

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0164-26 **Applicant:** Kings Civils
Proposal: Proposed Detached Garage
Location: Land South Of Tudor Lodge Fen Road Holbeach
Terminal Date: 16th April 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
28 The Natural Environment
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 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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for a detached residential garage building. The building is proposed to measure 6.4m in length and 3.6m in width. The building is proposed to feature a gable end roof form, measuring 4.3m in height up to its ridgeline and 2.5m in height up to its eaves.

The site layout shows that the building is proposed to the south-west of a dwelling; however, there is not a dwelling within the site. Approval was granted for a dwelling (Plot 9) within the site under planning permission H09-0950-22; however, permission H09-0950-22 has been made invalid as the developer commenced development before pre-commencement conditions were discharged and as such, it is not considered that a lawful commencement has been made. An application is yet to be submitted to re-apply for planning permission.

The proposed development seeks to extend the garden area and driveway of Plot 9 to the south of the previously approved curtilage of the site under permission H09-0950-22. Therefore, the proposal also requires permission for a change of use. Although this is not referred to in the description of development, the change of use of the land has also been considered as this is clearly shown within the submitted site plan.

Site Description

The application site comprises land to the south of Tudor Lodge, Fen Road, Holbeach. Tudor Lodge comprises a substantial, extended inter-war dwelling set in extensive grounds, on the western side of Fen Road, within the settlement boundary of Holbeach. The site comprises a vacant parcel of land which is largely screened from view to the south and east by existing trees and hedgerows.

The site is located outside the defined settlement limit of Holbeach, as identified by the South East Lincolnshire Local Plan 2011-2036 (March 2019) and the accompanying policies map. The settlement boundary for Holbeach is however to the north of the site.

The site is mostly within Flood Zone 2, as identified by the Environment Agency's flood risk maps. A small area of the site that is next to Fen Road is within Flood Zone 3.

Relevant Planning History

Within the Site:

H09-0950-22: (Full Application) Residential Development - 9 dwellings - approved 31 January 2023

H09-0327-23: (Discharge of Conditions) Details of written scheme of archaeological investigation (Condition 12 of H09- 0950-22) - approved 19 April 2023

H09-0468-25: (Discharge of Conditions) Details of external materials, hard surfaced areas, surface water disposal, private refuse/recycling collection, management of private drive and adjacent open space/landscaping, landscaping/tree planting and proposed boundary treatments (Conditions 3, 4, 8, 9 and 10 of H09-0950-22) - not yet determined

H09-0407-25: (Full Application) Proposed Detached Garage - refused 08 July 2025

Land to the North-West:

H09-0980-21: (Full Application) Land North of Tudor Lodge. Residential development comprising 5 detached dwellings off a private drive - approved 03-05-22

H09-1260-21: (Prior Notification) Land at Tudor Lodge Fen Road. Change of use of agricultural building to dwelling - approved 12-01-2022

Land to the West:

H09-0813-24: (Outline Application) Residential Development - refused 29 November 2025 - appeal lodged

Land to the South and West of the Site:

H09-1070-12: (Full Application) Proposed house, garage and cattle shed - refused 12 February 2014 - appeal dismissed 15 September 2014

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: Having screened the application, 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. Therefore, the Board has no comments to make.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

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

Environmental Protection: No comments regarding land contamination.

Ecology Officer: No response received.

Holbeach Parish Council: No response received.

Cllr S E Hutchinson: No response received.

Cllr T Carter: No response received.

Cllr N J Chapman: 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;
- Visual and Amenity Impact;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement limits and is, therefore, within the countryside in planning policy terms. The settlement boundary is located to the north of the site, around the assumed curtilage of Tudor Lodge.

Planning permission was granted for 9 dwellings within the site under permission H09-0950-22 on 31 January 2023. This included plot 9 which is located to the south of the access road, whereas the other dwellings were proposed to be located to the north of the access road and to the west of Tudor Lodge. Plot 9 was described as a "Gatehouse" design, and it was proposed to be positioned close to the access road. The site had permission for a dwelling, as part of the wider site that was granted consent under permission H09-0950-22; however, the permission was unlawfully implemented as the relevant pre-commencement conditions were not discharged prior to works commencing.

Only condition 12 was discharged. Conditions 17 and 18 of permission H09-0590-22 were pre-commencement conditions and these conditions were not discharged. Works have started on site and plots 1 to 8 have largely been constructed. No construction work appears to have taken place for plot 9.

Therefore, it is not considered that a lawful commencement has been made and as such, permission H09-0590-22 has been unlawfully implemented and a new full planning application is required to apply for retrospective planning permission for the site. The LPA's planning enforcement team has been in regular contact with the relevant landowner's agent and a planning application has still not been submitted.

Therefore, although the submitted site plan indicates that a dwelling has permission to be constructed within the site under permission H09-0590-22, this is incorrect as this permission is no longer valid. As such, the proposal seeks permission for a residential garage in the countryside.

As set out previously, planning permission was refused for a detached garage building within the site under application H09-0407-25 on 08 July 2025. Within this application, the residential curtilage

of the dwelling was proposed to be larger than under the original permission H09-0590-22. Under the current proposals, the curtilage is smaller than that previously refused; however, the curtilage would still extend further to the south than previously permitted by permission H09-0590-22.

The current application is not accompanied by a planning statement and as such, no information has been provided to address the previous reason for refusing the garage under application H09-0407-25.

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 this case, the proposed garage and expansion of the garden area would only result in an outbuilding and additional external amenity space for plot 9. No community benefits would be provided from the development. There is not considered to be a justified need for an extended garden as the approved garden space is considered to provide ample outdoor amenity space for future occupants.

Therefore, it is considered that the development would not be necessary nor would there be sufficient economic, community or environmental benefits to justify the proposal, as required by Policy 1 of the Local Plan. It has also not been demonstrated that the development would meet the sustainable development needs of the area in terms of economic, community or environmental benefits, which is also a requirement of Policy 1.

Visual and Amenity 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. Paragraph 135 also 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.

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.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed garage would measure approximately 6.45m by 3.6m. The garage building is proposed to feature a gable end roof form measuring 4.2m in height up to the ridgeline, and 2.5m up to the eaves. A roller shutter door is proposed on the front elevation. The materials are proposed to match the host dwelling; however, the materials for the host dwelling have not been approved and as such, the materials are unclear.

The scale of the garage building has been reduced compared to the previously refused garage building that was refused under application H09-0407-25. It is considered that the scale of the building is more suitable and comparable with typical outbuildings than the previously refused garage.

The garage building is proposed to be located towards the rear of the dwelling, which would help to reduce the visual impact of the building. There is also natural screening of the site along Fen Road as there are trees and hedgerows and as such, the building would not be highly prominent within the street scene. Notwithstanding this, as set out within the previous section there is considered to be insufficient justification for the garage within the countryside policy area.

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 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires 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 highways team have not raised any concerns with the proposals in terms of highway safety. Therefore, the development would be acceptable in terms of highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as 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 site lies mostly within Flood Zone 2, as identified within the Environment Agency's Flood Maps. Policy 4 of the Local Plan sets out that development in Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. Therefore, whilst the proposal does not need to pass the exception test, the proposal needs to pass the sequential test in accordance with Section 14 of the NPPF.

It is recognised that the site formally had permission for a dwelling; however, this permission has been made invalid. As such, it is necessary to apply the sequential test again.

The submitted Flood Risk Assessment (FRA) contains a section regarding how the sequential test has been applied to the development. The FRA sets out "As such, opportunities to undertake the development at an alternative site with a lower flood risk are limited". No evidence of a site search exercise has been provided, nor any evidence of whether sites have been considered or discounted. As such, it is considered that insufficient information has been provided to demonstrate if the sequential test has been 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 within any specific hazard area within the SFRA, therefore, no specific mitigation is recommended by the SFRA for the proposal.

Sites within areas that are not within specific hazard areas can be considered sequentially preferable; however, it is still considered that insufficient information has been provided to demonstrate that the sequential test has been passed. Therefore, it is considered that the proposed development does not accord with Policy 4 of the Local Plan or Section 14 of the NPPF.

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.

When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

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 would result in the change of use of land within the countryside policy area to provide for an expanded garden and driveway for plot 9, and for a residential garage building. Insufficient justification has been provided for the proposed garage within the countryside. For example, the development would not result in economic, community or environmental benefits to justify a departure from Policy 1 of the Local Plan. There is not considered to be a justified need for an extended garden as the approved garden space is considered to provide ample outdoor amenity space for future occupants. Therefore, the proposed development would be contrary to Policy 1 and in this instance, there are insufficient material considerations to justify a departure from the Local Plan. It is also considered that insufficient information has been provided to demonstrate if the proposal has passed the sequential test in flood risk terms. As such, the proposal is also contrary to Policy 4 of the Local Plan and Section 14 of the NPPF. Therefore, 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

Taking the above considerations into account, the proposal is considered to be contrary to Policies 1 and 4 of the Local Plan. There are no significant factors in this case that indicate in favour the proposal and outweigh the harm that would result from departing from the Local Plan, including the settlement hierarchy.

Recommendation

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