1210-18 - Proposed Agricultural Store Building. Approved 11-01-19  
H09-0017-20 - Proposed dwelling (Paragraph 79 NPPF). Appeal DISMISSED. 21-08-20  
H09-0790-23 - Change of use from agricultural to equestrian for personal use. Approved 03-11-23  
H09-0003-24 - Proposed Outdoor Manege. 19-04-24

### **Consultation Responses**

Parish Clerk  
Fully Support

### **IDB**

The applicant has indicated that they intend to dispose of surface water via rainwater harvesting and infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse.

### Historic Environment Officer

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request

### Highways & Suds Support

The access needs upgrading to Lincolnshire County Council Specification and this should be detailed on the proposed site plan. The access is shared with the stables - the width of the gated access needs to be detailed on the site plan - for shared use it should be able to accommodate two-way vehicles - so a minimum of 4.5m wide for a distance of 10m back from the carriageway edge.

### Environmental Protection

I request a screening assessment to be completed at this location with Photographs. The screening assessment form is available at:

<https://www.sholland.gov.uk/article/11653/Planning-application-consultation>.

### **Representations**

This application has been advertised in accordance with the requirements of the Development Management Procedure Order 2015 (as amended). It has been subject to an objection which can be summarised into the following material points.

- The dwelling is located less than 100m from licenced Kennels. The proposal may lead noise complaints regarding the business
- Highway Safety
- Lack of amenities in the local area.

### **Planning Considerations**

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

The application site is located within the open countryside and currently functions for domestic equine use purposes. The applicant proposes a detached dwelling and garage on the site utilising the access and part of the parking provision associated with the equine use.

The following issues are relevant for consideration:

Principle of Development  
Environmental Issues/ Amenity  
Character, Design and Landscaping  
Ecology/BNG  
Flood Risk  
Highway Safety  
Land Contamination

## Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It states 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. In 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.*

Within the reasoned justification (under para. 3.2.17) housing exception in the countryside are listed, the paragraph states that *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites).*

The proposal does not appear to meet with any of the exceptions for dwelling in the countryside and so the proposal is contrary to the aims of SELLP 1.

## Self Build

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period.

Whilst the applicant is on the self-build register, this application is speculative, in that they are seeking permission on a site, not considered 'suitable' in planning principle terms by the relevant authority. It is also not marked out as a suitable service plot. Whilst it is already clear that in principle the site is not suitable, the report goes on to assess the suitability of the site against other technical elements.

## Environmental Issues/Amenity

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

National Planning Policy Framework, paragraph 200 states that Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The application site is located adjacent to an established kennel business. The applicant has not submitted any information as regards the existing noise environment and whether an acceptable level of amenity can be achieved for future residents. Therefore, without such information it is difficult to ascertain whether or not the site would be suitable as regards residential amenity (for future residents). Moreover should permission be granted for residential development on this land, there is potential (should the noise environment not be suitable) that the existing kennel business would have unreasonable restrictions upon the way they operate. The proposal as regards environmental issues and amenity is not considered to represent a suitable plot for self-build purposes.

On this basis the proposal is contrary to SELLP Policies 2 and 3 as well as paragraph 200 of the NPPF.

### **Character, Design and Landscaping**

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable"

NPPF Paragraph 187b states *Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

An application for a dwelling on this site has previously been refused and dismissed at appeal. The inspectors reading of the site was that the dwelling proposed would *block views into the open countryside currently available from the road. It would also introduce domestic features, such as the drive and the pedestrian access to the public side of the building. This would harm the character of the flat open Fenland landscape within which it is located.* The area is characterised by a small number of traditionally designed buildings fronting the highway, interspersed with large areas of open agricultural land, divided by hedges and drains which allow long views across the open farmland.

Whilst there is now an access with parking area for the equine use (non-commercial) the presence of a dwelling in this location would further densify the domestic uses in this area, and challenging the countryside identity, that currently sees houses more sporadically across the area. In essence describing this as an infill opportunity (as the planning statement does) and closing the gap between existing dwellings would undermine the character of this part of the open countryside.

On this basis it is considered that the proposal would give rise to character impacts, that are detrimental to this part of the open countryside. The proposal fails to protect the intrinsic beauty of this part of the fenland character area and would have wider impacts upon the open landscape. The proposal is therefore contrary to SELLP Policies 2 and 3 as well as NPPF paragraph 187b.

### **Flood Risk**

SELLP Policy 4 sets out the districts approach to flood risk. The application site is located is within Flood Zone 1 in accordance with EA Mapping systems. The South East Lincolnshire SFRA shows the area in a low hazard.

NPPF Paragraph 172 states that All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

The applicant has provided an FRA to accompany the submission, within which it states that both the sequential test and exception test is met due to the low risk area this site is described as being within by the South East Lincolnshire SFRA and the contribution this proposal would have to overall housing numbers. According to the exceptions test It should be demonstrated that:

*development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and*

*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.*

This application was refused in part at appeal, when considering the erection of a dwelling, the inspector stating *however, due to my findings on the first and the second main issues, the development would not provide wider sustainability benefits to the community that would outweigh the flood risk, so the first part of the test is not satisfied. For this reason, the proposal does not pass the exception test as required by the Framework.*

The application site is located within the open countryside and the applicant has not expanded upon why this proposal is sustainable in regard to providing wider sustainability benefits to the community. On this basis, given that limited justification to demonstrate the wider sustainability benefits of the scheme it is considered that the risk from flooding, would outweigh any modest benefits to the community that would follow from this development.

On this basis the proposal is considered to be contrary to SELLP Policy 4 of the Local Plan as well as NPPF Paragraph 172.

## **Highway Safety**

SELLP Policy 2 details 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The proposal seeks to use the existing access arrangement and part of the parking area associated with the equine use to allow for access/egress to the dwelling. The dwellings curtilage would provide an ample area for parking and turning as well as a detached garage.

Whilst the parking may be acceptable Highways have requested further information as regards the

access. It is not clear how this access would impede the existing parking for the equine use. However, given that access arrangements serving other planning units along Further Old Gate exist, it is likely that a satisfactory one could be achieved. This would therefore be controlled through planning condition.

On this basis it is considered that the proposal would meet with SELLP Policies 2, 3 & 36.

### **BNG & Ecology**

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has not provided a preliminary ecological appraisal however the application site relates to a paddock area and the road site planting is to remain.

In terms of BNG the applicant states that the site is exempt through the self-build exemption. The LPA are in agreement with this position. The proposal if approved would be subject to a unilateral undertaking to secure it as a self-build property.

On this basis the proposal would accord with SELLP Policy 28.

### **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 proposal is contrary to SELLP Policy 1 and does not represent a suitable plot as regards self-build. The proposal has not demonstrated that a suitable noise environment exists for future residents, and so, if approved it likely that any permission has potential to cause unreasonable restrictions to the nearby dog kennel business.

Furthermore, it is considered that the development would not provide wider sustainability benefits to the community that would outweigh the flood risk.

The proposal would give rise to character impacts, that are detrimental to this part of the open countryside. The proposal fails to protect the intrinsic beauty of this part of the fenland character area and would result in producing irreversible impacts across the open landscape.

In this instance then, there are insufficient material considerations that weigh in favour of the proposal and as such, the planning balance is not in support of the development.

### **Conclusion**

Taking into consideration these factors, the proposal is considered to be contrary with Policies 1, 2, 3, 4, 30 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). On this basis the proposal is recommended for refusal.

### **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.