DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0303-26**	**Applicant:**	**Mr & Mrs J Russell**
Proposal:	Erection of self build dwelling, including re-position of existing building and change of use of existing dwelling to be in association with dog breeding business		
Location:	Duntreath Cackle Hill Lane Holbeach		
Terminal Date:	30th June 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
07	Improving South East Lincolnshire's Employment Land Portfolio
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
22	Replacement Dwellings in the Countryside
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 a sufficient supply of homes
Section 6 - Building a strong, competitive economy
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
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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
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	1	4

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the erection of a self-build dwelling. Consent is also sought for the re-positioning of an existing building within the site and for the change of use of an existing dwelling to be in association with a dog breeding business that operates from the site.

Site Description

The application site comprises approximately 1.24 hectares of land at a property called Duntreath. The site is located to the east of Cackle Hill Lane but otherwise is mostly surrounded by agricultural land. The site is located approximately 1km to the north of Holbeach and 1km to the east of Saracens Head. Within the site there is a dwelling and a kennel business. Based on a review of previous applications and aerial imagery, part of the site was previously used for agricultural purposes including grazing land.

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

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

Planning History

H09-1049-13: (Full Application) Erection of detached dwelling - refused 10 March 2014

H09-0214-16: (Full Application) Proposed single storey extension to dwelling with rooms in roof - approved 06 April 2016

H09-0548-16: (Full Application) Proposed agricultural building - approved 25 July 2016

H09-0959-18: (Full Application) Use of site to keep more than 6 adult dogs - approved 27 November

2018

H09-1169-19: (Full Application) Proposed erection of a purpose-built 20 kennel unit to house 20 adult dogs and retrospective planning permission for the siting of an existing outbuilding (approved under H09-0548-16) 65.81 metres from the road, retention of outbuilding for sheep food & straw storage, and change of use of proposed site from agricultural to domestic - approved 03 April 2020

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:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via 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. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): The applicant has indicated within the Planning, Design and Access Statement (ref: 4448-25, GR Merchant, March 2026) that they wish to discharge treated foul water to a watercourse following treatment in a package treatment plant. This proposal will require consent under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: I note the presence of watercourses which are not maintained by the Board (riparian watercourses) adjacent to the eastern and western site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter either riparian watercourse, or if works are proposed to alter either watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Environment Agency: This proposal comes under cell E8 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice. We do not need to be consulted further on this application.

Anglian Water: Having reviewed the development and the document PLANNING, DESIGN & ACCESS STATEMENT March 2026, there is no connection proposed to Anglian Water's network and there are no Anglian Water owned sewers within the vicinity of the development. Therefore, we have no comments to make. If planning permission is granted, the document PLANNING, DESIGN & ACCESS STATEMENT March 2026 should be listed within the decision notice with any approved plans. Should the proposed method of foul or surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective foul water drainage strategy is prepared and implemented.

Conservation Officer: We have no objection to this proposal. The proposed development is small in scale and would have a minimal impact on the setting of nearby designated heritage assets, including Penny Hill Windmill and the associated warehouse.

Lincolnshire Fire and Rescue: No comments.

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: The proposal consists of using the existing house for the dog breeding business as this will allow people to stay over when their dogs are breeding instead of using hotels. It will also allow staff to stay over when the owners are away. It will keep the owners personal house separate from the business. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Environmental Protection: No comments.

Ecology Officer: We believe that this site could be of importance to some protected species. Therefore, in the interest of transparency, we request that: photographs of the interior/exterior of any buildings onsite, and brief description of site, and use/activities on the site, be provided to the authority pre-determination so we can carefully evaluate whether we would require further survey work to be provided.

We request that a total of 1 integrated universal nest brick is incorporated into the external fabric of the proposed building. This should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, in accordance with best-practice guidance such as British Standard BS 42021:2022. We also request that one integrated bat box is added to the dwelling.

We are confident that the site is exempt from the Biodiversity Net Gain requirement under the self-build and de minimis exemptions. However, we would commend the applicant should they choose to enhance on-site biodiversity through additional landscaping and/or habitat creation as part of the proposal.

Holbeach Parish Council: No response received.

Cllr C N Worthl: No response received.

Anglian Water: No response received.

Crime Prevention Design Advisor Police: No response received.

Inward Investment: 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;
oProposed Replacement Dwelling;
oSelf and Custom Build Housing;
oProposed Change of Use and Re-Positioning of Building;
oAssessment against the Requirements of Policy 1;
-Design, Layout Impact on the Character and Appearance of the Area;
-Impact on Residential Amenity;
-Highway Safety and Parking;
-Flood Risk and Drainage;
-Biodiversity Net Gain; and
-Contamination.

These matters are assessed in turn below.

Principle of Development

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

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance7 provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

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

According to South Holland District Council's (SHDC) 5-Year Housing Land Supply Assessment (5YHLS) (June 2025), SHDC can demonstrate 5.5 years of housing land supply. Furthermore, SHDC have scored at least 162% for the Housing Delivery Test over the last three years (Paragraph 1.4 of the 5YHLS Assessment).

In accordance with Paragraph 232 of the NPPF, it is not necessary to apply the tilted balance in favour of sustainable development in the determination of the current application.

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

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

Policy 1 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".

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

As set out previously, there are three key parts of the proposal:

-The proposed self-build dwelling;
-The re-positioning of the existing building within the site; and
-Change of use of part of the existing dwelling to be used in association with the existing dog breeding business / kennels.

The different parts of the proposals are considered in turn below.

Proposed Replacement Dwelling

The description of development and the submitted planning statement do not refer to the proposed self-build dwelling as a replacement dwelling; however, it is considered that the proposal is for a replacement dwelling. For example, the submission sets out that the proposals seek to change the use of the existing dwelling to become part of the kennel business and the new dwelling is proposed in its place to accommodate the family that operates from the site.

Typically, proposals for replacement dwellings would result in the demolition of the existing dwelling to facilitate the reconstruction within the site. This case differs; however, it is still considered appropriate to assess the proposals against the requirement of Policy 22 of the Local Plan which relates to replacement dwellings within the countryside. This is despite the fact that there is no reference to Policy 22 in the submitted planning statement.

Policy 22 sets out the following:

"Proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

Where permission is granted, Permitted Development Rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area."

In terms of the above referenced criteria, it is considered that the residential use of the original building would be abandoned as the building is proposed to be used for the business instead for residential purposes. As such, the proposal conflicts with part 1.

The existing dwelling is permanent and has not become derelict and as such, the proposal accords with part 2. The existing dwelling is not of architectural or historic merit in accordance with part 3.

In terms of part 4, the visual impact of the new dwelling is assessed more fully later within this assessment; however, to summarise, it is not considered that the design would feature a high standard in terms of architectural detailing and the materials of construction. For example, the dwelling is considered to be of an excessive scale and would feature materials that are out of

keeping with the area. As such, the proposal conflicts with part 4.

The proposal conflicts with part 5 as the new dwelling would not be located on a similar footprint as the existing building and the re-positioning would not benefit the character and appearance of the area.

In terms of part 6, the existing dwelling features approximately 197sqm of floorspace whereas the proposed dwelling features approximately 366sqm. Evidently, this exceeds 40% and as such, the proposals do not accord with part 6.

Therefore, the proposals would conflict with Policy 22 of the Local Plan.

In the interests of completeness, the proposed dwelling is also assessed below in terms of its merits as a self-build dwelling and against the requirements of Policy 1.

Self and Custom Build Housing

The description of development specifies that the dwelling is a 'self-build' dwelling. In addition, the Biodiversity Net Gain Statement identifies an exemption, as a result of the proposal comprising a self-build dwelling. These are the only references to the proposal comprising a self-build dwelling, and no further evidence or detail has been provided alongside this application.

The submission does not provide information as to whether the applicants are registered on the Council's self-build register, SHDC's current supply in this regard, nor whether the applicants are on the self-build register themselves. In addition, the submission has not been accompanied by any form of a of legal agreement, such as a Unilateral Undertaking, to secure the proposal as such.

In this regard, appeal decision 6002149 which was issued on 13th March 2026, was clear in that self-build dwellings must be secured via legal agreement, as the only appropriate means to do such, with conditions not being a sufficient tool. Under paragraph 26 of this appeal decision, the inspector stated that they were "not persuaded that planning conditions relating to self-build would meet the rests set out within paragraph 57 of the Framework. A more appropriate mechanism to secure the dwelling as a self-build would be through a s106 planning obligation or unilateral undertaking.

Pertinent to housing need is Section 2 of the Self and Custom Housebuilding Act, 2015, which states that: "an authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period." To this end, and as reaffirmed within Footnote 28 of the NPPF, the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

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. The definition contained within the Act is as follows:

"In this Act "self-build and custom housebuilding" means the building or completion by:
(a)individuals,
(b)associations of individuals, or
(c)persons working with or for individuals or associations of individuals,
of houses to be occupied as homes by those individuals."

It is acknowledged that the Self-build and Custom Housebuilding Act 2015 places a duty on all Local Planning Authorities to grant enough suitable permissions on serviced plots to meet the need set out in the self-build register, for each year, within a 3 year reporting period. Self and custom build housing is defined as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can either be market or affordable housing.

The aforementioned Act requires that all authorities must have granted sufficient planning consents for enough serviced plots, which are suitable for self and custom build to meet the demand for the period. In this regard, demand is measured by the number of people joining SHDC's Self and

Custom Build Housing Register.

In this case, South Holland District Council have published a position in respect of the Self and Custom Build Register, which was subsequently updated further in January 2026.

The latest figures published in January 2026 shows that between the 31 October 2022 and the 30 October 2025, South Holland District Council received 34 applicants for entry onto its register. "In response to this demand, SHDC has granted permission for 50 dwellings that comprise 34 self and custom build dwellings supported by a unilateral undertaking or a biodiversity net gain exemption plus 16 others where the applicant evidence on planning applications, condition discharge, modifications and Building Regulation applications indicate a person rather than a building company during this period".

SHDC has therefore, met and exceeded the requirements of the legislation by having granted sufficient Self and Custom Build permissions to meet the registered demand. Therefore, SHDC has currently fulfilled its requirements, in meeting the registered demand for the preceding three years.

However, it is acknowledged that demand has substantially increased in recent years, primarily due to the exemption for Self and Custom Build Developments from Biodiversity Net Gain requirements. There is, therefore, a requirement to demonstrate an equivalent increase in the number of Self and Custom Build permissions granted. SHDC has three years in order to grant enough permissions to meet this demand in order to comply with this duty, which it is presently achieving.

Whilst the requirement for providing Self and Custom Build housing is acknowledged, such developments must be in accordance with the policies set out within the SELLP as a whole. The requirement to provide Self and Custom Build development does not attract such overriding weight, that is should outweigh the fundamental spatial planning policies within the SELLP which directs suitable locations for residential development through its spatial strategies.

Whilst the SELLP does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17 provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the SELLP states:

"Within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met."

Policy 17 expands upon this briefly, outlining that the "Local Plan will also seek to meet the housing needs of custom and self-builders as they may come forward." Paragraph 5.9.4 of the reasoned justification for this policy reiterates that "opportunities for infill development within Settlement Boundaries can also meet the known interest registered by self and custom house builders".

In other words, proposals for self-build dwellings should be consistent with the Development Plan as a whole and appropriately located within settlement boundaries.

This approach has been confirmed within Appeals APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted. No such justification or search for sites has been presented to SHDC at this time.

SHDC is supportive of Self and Custom Build housing, and will continue to meet the required number of granted planning approvals to comply with the Self and Custom Housebuilding Act 2015. Furthermore, SHDC does consider that weight should be afforded to Self or Custom Build proposals in line with National requirements. SHDC will not however, support Self and Custom Build housing where it fundamentally conflicts with the Locational Strategy or other policies within the SELLP.

Whilst South Holland District Council will need to grant sufficient suitable developments in order to meet the uplift in Self and Custom Build demand, it has three years in which to do so. As such there is no compelling need at this time to grant Self or Custom build developments which would otherwise conflict with the SELLP. The requirement to meet demand for Self and Custom Build housing does not overcome the current planning applications fundamental policy conflict with the

SELLP, and therefore the proposal is not considered to be acceptable in principle.

As SHDC has currently exceeded its requirements in relation to Self and Custom Build, the weight afforded to this in the determination of this current planning application alone is insufficient to warrant a departure from the SELLP in this instance. Whilst weight is rightly afforded to the Self and Custom Build nature of the proposal, in light of the above, it is considered that only limited weight should be attached to this matter in the determination of this planning application owing to the proposals lack of compliance with the SELLP.

Furthermore, it is considered that the limited benefits of one single Self and Custom Build dwelling in this specific location (particularly given SHDC is able to demonstrate it is meeting the requirements of the Self and Custom Housebuilding Act 2015) is not considered to overcome the fundamental policy conflict, and does not attract sufficient weight to outweigh the proposals clear lack of compliance with the Development Plan in the planning balance, or justify a departure from the Spatial Strategies of the SELLP'.

Proposed Change of Use and Re-Positioning of Building

The re-positioned building is referred to as a 'storage building' within the submitted plans; however, it is noted that the existing building within the site was originally granted consent as an agricultural building on 25 July 2016 under permission H09-0548-16. According to the officer's report for the application, the building was required to be used as a feed store and as a sheep shelter. Condition 3 of the permission restricts the use of the building for agricultural purposes. Within the latest permission that was granted within the site (permission H09-1169-19) the building is also labelled as 'Existing Sheep Food & Straw Stores'. The site plan that was approved under permission H09-1169-19 also clarified that the middle section of the site was proposed to be retained for sheep grazing and the eastern portion of the site was proposed as a dog exercise area to be used in conjunction with the kennel business.

Therefore, it is unclear whether the site remains partially within agricultural use or if a change of use of the land is proposed under the current proposals. It is also unclear if the use of the re-positioned building is proposed for storage purposes or as an agricultural building.

There appears to be three existing buildings located to the south of Duntreath. It is unclear what these buildings are used for or when they were constructed. None of the previous planning applications within the site appear to show these buildings within the submitted plans. Under the current proposals, it appears that two of these buildings are proposed to be demolished and the storage building is proposed to be located where they are currently located. The demolition of these buildings is not referred to within the submission.

Notwithstanding the lack of clarity within the submission, the principle of moving an existing building to an alternative location within the same site is considered likely to be acceptable, provided the building remains in the same use as its previous use, or remains necessary to the location. The acceptability of the re-positioning is also dependent on the visual impact of the change which is considered later within this assessment.

The planning statement sets out that the new dwelling is proposed partly because the existing dwelling is "old and requires extensive renovation for it to be suitable and more energy efficient". The statement goes on to set out that the dwelling is "too small for the family and will be used for a much-needed asset of the dog-breeding business". Limited information has been provided to demonstrate how the building is unsuitable such as survey information, an energy efficiency rating or photographs of the building. The existing dwelling contains 3 bedrooms and there is potentially scope to convert rooms downstairs to bedrooms or add an extension to the dwelling.

The existing kennel building contains 20 kennels, and the site is restricted to keeping no more than 25 adult dogs on site at any time. It is considered that the existing kennel building is significant and during the determination of the previously referenced applications for the kennel business, the proposed facilities were deemed sufficient to meet the needs for the keeping of 25 dogs. It is unclear why additional space is required within the existing dwelling and limited information has been provided to justify the proposed change of use of the entire existing dwelling to be used for the kennel business.

Assessment against the Requirements of Policy 1

As set out previously, Policy 1 is considered to be relevant in this case as it is necessary to consider:

-If the proposals are necessary for the location; and / or
-Whether the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits that would arise.

Based on the previously referenced considerations, it is considered that insufficient information has been provided to clearly demonstrate that the proposals are necessary for the location. There is an existing dwelling within the site, and it has not been demonstrated that this dwelling is unsuitable for continuing residential use. Similarly, limited information has been provided to demonstrate that the proposed change of use of the existing dwelling to be used as part of the kennel business is necessary.

The potential benefits of the proposals are considered below:

-*Economic*: In economic terms, the construction of a dwelling could provide some short terms benefits in terms of employment for construction workers. Such benefits are limited and, in addition, are not benefits beyond those that could be attributed to development within more sustainable and appropriate locations. It is not considered that re-positioning the existing building within the site would offer any notable economic benefits. The proposed change of use of part of the dwelling to support the dog breeding / kennels business could provide some benefits in terms of supporting the existing business within the site; however, as set out previously the necessity of the change of use has not been clearly demonstrated. The proposal would not result in an increase in employment; however, the proposal could help sustain the existing employment that is provided from the site which includes the applicants and an additional member of staff. It is unclear if this staff members works full time or part time as limited details have been provided. The planning statement sets out that the change of use of the dwelling would allow for visitors to stay within the site rather than using local B&Bs or hotels. This could negatively impact local businesses by reducing potential income elsewhere. Other economic benefits are not considered to be present given the site's rural and unsustainable location.

-*Community*: In community terms, the proposal is essentially for a replacement dwelling and as such the proposal would not provide a contribution to the district's housing supply. The proposal does not offer any notable community benefits and none have been identified within the submitted planning statement.

-*Environmental*: In environmental terms, the proposal would not provide a net gain in biodiversity as the applicant considers that the proposal would be exempt as the dwelling is for a self-build dwelling. Beyond this, the development of a residential dwelling on otherwise undeveloped land, has an evident detrimental environmental impact.

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

In terms of the proposed self-build dwelling, the proposal does not highlight any benefits that would not otherwise be attributed or equally achieved by the large majority of other residential schemes of a similar nature, within a settlement boundary and therefore, in accordance with the aims of the spatial strategy.

The site is within the countryside in planning policy terms and the proposal would result in unsustainable development, having regard to its countryside location. Significant harm would be caused as a result, as conflict would arise with Policies 1 and 11 of the Local Plan, which seek to direct housing development in accordance with the settlement hierarchy, concentrating on the most sustainable settlements to enable access to everyday facilities and services. Therefore, the principle of development is not considered to be acceptable in this instance.

Design, Layout and Impact on the Character and Appearance of the Area

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development

proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, 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.

In terms of the existing dwelling, no extensions are proposed, and the external changes that are proposed to the building would be relatively minimal. For example, it appears that the garage doors are proposed to be replaced with a glazed screen. Due to the tall boundary treatments around the site, the glazed screens would not be visible from the street scene and even if they were visible, it is considered that the visual impact of this change would be acceptable as it would not have a significant impact on the character or appearance of the building.

As set out previously, it is proposed to demolish two buildings within the site and to re-locate the existing 'storage' building approximately where these existing buildings are located. Therefore, the building would be located closer to the road frontage. The building would still be approximately 28m from the site frontage along Cackle Hill Lane and as set out previously, the boundary treatments around the site currently provide a significant degree of screening. The building would be located to the south of the dwelling and the building would not be located further forward than the building line of the dwelling. Overall, it is considered that the revised siting of the building would be acceptable in visual terms.

The proposed self-build dwelling would be located to the east of the existing dwelling and the proposed re-positioned storage building. There is an existing tree belt around the site perimeter which provides a significant degree of screening; however, the trees are not protected by a Tree Preservation Order and as such, the trees could be removed without planning permission. Therefore, it is necessary to consider the proposals as if the trees would be retained and also as if the trees might be removed at some point.

The proposed dwelling would measure 23m in length and 9m in width. The dwelling is proposed to feature a single-storey lean-to structure on the northern elevation that measures approximately 20m in length and 3m in width.

The dwelling is proposed to feature a gable end roof form that measures 9.4m in height up to its ridgeline and 6m in height up to its eaves. The lean-to structure would measure 4.3m in height.

The existing dwelling is smaller in terms of its overall scale. As a comparison, the ridgeline height of the existing dwelling is 7.6m. The two-storey part of the dwelling measures approximately 9m by 6m. There is a single storey side and rear extension that projects approximately 9m from the side elevation of the main part of the dwelling, and 4m from the rear elevation.

In terms of the external materials, the proposed new dwelling would feature coursed stonework on its lower walling, and dark grey vertical raised seam cladding on its upper walling. The roof is proposed to feature dark grey raised seam cladding.

As set out previously, there is a mature tree belt around the site which would provide a degree of screening. The tree belt might be removed at some point and as such, it is necessary to consider the visual impact of the proposals without the tree belt. The height of the trees is unconfirmed, and the trees are not even indicated within the submitted site plan. Therefore, it is difficult to fully assess the visual impact of the proposals. Given that the dwelling is proposed to measure 9.4m in height, it is considered likely that this would be visible above the tree line.

Notwithstanding the screening around the site, the proposal would nonetheless represent an encroachment into the countryside. Beyond the tree belt around the site there is relatively flat and open agricultural land and beyond this, development is sporadic. The site plan does not indicate the proposed garden land for the new dwelling and as such this is unclear. If the entire site is proposed to be used as garden land, then this would likely result in an increase urbanisation of the site.

The proposed dwelling is considered to be relatively large and out of keeping with the character of the area. For example, the length of the dwelling is considered to be excessive and unjustified. The proposed external materials would add to the incongruous nature of the building given that most nearby buildings feature either red brickwork or render.

Although the site is relatively well screened currently, as set out previously the visual impact of the proposals needs to be considered on the basis of both the trees being retained and potentially being removed at some point in the future.

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

Impact on 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.

It is considered that there would be sufficient internal living space within the proposed self-build dwelling. It is unclear if any external amenity space is proposed as the submitted site plan does not indicate any garden land around the proposed dwelling. Notwithstanding this, it is considered that there could be sufficient room for garden land.

The proposed dwelling would not result in an unacceptable degree of overlooking or overbearing with any other dwellings given the separation distances between the site and the nearest dwellings. Furthermore, there is a mature tree belt around the site that provides screening.

The proposed dwelling would be located closer to the kennel building than the existing dwelling. For example, there would be approximately 18m between the dwelling and the kennels. This could result in a worse impact on the amenity of future occupants compared to the location of the existing dwelling as there will inevitably be some noise and disturbance from the kennel block. Notwithstanding this, the council's environmental protection team have not raised any concerns in terms of noise disturbance in this instance and as such, the impact is not considered to be so adverse as to warrant mitigation.

Therefore, the proposed development would result in an acceptable impact on the residential amenity of any nearby dwellings and future occupants. As such, in amenity terms, the proposal accords with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan, which amongst other things, seek to ensure that proposals result in a suitable standard of amenity for residents. This matter is afforded neutral weight in the planning balance, as a pre-requisite of all development proposals, and is not afforded weight as a benefit of the scheme.

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

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

The existing vehicular access from Cackle Hill Lane is proposed to be retained for the proposals. Parking spaces are not indicated on the site plan. The site plan suggests that a driveway area is proposed around the new dwelling as the site plan refers to 'new access gates'; however, no detail has been provided for the driveway area as the submitted site plan does not indicate surfacing details. Furthermore, it is unclear where parking spaces are proposed for the proposed dwelling and visitors and staff members for the proposed business. Notwithstanding this, Lincolnshire County Council's Highways Team have not raised concerns with the proposals, nor have they recommended any planning conditions.

Therefore, the proposal would have an acceptable impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF. This matter is afforded neutral weight in the planning balance, as a pre-requisite of all development proposals, and is not afforded weight as a benefit of the scheme.

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 within Flood Zone 3, 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, the proposal needs to pass the sequential and exception tests in accordance with Section 14 of the NPPF.

The application is accompanied by a Flood Risk Assessment (FRA), within which section 3.3 sets out 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 South East Lincolnshire Strategic Flood Risk Assessment (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."*

As the site is located within the countryside, a district-wide search is required; however, the submitted FRA does not contain a site search exercise and the FRA only sets out the following:

"The SFRA states that it is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the present day 1% fluvial and 0.5% tidal event. The site therefore has a low probability of flooding and is considered to pass the Sequential Test."

The proposal seeks to replace the existing dwelling within the site with the proposed new self-build dwelling as the planning statement sets out that the dwelling is proposed to be occupied by the operators of the kennel business within the site. As such, Paragraph 8.3.5 of the SFRA is considered to be relevant as this relates to the application of the sequential test in terms of replacement dwellings:

"Replacement dwellings: Where an individual proposes to redevelop their property in an existing flood risk area the consideration of alternative sites is not likely to be a realistic option. In such instances, the Sequential Test should include a statement as to why there is no alternative available to them to develop. This simple statement will satisfy the Sequential Test provided that they:
1) Do not increase the number of bedrooms; and
2) Do not increase the number of dwellings in an area of flood risk (i.e. through the replacement of a single dwelling with an apartment block); and
3) Do not significantly increase the floor area of the building (i.e. beyond 40% of the original)."

In terms of the above referenced considerations, the existing dwelling features 3 bedrooms whereas the proposed dwelling features 4 bedrooms. Furthermore, the existing dwelling features approximately 197sqm of floorspace whereas the proposed dwelling features 366sqm. Evidently, this exceeds 40% and as such, the proposals do not accord with parts 1 or 3 of the paragraph.

As such, it is considered that insufficient information has been provided to demonstrate that the sequential test is passed. As the development has not passed the sequential test, it is not necessary to apply the exception test. Furthermore, as the proposal has not passed the sequential test, the proposal is contrary to Policy 4 of the Local Plan and Paragraphs 173 and 174 of the NPPF.

The 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 within a 'Danger to Some' hazard area. The FRA recommends that the finished floor level of the dwelling is not less than 0.5m above surrounding ground level with 0.3m of flood resilient construction above finished floor level. It is considered that these measures accord with the recommendations within the SFRA.

In terms of the surface water strategy for the development, the application form indicates that the proposal would seek to use a soakaway as a means of managing surface water runoff from the site. Soakaways are a sustainable means of drainage management and as such, this is supported in principle; however, further details would need to be secured via a planning condition to ensure that soakaways are feasible within the site.

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.

As the proposal is for a self-build dwelling, the applicant considers that the proposal is exempt from BNG. It is considered that the proposal could be considered as a self-build dwelling. The LPA requires applicants to prepare a unilateral undertaken agreement to ensure that proposals are built and retained as self-build dwellings in order to meet the requirements of the exemption. The application has not been accompanied by a unilateral undertaken agreement; however, the planning statement appears to indicate that the applicant is willing to agree to such an agreement.

The LPA's ecology officer has requested additional information to help with their assessment as to whether there might be protected species within the site. No additional information has been provided during the determination of the application. Notwithstanding this, the proposed dwelling would be located approximately where an existing building is located within the site. As such, this should minimise disturbance to potential habitat such as grassland. No information has been provided regarding the existing building though and it is unclear if there might be protected species within the building such as bats.

The ecology officer has also recommended that an integrated nest brick and an integrated bat box should be provided within the development to provide habitat in accordance with Policy 28 of the Local Plan. These measures could also be secured via a planning condition.

Contamination

Policy 30 of the Local Plan requires proposal not to be permitted if they would result in an unacceptable adverse impact upon the health and safety of the public or on land quality.

The application is not accompanied by any contamination assessment information. Notwithstanding this, the council's environmental protection team have not requested a contamination screening assessment form or any contamination assessment conditions.

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 development would result in the provision of housing within the countryside, within the least sustainable location for development within the area's settlement hierarchy, as identified by Policy 1 of the Local Plan. The 'tilted balance' in favour of sustainable development is not engaged at the present time, as the LPA can demonstrate a 5 year housing land supply.

The proposals would conflict with Policy 22 of the Local Plan which allows for appropriate replacement dwellings in the countryside. In this case, the new dwelling would conflict with parts 1, 4, 5 and 6 of the policy.

It has not been clearly demonstrated that the proposed new dwelling and the proposed change of use of the existing dwelling is necessary. The limited benefits that would be provided by the proposals do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location. As such, the proposals conflict with Policy 1 of the Local Plan.

It is considered that the development would harm the character and appearance of the site through the urbanisation of the open countryside, thereby conflicting with Policies 2 and 3 of the Local Plan.

Furthermore, the proposal has not passed the sequential test as required by Policy 4 of the Local

Plan and Section 14 of the NPPF.

There are significant 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 1, 2, 3 and 4 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.