

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0480-26 **Applicant:** Mr Root
Proposal: Proposed change of use from agricultural land to domestic garden
Location: Adj Mill View Penny Hill Road Holbeach
Terminal Date: 12th August 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
30	Pollution

National Guidance**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

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	0	2

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the change of use from agricultural land to a domestic garden.

Initially, the description of development referred to a "domestic garden and paddock land" and the initial site plan indicated that the northern portion of the site was proposed to be used as paddock land, whereas the southern portion was proposed to be used as a domestic garden. This was queried with the applicant's agent as typically paddock land relates to the grazing of animals and as such, it was unclear how the land was intended to be used. The applicant's agent clarified that the land was not proposed to be used for keeping animals and was only referred to as a paddock as the applicants might not maintain a lawn on this part of the site. Instead, the applicants might retain the land as a natural area that is mowed less frequently (once or twice per year).

Based on these discussions, it was agreed with the applicant's agent to revise the description and the site plan to refer only to a domestic garden rather than paddock land as it was considered that this more accurately reflected the proposed use.

Site Description

The application site comprises an agricultural building that features brickwork facades and land around the building. The site is located to the east of Penny Hill Road which is to the north of Holbeach. There are two dwellings to the south of the site and three dwellings to the north. The site is otherwise mostly surrounded by agricultural land; however, there are other dwellings located further to the south and north.

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 (March 2019) and the accompanying policies map.

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

Relevant Planning History

H09-1185-25: (Prior Approval) Proposed change of use of agricultural building to dwelling - approved 23 January 2026

H09-0479-26: (Discharge of Conditions) Details of external materials of construction of buildings & hard surfaced areas (Condition 4 of H09-1185-25) - approved 25 June 2026

Consultation Responses

The responses received from consultees during the consultation period are summarised below; however, the responses can be viewed in their entirety on South Holland District Council's website.

Environment Agency:

No comments.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant's proposals do not indicate an increase in impermeable area and will not require the disposal of surface water, therefore Byelaw 3 (surface water) does not apply.

Byelaw 3 (Treated Foul Water): The applicant's proposals will not require the disposal of foul water, therefore Byelaw 3 (treated foul water) does not apply.

Section 23, Land Drainage Act 1991: Although not immediately adjacent to the site boundary, we note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) to the west of the site, adjacent to Penny Hill Road. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the 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.

Lincolnshire County Council - Highways and SUDS:

The proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

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. It is not necessary to consult us on this application again, unless there are material changes to the proposals.

Ecology Officer:

Having reviewed this application I believe there are no significant ecological concerns and therefore have no objections to the planning proposals.

Environmental Protection: No comments.

Holbeach Parish Council: No response received.

CLLr C N Worth: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no representations have been received from members of the public.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside

adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Impact on the Character and Appearance of the Area;
- Impact on Residential Amenity;
- 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.

In this case, the site is within the countryside in planning policy terms. Policy 1 states that development in the countryside will be permitted that is necessary to such a location / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of its economic, community or environmental benefits.

The proposal seeks to change the use of the land from agricultural land to a paddock and garden land. As the proposal is partly for a change of use to domestic use, the proposal does not strictly accord with the requirements of Policy 1 of the Local Plan when viewed in principle. For example, the proposal is not a necessity for a countryside location nor is it considered that the proposals would deliver any particular economic, community or environmental benefits other than personal benefits to the applicant. As such, a proposal for a change of use of land to domestic land, when within a countryside location, would not typically be supported in principle.

As such, whilst proposal of this nature, seeking to domesticate land within a countryside location, would typically be resisted, it is necessary to consider the site-specific context and the overall impact of the proposals. For example, prior approval has been granted to convert the agricultural building within the site into a dwelling on 23 January 2026 under application H09-1185-25. As part of this approval, the curtilage of the converted building can be as large as the building itself. Therefore, part of the land around the building will likely be used as garden land if the prior approval is implemented and completed.

The eastern boundary of the proposed garden would continue the existing garden line of Mill View which is located to the south of the site. The eastern boundary of the proposed garden would also connect to the existing residential boundary of Holmewood, which is the nearest dwelling to the north. The plot of Holmewood extends further to the north-east than the current application site and there is another dwelling located further to the north-east of the site (Northview). As such, the proposed garden would be located between existing parcels of development. It is considered that this reduces the impact of the proposals on the openness of the countryside as the garden would represent an infill form of development between two dwellings.

Furthermore, it is considered that the loss of agricultural land in this case would not be significant given the size of the parcel of land.

Policies 2 and 3 of the Local Plan require development proposals to consider the relationship to existing development and land uses as well as the landscape character of the location. It is

considered that the proposed change of use would not cause material harm to the character and appearance of the area. The boundary of the proposed plot would align appropriately with the residential boundaries to the north and south of the site, creating a defining line with the neighbouring agricultural land. Therefore, it is considered that the proposals represent a proportionate and logical limit to the domestic garden.

Therefore, whilst the proposal does not strictly accord with Policy 1, it is not considered that the proposals would have a significant detrimental impact on the countryside in this instance. As such, in this case the principle of development is considered to be acceptable as the increase in garden is considered to be proportionate to the host dwelling.

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 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.

There is a relatively dense hedgerow along the site frontage which provides significant screening of the site from the west along Penny Hill Road. The site is partially visible from Washway Road which is located to the east of the site. The nearest viewpoint on Washway Road is approximately 70m from the eastern edge of the site and there are tree and shrubs on Washway Road that soften views of the site.

There is an existing fence near the northern boundary that is proposed to be retained. A 1.2m high post and rail fence is proposed on the eastern boundary alongside a hedgerow. It is considered that this represents an appropriate boundary treatment for the area as the fencing would be relatively low and rural in character.

Some tree planting is proposed within the site which is encouraged by Policy 30 of the Local Plan and within the NPPF. A planning condition could be included to secure the implementation of the proposed planting within the site.

The existing driveway is proposed to be retained. Near the site entrance, a 1.5m high brick wall is proposed with 1.8m high brick piers and a timber gate. The wall is proposed to be constructed using brickwork that would match the building within the site. Whilst the brick wall would contribute towards the domestication of the site and reduction in the existing rural character, the site has consent for a barn conversion to provide a dwelling and as such, the character of the site is expected to change to a degree if this approval is implemented.

No buildings are proposed within the site; however, it would be considered appropriate to include a condition restricting permitted development rights for additional outbuildings due to the proposed increase in the garden land around the site. A condition restricting the means of enclosure such as boundary treatments would also be considered appropriate. Such conditions would help the LPA retain control over any future development within the site.

Therefore, it is considered that the proposed increase to potential garden area of the building within the site would be proportionate and suitable in this case. It is also considered that the proposed change of use of the land would have an acceptable impact on the character and appearance of the area. As such, the proposals accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Residential Amenity

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; 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.

The proposed use of the site as a garden is unlikely to result in significant levels of noise or an increase in the comings and goings to the site. It is considered that the proposed development would have an acceptable impact on the amenity of the nearest dwellings to the south and north of the site.

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.

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

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

Paragraph 176 of the NPPF sets out that some minor development and changes of use should not be subject to the sequential or exception tests. As the proposal is for a change of use of the land, the development is not required to pass the sequential or exception tests.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. In this case, the site is within a low hazard rating area and as the proposal is for a change of use, the SFRA does not require any specific mitigation in this case.

Furthermore, no additional buildings or hardstanding areas are proposed as part of the application and as such, there would not be an increase in the impermeable area within the site.

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

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.

The council's ecology officer has set out that they have no significant ecological concerns with the proposals and it is considered that the proposal falls under the de minimis exemption. For example, no buildings are proposed and as set out previously a planning condition could be included to restrict permitted development rights for outbuildings in future.

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 does not strictly accord with the requirements of Policy 1 of the Local Plan when viewed in principle. Notwithstanding this, it is considered that the change of use of the land would have an acceptable impact on the character and appearance of the area as the proposals represents an infill development between existing parcels of land. The existing hedgerow next to the site and the development to the north and south of the site provide a degree of screening and a sense of containment around the site. Planning conditions can be included to restrict further development of the site such as further outbuildings to avoid a sense of overdevelopment. As such, and on balance, it is considered that the planning balance is in favour of the proposals.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary

to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3 and 4 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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