

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0520-26 **Applicant:** L J Edwards

Proposal: Demolition of Existing Flat Roof Extension & Garage & Erection of Self-Build Detached Dwelling

Location: Land Adjacent To 190 Hall Gate Holbeach Spalding

Terminal Date: 30th September 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 2 - Plan-making policies (PM1 - 17)
Section 3 - Decision-making policies (DM1 - 10)
Section 4 - Achieving sustainable development (S1 - S6)
Section 6 - Delivering a sufficient supply of homes (HO1 - 13)
Section 12 - Making effective use of land (L1 - 3)
Section 14 - Achieving well-designed places (DP1 - 4)
Section 15 - Promoting sustainable transport (TR1 - 8)
Section 17 - Pollution, public protection and security (P1 - 6)
Section 18 - Managing flood risk and coastal change (F1 - 9)
Section 19 - Conserving and enhancing the natural environment (N1 - 9)

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	2

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission with all matters reserved for the erection of a detached self-build dwelling following the demolition of a flat roof extension and a detached garage.

Site Description

The site comprises land at 190 Hall Gate which is located on the corner of Wignals Gate and Hall Gate. The site currently features a flat roof extension which is attached to a detached dwelling (190 Hall Gate). There is also a detached garage within the site and garden land. There is an existing vehicular access and a driveway area within the southern portion of the site.

The site is located within the settlement boundary of Holbeach, as identified within the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

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

Relevant Planning History

H09-0804-93: (Full Application) Erection of single garage - approved 29 September 1993

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below; however, the responses can be viewed in their entirety on the South Holland website.

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. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach. Highway Informatives 03 and 08 are recommended.

Ecology Officer:

We have no significant concerns regarding the ecological impacts of this proposal. We recommend that the applicant remains ecologically mindful, and that all works cease if there is any risk of

impacting nesting birds or protected species, with advice sought from a suitably qualified ecologist. We also recommend the inclusion of ecological enhancements on site, such as bird and/or bat boxes, either integrated into the building fabric or installed as wall-, pole-, or tree-mounted features.

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.

Environmental Protection: No comments regarding land contamination.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration, however we 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 2l/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): We note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991: Although not immediately adjacent to the site boundary, a Board arterial watercourse (DRN197P3703 - F37 Holbeach New River) is located to the south of the site. This watercourse runs parallel to the southern side of Hall Gate. Whilst not currently proposed, should the applicant's proposals change to include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). We are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board arterial watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Holbeach Parish Council: No response received.

CLlr S E Hutchinson: No response received.

CLlr T Carter: 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 letters of representation have been received.

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, August 2026 (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;
- Highway Safety and Parking;
- Flood Risk and Drainage; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

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

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

The site is within the settlement boundary of Holbeach which is a Main Service Centre. Policy 1 sets out that within this type of settlement, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. As the proposal is for a minor residential development, the scale of the development is acceptable in principle.

Whilst the principle of development is acceptable, it is also necessary to assess the proposed development against other relevant material considerations, as assessed below.

Impact on the Character and Appearance of the Area

Policy DP3 (Key principles for well-designed places) of the NPPF states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The site comprises a corner plot located next to Wignals Gate and Hall Gate. Hall Gate is located to the south of the site and the street scene along varies, featuring a mixture of detached and semi-

detached dwellings of various sizes. Notwithstanding this, the nearest dwellings on Hall Gate are generally set back from the road frontage at similar distances.

Wignals Gate is to the west and north-west of the site and although there is also a mixture of dwelling types along the road, the nearest dwellings comprise single storey bungalows.

The site currently forms part of 190 Hall Gate which includes a detached two-storey dwelling that features a hipped roof form. The dwelling also features a relatively large flat roofed side extension that is proposed to be demolished to make way for the proposed dwelling. A detached garage is also proposed to be demolished.

As the site comprises a corner plot, any development of the site would be relatively prominent within the area as the site is visible from both Wignals Gate and Hall Gate. The application is in outline form only with all matters reserved and as such, at this stage the proposed layout, appearance, scale and landscaping of the development is unconfirmed. Notwithstanding this, the application is accompanied by an indicative site layout plan and indicative floor plans and elevations to show how a dwelling could potentially be accommodated within the site. The indicative plans show a two-storey detached dwelling with a hipped roof form. The indicative layout shows the dwelling set back slightly further from the road frontage than 190 Hall Gate. Although an indicative street scene plan has not been submitted, it appears that the proposed dwelling could be of a similar scale as the host dwelling.

Furthermore, although the proposal would result in the subdivision of the existing plot, the proposed plot size of the dwelling and the remaining plot of 190 Hall Gate would be suitably sized in terms of the general character of the area. Therefore, it is considered that the site has the capability to accommodate a suitably designed dwelling.

Although the application is in outline form only, it is considered that the site has the capacity to accommodate a suitably designed dwelling.

Impact on Residential Amenity

Policy P3 (Living conditions and pollution) of the NPPF sets out that development should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution. The policy also sets out that proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.

Policies 2 and 3 of the 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 indicative floor plans show that a dwelling could be accommodated within the site that provides sufficient internal living space.

The proposal would result in the subdivision of plot 190 Hall Gate, leading to a reduction in garden space for the existing dwelling within the plot. This has been taken into account; however, it is considered that the remaining garden space would be sufficient for the occupants of 190 Hall Gate. Furthermore, based on the size of the application site, it is considered that there is scope to include sufficient garden space.

There are no dwellings immediately to the south or to the west of the site as the site adjoins two roads; however, the nearest dwellings to the site include 190 Hall Gate to the east and 37 Wignals Gate to the north. Based on the indicative layout, it is considered that there is scope to include a dwelling within the site without resulting in an unacceptable degree of overshadowing or overlooking of neighbouring dwellings. This is due to the size of the plot and the likely positioning of the dwelling within the site. This is also provided that the positioning of windows within the dwelling is carefully considered as part of any future reserved matters application. For example, the proposed dwelling would be relatively close to 190 Hall Gate; however, it is unlikely that habitable room windows would face directly towards 190 Hall Gate.

37 Wignals Gate is located to the north of the site and this dwelling features a southern side elevation that is the nearest elevation to the site. This elevation appears to feature side elevation windows based on a site visit that has been undertaken and a review of approved plans from

application H09-0522-07. 37 Wignals Gate is a single storey dwelling and there is currently a close boarded fence that separates the properties and provides a degree of screening. Due to the likely positioning of the dwelling within the site, the likely separation distances and the existing boundary treatments, it is considered that there could be an acceptable relationship between the properties.

Although the application is in outline form only, it is considered that the site has the capacity to accommodate a dwelling that results in an acceptable impact on the residential amenity of future occupants and neighbouring dwellings.

Highway Safety and Parking

Policy TR6 (Assessing transport impacts) of the NPPF sets out that development proposals should only be refused on highways grounds if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement.

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 sets out 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.

It is considered that there could be sufficient room within the site for parking and turning within the site. Lincolnshire County Council's highways team have not set out any objections to the proposals. Further details of the proposed access and parking arrangements would need be provided as part of any subsequent reserved matters application.

Therefore, the proposed development would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3 and 36 of the Local Plan, as well as Section 15 of the NPPF.

Flood Risk and Drainage

Section 18 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 F of the NPPF. Therefore, the proposal needs to pass the sequential and exception tests in accordance with Section 18 of the NPPF.

The application is accompanied by a Flood Risk Assessment (FRA), within which there is a section which 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 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."

Therefore, a settlement-wide search of Holbeach would typically be required; however, the submitted FRA does not contain a site search exercise despite there being some areas within Holbeach within lower risk flood zones. The FRA only sets out the following:

"As can be seen from the map on page 2 of this report all of the area on the south west side of Holbeach is in Flood Zone 3. Therefore it would be difficult to find a similar available site for the development in Holbeach that is in a lower flood risk zone."

Notwithstanding this, it is recognised that only a small area of Holbeach is within Flood Zone 1. Furthermore, in this case the application site is not within a hazard area as identified within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). Areas that are not within hazard areas can be regarded as sequentially preferable given how much of the district is within higher risk hazard areas and Flood Zones 2 and 3. As such, in this case it is considered that the sequential test is passed.

In terms of the exceptions test, Policy F6 (Development in areas at risk from flooding from rivers or the sea) of the NPPF sets out that the exception test involves demonstrating that the development would meet all the following criteria:

- i. Provide wider sustainability benefits to the community that outweigh the flood risk;*
- ii. Be safe for its anticipated lifetime in accordance with policy F7; and*
- iii. Not increase flood risk elsewhere and, where possible, reduce flood risk overall.*

In terms of part i, the NPPF does not specify what is considered to comprise a wider sustainability benefit; however, the NPPG provides some additional guidance including examples of such benefits. The examples include the re-use of previously developed land, an overall reduction in flood risk to the wider community through the provision of flood risk management infrastructure, and the provision of sustainable drainage systems (Paragraph 036 Reference ID: 7-036-20220825). The guidance also states the following:

"Identified sustainability benefits need to be balanced against any associated flood risks, informed by the site-specific flood risk assessment. The impacts of flood risk on social, economic and environmental factors should be considered. Where wider sustainability benefits are absent or where they are outweighed by flood risk, the Exception Test has not been satisfied and the site allocation in the plan should not be made or planning permission should be refused."

In terms of part i, the development would make a contribution to local housing supply which could benefit the community as future occupants could help sustain local services and facilities. The application form indicates that the proposed means of surface water drainage is via a soakaway which is a sustainable drainage system. It is unclear if the proposed soakaway would be feasible at this stage as the application is not accompanied by further details. Therefore, it would be appropriate to include a condition requiring further details to be provided.

In terms of part ii, the SFRA sets out at Paragraph 9.1.5 that there are a range of factors to be considered when determining whether or not a development is 'safe'. The submitted FRA recommends that the finished floor levels of the dwelling are 0.3m above the surrounding ground level. This is in line with the recommendations of the SFRA and as such, it is considered that the development accords with part ii.

Lastly, in terms of part iii, provided a suitable drainage strategy is devised for the site, it is considered that any future development would not increase flood risk elsewhere. Therefore, it is considered that the proposal passes the exception test.

It is considered that an appropriate level of flood risk mitigation is proposed, and the development would remain safe from current and future surface water flood risk for the lifetime of the development. As such, it is considered that the proposal 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 application is accompanied by a BNG exemption statement setting out that as the proposed dwelling is a self-build / custom build dwelling, the development is exempt from the requirement to provide BNG. The local authority agrees with this given that the proposal is in outline form only and that the proposed design can therefore be bespoke for the site when finalised at the reserved matters stage. As such, the development is exempt from the requirement to provide BNG. A unilateral undertaken agreement has been prepared to ensure the proposal can be secured as a self-build / custom dwelling.

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 is an appropriate form of development within a defined settlement boundary. The proposed development would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and flood risk, particularly through the inclusion of relevant planning conditions. Therefore, the proposed development accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of 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 these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 10, 11, 17, 28, 30 and 36 of the Local Plan, as well as the identified sections of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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