DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0557-25**	**Applicant:**	**Mr & Mrs K Baxter**
Proposal:	Erection of new innovative self-build dwelling and detached annexe building to provide architectural studio		
Location:	Land Off Nutts Lane Holbeach St Johns Spalding		
Terminal Date:	1st September 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
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
24	The Retail Hierarchy
27	Additional Retail Provision
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
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 place
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	1	0	0	0
WARD MEMBER	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
RESIDENTS	2	1	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Full application for the erection of a self-build, zero carbon dwelling and a detached building to be used as an architectural studio. The dwelling would be located towards the north of the site, approximately 11m from the north and eastern boundaries. To the south-west would be the business building, with the two separated by a parking area and planting. Associated infrastructure and works, such as the creation of a new access, the erection of a PV array, and landscaping are also proposed.

It is proposed that the self-build dwelling would be horseshoe shaped, with a central courtyard looking over a domestic garden to the west. The five bedroom dwelling would have a maximum width of 32.393m, with a maximum depth of 24.566m. This provides an approximate floor space of 510sqm. An array of roof pitches and heights are proposed, although none exceed 5.6m in height. The majority of the dwelling would be finished in "galvanized corrugated metal sheeting", with vertical and horizontal timber cladding accentuating sections of the north, south and west elevations. Galvanized corrugated metal roof sheeting is proposed.

The southern building, described within the application form as an "annexe", would measure 10.712m by 21.75m, giving a total floor area of approximately 230sqm. An "M" shaped roof is proposed, measuring approximately 2.7m to the eaves and 4.6m to the ridge. The materials would match the dwellinghouse. This building would be used as an architectural studio; with the plans showing desk space for 12 people, separate meeting rooms and offices. A separate parking area is proposed to the front of the building.

Site Description

The site is outside of any settlement boundaries outlined within the South East Lincolnshire Local

Plan, 2019; and therefore, is considered to be within the Countryside from a planning perspective. The site is comprised of an agricultural field, located relatively centrally along Nutts Lane. Nutts Lane is an unclassified but adopted road, located between Whaplode St Catherine and Holbeach St John (located approximately 1.15km and 0.5km away from each settlement respectively). The area is characterised by agricultural holdings, sparsely interspersed with residential dwellings. There is a clear open character to Nutts Lane, with limited intrusion by buildings and trees.

To the north of the site, approximately 11m from the edge of the proposed dwelling house beyond a row of medium sized trees, is a chalet style bungalow, Appledore. A limited number of dwellings are present beyond Appledore to the north. To the north-east is another dwelling. On all other sides, the site is bordered by agricultural fields.

Relevant History

No relevant history.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Cllr Beal

"I wish this application to be debated at a formal planning committee meeting due to the wider issues surrounding the design, employment and sustainability".

Highway and Lead Local Flood Authority

Initial comments, dated 8th July

"Lincolnshire County Council as a Highway and Lead Local Flood Authority have no objection to Amendment 1".

Further comments, dated 10th July

"The proposal is for Erection of new innovative self-build dwelling and detached annexe building to provide architectural studio which will require the formation of a new access from Nutts Lane. Suitable visibility is provided at the new access to allow drivers to judge if it is safe to complete the manoeuvre and enter the highway. Adequate provision for car parking and turning space can be provided within the limits of the site to enable vehicles to enter and leave in a forward gear. and it does not have an impact on the Public Highway or Surface Water Flood Risk.

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".

Goes on to request the following informative conditions are placed on a potential decision notice:

"Informative 03: The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

Informative 08: Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development

permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management".

South Holland Internal Drainage Board

Identify that consents from the Board would be required under Byelaw 3 of the Water Management Alliance's Development Control Byelaws (discharge of water to an Internal Drainage Board maintained drain) and Section 23 of the Land Drainage Act, 1991 (culverting an Internal Drainage Board asset).

National Grid

"Please contact NGED ref building clearance distances from the 11kv OH Line. Contact NGED wayleaves regarding your wayleave payment".

Environmental Protection

"No comments regarding land contamination".

Holbeach Parish Council

"Objection: The proposed development lies within designated local countryside and is deemed contrary to the adopted Local Plan policies, which aim to safeguard rural character and prevent inappropriate expansion beyond defined settlement boundaries".

Lincolnshire County Council Historic Places Team

Initial comments dated 14th July 2025

"Thank you for consulting us on this application. The proposed development is in an area of very high roman archaeological potential and possibly located within an infilled palaeo-river or roddon crest (the highest and driest areas in The Fens which attracted ancient settlement). This has been acknowledged by the submitted design and access statement (p. 21: 3.4.C), which states, "The area is very rich in geodiversity and archaeology, with sediments containing evidence for past environmental and climate changes and with high potential for well-preserved waterlogged site remains at the fen edge, within some of the infilled palaeo-rivers and beneath the peat. "The HER confirms the presence of significant heritage assets within and near the proposed development area: MLI22200 (Possible roman settlement), as well as MLI20412, MLI20234, and MLI22199.

Recommendation: Currently there is insufficient specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed development. Therefore, I recommend the applicant to provide the results of a full standard archaeological evaluation of the site. This is in line with the guidance set out in the NPPF 2024 (paragraphs 207 & 218).

The applicant has not adequately described the significance of any below-ground heritage assets that may be affected by the proposed development, and it is not "sufficient to understand the potential impact of the proposal on their significance (the heritage assets')" (Paragraph 207 of the National Planning Policy Framework (NPPF)). This in turn does not allow the Local Planning Authority to "identify and assess the particular significance of any heritage asset that may be affected by a proposal." (Paragraph 208 NPPF). Given the very high archaeological potential, but as yet unknown character and extent, I recommend this application to be accompanied by the results of a geophysics survey, geoarchaeology assessment and full standard archaeological trial trench evaluation in order to properly assess the site potential, inform the appropriate planning advice and design an appropriate mitigation strategy should consent be subsequently granted. The evaluation will aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which will be impacted by the proposed development as noted above.

It should also be noted that preferred mitigation strategies will include preservation in situ (avoidance of sensitive areas) where possible and open area excavation where not. It is important that this application fully considers the implications of this in its project feasibility assessment and that the results have been considered in designing the layout. The ability and flexibility for this is

only as good as the knowledge of extent, character and significance of the archaeological resource on the site. We cannot plan mitigation appropriately against unevidenced conclusions. It is also important to avoid any unnecessary planning conditions that would place an unreasonable planning burden on the scheme if significant archaeology were discovered during post-consent evaluation work. Paragraph 57 of the NPPF applies in this case. This information should be provided with the application so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 207 and 218".

Further correspondence

The Local Planning Authority have been made privy to discussions between the Applicant and LCC Historic Places Team. Within these discussions, LCC have clearly outlined that the trial trenches must be completed prior to any potential approval of this application, due to the likelihood of a significant archaeological find. LCC have said definitively that a standard suite of archaeological conditions would not be appropriate here without some form of investigation pre-decision to further assess the archaeological potential of the site.

The applicant has stated that they would be willing to proceed with an archaeological condition in the event that the application is approved; however, they would be unwilling to provide the requested information up-front.

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, two letters of representation have been received, comprising one letter of support and one of objection to the proposal.

The objection can be summarised as:

- Loss of agricultural land and the impact this would have upon food production
- Adverse impact upon biodiversity, particularly protected and priority species
- Increase in traffic along lane, leading to degradation of road and impacting upon wildlife
- Impact of entrance upon drainage dyke
- The development appears sprawling, bulky and overbearing
- Materials and design inconsistent with area
- Loss of privacy
- No benefit to community
- Nearby residents should have been consulted by the developer

The letter of support can be summarised as:

- Perfect for the area
- Net zero and appearance compliments the area

Key Planning Considerations

Evaluation

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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

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

Principle of Development - Dwellinghouse

Spatial Strategy Policy Context

Policy 1 of the SELLP 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 located outside of any of the settlement boundaries outlined within the SELLP, lying at least 500m for any settlement. 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". As such, the site should be considered to be within the Countryside from a planning policy context.

Policy 1 states 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."

Within the explanatory text of Policy 1, further discussion of what can be considered to necessitate a Countryside location can be found. This includes Gypsy, Traveller and Travelling Showpeople accommodation (see Policy 20) or development to meet the specific housing needs of a settlement (see Policy 19). Neither exception is considered relevant here.

Likewise, the reuse of buildings in the Countryside for residential use (see Policy 23) or the creation of a replacement dwelling in the Countryside (see Policy 22) can be considered to necessitate a Countryside location. Once again, neither exception is considered to be applicable here.

No justification as to why the proposal necessitates this location has been put forward. As such, from a spatial context, the proposal falls to be assessed under Policy 1 of the SELLP, without the weight in favour carried by a necessary Countryside location. Assessment against the requirements of Policy 1 is found below within the "Principle of Development - Assessment" section of this report.

Need for Housing

The NPPF outlines, within Paragraph 61, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.".

Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This paragraph outlines that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area... and are often built-out relatively quickly". Part b of Paragraph 73 states that planning authorities should "seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing". This paragraph seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The proposal is for a self-build dwelling. This matter is discussed in greater detail in the following section; however, pertinent to housing need here, 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.

Self and Custom Building Housing - Policy Context

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."

Whilst it would appear that the applicant has had a significant role in the designing of the scheme, as they are the architect submitting the proposal, confirmation of the self/custom build nature of the scheme should be secured via a relevant legal agreement in the event permission is to be granted, in accordance with the Local Planning Authority's standard procedure. It is noted that whilst the Local Planning Authority would be able to progress into such a process for an agreement, with the agreement of the applicant, a draft legal agreement has not been forthcoming as part of the application submission.

Pages 7 and 8 of the submitted Design and Access Statement outlines that South Holland are currently unable to demonstrate that sufficient self/custom build plots have been permissioned. Whilst the Local Planning Authority do not have a specific published position in this regard, and appropriate weight should be given in favour of the proposal accordingly as a self-build, the shortfall figure stated within the Statement has been calculated based upon permission obtained by a single planning agent; and therefore, is not necessarily representative of the actual figure.

The South East Lincolnshire Local Plan (2019) has a number of allocated sites, a number of which are yet to be delivered. Likewise, the district has plentiful opportunity for windfall sites within settlement boundaries; both means to which self-build projects could come forward, within sustainable locations.

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 this regard, it is clear that 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 the Council at this time.

In this vein, while weight is given in favour of proposals for self and custom builds, these proposals must be consistent with the provisions of the SELLP as a whole, and cannot be used as the sole justification for divergence from policy. The weight given in favour of proposals for self build dwellings is tempered accordingly.

Principle of Development for Dwellinghouse - Assessment

As outlined above, the site is considered to be within the Countryside from a planning policy context. 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" (Policy 1).

It has been demonstrated previously that the site does not necessitate a Countryside location, failing to meet any of the exceptions to Policy 1 outlined the SELLP. Likewise, as established, the development of a self-build dwelling is not justification for a Countryside location or a break with the principles underpinning the spatial strategy of the Local Plan. To this end, the proposal would fall to be assessed against the three sustainable development needs. Assessing the proposal against these points, the following is considered:

Economic - It is accepted, as outlined in the Design and Access Statement, that the occupants of the dwelling would work locally and support what local services are available to them. However, the economic contribution this would generate would be relatively small and generate limited weight in favour.

The assertion within the Design and Access Statement that self-builders are more likely to buy locally sourced materials may be the case, this is not a matter of fact; furthermore, equally it does not mean that the applicant will do so in this instance, and, whilst conditions could be attached to any such permission to seek appropriate materials, such provisions, to dictate that only a local material could be used, could not be suitably or reasonably conditioned. As such, only minimal weight can be attached to this point.

Employment opportunities via construction would be short lived, and cannot be said to be a meaningful long-term benefit, thereby limiting the weight attached. The proposed office building would generate some income; however, the weight attached to this point is limited, as discussed within a further section of this report. It should be noted at this time that these benefits outlined are not specific to a Countryside location, and the same gains would be generated if the proposal was located within settlement boundaries. In light of this, the weight that can be attributed to this point is significantly reduced, and the proposal does not provide an economic benefit that would be afforded as a result of the site.

Community - within the Design and Access Statement, it is argued that the provision of a dwelling to meet the Council's shortfall for self-build dwellings would represent a significant community benefit. Whilst the matter raised, that the proposal would provide a self-build dwelling in this regard, is not argued to a certain extent, the contribution made be a single dwelling would be negligible and should be considered within the wider policy context outlined in the previous section of this report, with weight attributed accordingly.

The proposal does not include a community facility or any potential for interaction with the local community. The siting of the development, within a countryside location provides residential development within a more remote location (albeit not isolated), somewhat lessens its likelihood for increased community interaction. As such, no significant community benefit is considered to have been provided here. In any event, as with the economic assessment, any gains would not be generated because the development is in the Countryside, but are merely a natural bi-product of development irrespective of location.

Environmental - the environmental benefits of the proposal are discussed at greater length within the "Impacts of Climate Change" and "Biodiversity and Ecology" sections of this report. To briefly summarise, the credentials of the proposal as a zero-carbon home are not disputed. Likewise, the fact that the wildflower meadow and habitat enhancement measures proposed would provide a biodiversity net gain (BNG) are not disputed either. However, it has not been evidenced, through the submission of a biodiversity metric, how significant these gains would be. Likewise, the proposed zero-carbon nature of the dwelling is admirable, but that does not change the fact the development will still see a negative environmental impact, at least initially, via emissions during the construction

process. Furthermore, the isolation of the dwelling creates an increase reliance on private vehicles, which would undercut the environmental credentials of the development.

In any event, the provisions of Policy 1 are such that any benefits gained should "meet the sustainable development needs of the area". It has not been demonstrated within the submission what the actual needs of the area are; and therefore, it cannot be evidenced that the needs of the area have been met. Moreover, it has not been demonstrated that the provisions proposed would be enjoyed by the wider area. A reduction in emissions as a zero-carbon home, for instance, would offer no tangible benefits to the area, merely benefiting the dwelling's owner/ occupant. Likewise, the planting proposed would be on private land, and not accessible to the public. The benefits proposed would therefore fail to meet the requirements of Policy 1 in that they do not meet the development needs of the area.

Conversely to a number of the matters raised, additional benefit could be considered likely should the development be located within a more acceptable and sustainable location.

As discussed above, the weight attributed to the self-build nature of the dwelling is proportionate. The provisions of Policies 10, 11 and 17 of the SELLP are such that the development should still be directed to within settlement boundaries in the first instance, a matter that has been regularly reinforced through recent Appeal decisions. Accordingly, the weight attributed to the self-build nature of the proposal would not be sufficient on its own to justify the principle of a residential development on this site, or warrant a departure from the aims of the spatial strategy.

It should be noted that the Council's 5 Year Housing Land Supply Assessment and the inset maps supporting the SELLP, identify a number of single plot and small sites, not identified for a particular dwelling type or sector. It would be unlikely that at least some of those sites could not be considered as being suitable for self-build housing particularly given the straightforward requirements for such sites to be considered as a serviced plot of land as defined in the Self-build and Custom Housebuilding Act 2015 and explained in the PPG. No such evidence of a search for sites within such allocations or within the broader settlement boundaries has been provided.

The proposal therefore is considered to be contrary to the provisions of Policy 1 of the SELLP. The principle of a residential development on the site is not considered acceptable.

Principle of Development - Architectural Studio

Assessment of Annexe

Throughout the submission, the applicant has referred to the building to the south of the site as an "annexe". An assessment must be made as to whether the proposed building would constitute an annexe or a separate development of a differing extent. No definition of an annexe exists within the SELLP, NPPF, or wider legislation. However, annexe is generally taken to mean an ancillary use to the host dwelling, where a clear functional link exists between the two. The two buildings would have to be functionally and visually linked, with the annexe predominantly appearing visually subservient to the host to be considered as subservient.

Proposed here is a large office building, complete with separate meeting rooms and offices for its staff. As per previous advice sought by the Local Planning Authority, it would serve as the offices for the applicant's architectural business. The submitted floor plan indicates 12 desk spaces within the main studio area, with meeting room and waiting rooms also being shown within the submitted floor plan.

Beyond this, 9 parking spaces are shown on the submitted block plan. Additionally, while the initial point of access to the site is shared with the dwelling, the office building is accessed via a separate drive, leading to this independent parking area. These matters are indicative that the building would be used for consultations with members of the public, and that members of staff would travel to and from the site regularly. There is no shortened footpath between the dwelling and the studio, as hedges and wildflowers separate the two buildings. This has created a clear separation between the two built forms.

The building would be constructed of materials to match the dwellinghouse, creating a degree of consistency. The footprint of the building would be approximately 45% of the dwelling; however, the overall footprint would still be relatively large, sitting at 230sqm.

On balance, it is considered that the proposed building would not constitute an annexe due to its scale, intensity of use and lack of relationship with the host dwelling. It should also be noted that, in light of initial concerns regarding this matter, the Local Planning Authority altered the description of development upon receipt to read "... detached annexe building to provide architectural studio", which was agreed in writing by the applicant.

The proposed business would generate more traffic and become a far more intense use than the dwelling. A structure which has more users cannot be said to be subservient. Likewise, the scale of building in its own right, whilst smaller than the dwelling, would be large enough as to function entirely separately from a host; it is too large to be truly functionally subservient; particularly when also taking account of its ultimate use and function.

The proposed use itself would not have a clear relationship with the host dwelling, which necessitates its positioning. As an architectural studio, there is no need for the owner to be near to the business for it to function properly. No clear functional link exists, through paths between the two etc. Therefore, reasonably, the studio could be entirely detached from the daily function of the dwelling house and vice versa. As such, the proposed building cannot be considered ancillary.

For these reasons, the building is not considered to represent an annexe, but instead should fall to be assessed as the creation of a business outside of settlement boundaries.

Creation of Employment Space - Policy Context

The core elements of Policy 1, outlined earlier in this report, are still relevant here, in that development should be directed towards the most sustainable locations and that development in the Countryside can only be considered acceptable by exception.

Where a proposal involves the creation of a new employment site, Policy 1 is supported by Policy 7. Policy 7 directs development of new employment opportunities to the allocated employment sites listed within this policy. Where this is not possible, Policy 7 provides the following:
"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map".

Given the existing use of the site as agricultural land, the site would not be considered 'previously developed land' in accordance with the definition contained within the NPPF.

Annex 2 of the NPPF defines previously developed land as follows:
"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape".

The site is not allocated as an employment site within Policy 7, or the accompanying inset maps. As such, the proposal would fall to be assessed under criteria a-g of Policy 7. Assessment on this basis can be found within the "Principle of Development for Employment Space - Assessment" section.

Town Centre Uses - Policy Context

It should be noted at this stage that since the publication of the SELLP, the Use Class Order has been updated. To this end, use classes A.1, A.2, A.3, A.4, and B.1 which are referred to throughout the SELLP, have been revoked and replaced by use class E. As the SELLP has not been updated to reflect these changes, proposals for class E uses should, where appropriate, be assessed against the relevant policies, even when these policies reference outdated use classes.

Policy 24, whilst referring primarily to retail uses, covers broad "town centre uses" such as retail, food and drink outlets, financial and professional services. As a class E use, the proposal could be considered as a "town centre use", and therefore, the provisions of Policy 24 are applicable here.

Policy 24 outlines a retail hierarchy, focussing on sub-regional centres, before cascading to district and local centres (as outlined in Policy 1) and finally developments outside of the retail hierarchy. As the site is within the Countryside, the proposal falls to be assessed against Part C. Part C states:

"Outside the retail hierarchy, individual local shops and small neighbourhood clusters of them within a settlement boundary, which meet the day-to-day needs of nearby residents, will be promoted. Wherever possible such new uses should be located in close proximity to each other, unless serving very local catchments e.g. corner shop. The vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Proposals for retail use outside the Primary Shopping Areas as identified on the Policies Map, or for other main town centre uses, outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the National Planning Policy Framework"

The provisions of Policy 27 Part C, as necessitated by Policy 24, must be applied here. This Policy states:

"Individual local shops, leisure uses and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents, without the need to use a car, will be protected. Proposed new shops in such circumstances, will be limited to a maximum 100 sqm (net) floor space, unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case units up to 500 sqm (net) floor space will be permitted."

Policy 27 is explicit in dividing uses between services and leisure uses and shops. The wording of Policy 27 is such that the floor space allowances refer to shops only. While the Use Class Order and General Permitted Development Order, 2015, has been altered in the interim, to enable conversions between offices and shops without the need for a formal planning application, it is not considered to be representative of the thrust of Policy to provide additional restrictions which were not intended.

To this end, whilst the floor space allowances under Policy 27 may not be applicable, the broader principle of the development of town centre uses outside of the retail hierarchy being required to demonstrate that they will meet the day to day needs of nearby residents can be applied.

Where not provided for under Policy 27, Policy 24 requires that town centre uses outside the retail hierarchy will be required to demonstrate their suitability through a sequential test in line with the Framework. Paragraph 91 of the NPPF states that a sequential approach should be considered for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 94 of the Framework sets out that for retail development outside town centres, which are not in accordance with an up to date plan, local authorities should require an impact assessment if the development would be above a proportionate and locally set threshold. Neither a sequential test nor an impact assessment has been provided.

Principle of Development for Employment Space - Assessment

It should be noted at this time that the assessment against Policies 7, 24 and 27 is supplementary to Policy 1, primarily the community and economic benefit section of said policy, and should be read in conjunction with it. To this end, the following assessment is intended to provide additional discussion and would not change the fundamental conflict with Policy 1 identified previously in this report. A fundamental conflict that relates to both the residential and employment elements described.

As outlined above, the proposal would not be located within any settlement, designated employment area, or retail centre and would not constitute the reuse of previously developed land or a conversion. The use is not considered ancillary to the host and there is no justifiable reason for the dwelling and office to be located together.

Assessing the proposal against the provisions of Policy 7 a-g, the following is considered:

a.The development would conflict with neighbouring land uses to a certain extent. The area is dominated by agricultural and domestic uses, which a commercial use would fundamentally conflict with from a character perspective.
b.The design of the building, and dwellinghouse, is assessed within the "Layout, Design, Scale and Consideration of the Character of the Area" section of this report. However, to briefly summarise, the design is considered to be inappropriate in this setting.
c.Further examination of the design can be found in the relevant section; however, it is considered that the design broadly fails to respond to the local character.
d.The proposal would not have a significant adverse effect on the local highway network.
e.The proposal would have no significant impact upon the viability of allocated employment sites.
f.The proposal fails to maximise a shift away from private cars. Within the Design and Access Statement, it is clearly outlined that private vehicles would be the primary means of accessing the site. The rural location, where no footpaths are provided, prevents it from being accessible via sustainable methods of transport. Further analysis of this can be found later in this report; however, in brief, the proposal is considered contrary to part f.
g.As discussed previously, there is no need for the business to be located adjacent to the dwellinghouse or in the countryside. The nature of the business is not one which necessitates constant interaction or watchfulness on behalf of the owner. The business has been run successfully from several sites around southern Lincolnshire and north Norfolk, with an office appearing recently within Spalding, with Spalding being the Sub-Regional Centre. While the location would be more convenient for the business owner, personal circumstances such as this carry limited weight.

As such, the proposal is considered contrary to the provisions of Policy 7.

Turning to the provisions of Policies 24 and 27, there is no tangible need for the business to be located outside of settlement boundaries. The use would not meet an identified local need, and as an architectural firm, the use cannot be said to meet day to day needs of residents as the vast majority of persons do not require the use of an architects daily. No sequential test has been provided to show that the use would necessitate a Countryside location, in line with the provisions of Policy 24.

The proposal is therefore contrary to the provisions of Policies 7, 24 and 27 of the SELLP. The use is not considered ancillary to the host and there is no justifiable reason for the dwelling and office to be located together.

Principle of Development - Summary

The proposal represents development within the open Countryside. The assertion that the offices would be an annexe is rejected by the Local Planning Authority, as the business use is not ancillary to the host.

Assessing the proposal against the relevant policies of the SELLP, whilst weight is given in favour of the proposal due to its self-build nature, there is considered to be a fundamental conflict with the development plan as a whole. The proposal is considered to be contrary to Policies 1, 7, 24 and 27 of the SELLP; and therefore, would represent an unsustainable location for development. No justification as to why the proposal necessitates such a location has been provided. The principle of development on the site is considered unacceptable.

Layout, Design, Scale and Consideration of the Character of the Area

Policy Context

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 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. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Paragraph 139 of the NPPF states the following:

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings".

South Holland do not have a local design guide, meaning that supplementary guidance on design matters is principally driven by national documents, including the National Design Guide (NDG). The NDG outlines broad principles for well designed places. The entire document is of note to this application; however, Paragraphs 41, 43, 44, 50, 51, 52, 53, 56, 57 and 75 of the NDG are highlighted here as being particularly relevant to the case at hand.

Policy 2 of the SELLP 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. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Assessment

It is asserted within the submitted design and access statement that the site is within a "perceived settlement" (see pages 23-27 of the Design and Access Statement). This is in reference to the limited number of houses and planting along Nutts Lane, which do create some impact upon the surrounding landscape. This small cluster of development would reduce the level of physical isolation of the proposed dwelling; however, it is considered that the sporadic nature of this development prevents it from being read as a settlement, either aerially or on the ground.

Settlements are characterised by a far higher density and number of buildings than is present along Nutts Lane. Instead, this cluster better reflects the isolated pockets of development which characterise agricultural housing in the 20th century, and which are present throughout South Holland. As such, the existing built form of the area is both too sparse and of the wrong form, to properly ingratiate the development proposed here and to be considered a perceived settlement. It is evident, that the Local Planning Authority wholly dispute that the application site lies within a perceived settlement.

Moreover, the parcel of land subject to this development proposal is divided from the houses to the north, by a line of planting, which provides a clear physical boundary for development along Nutts

Lane. To this end, the proposal would not necessarily seamlessly integrate into to the built form of the area and may be read to be more visually isolated than its counterparts along Nutts Lane. In this regard, it can be viewed that the site, in respect of both the policy context and physical context, comprises a rural character and does not constitute a site that is of a 'settlement' characteristic.

Paragraph 2.4.16 of the introduction to the SELLP, which broadly paraphrases the commentary found with Natural England's National Character Area Profile of the Fens, states that:
"the landscape of South East Lincolnshire has a very flat and rural character, it is shaped and dominated by agricultural and horticultural activity. This means that extensive views and large open skies are common vistas, where vertical structures draw the eye, defining man's historical and modern day influence on the area. The open and flat landscape of the area also means that it is sensitive to development."

The National Character Area for the Fens, which South Holland falls within, describes the region as "Expansive, flat, open, low-lying wetland landscape influenced by the Wash estuary, and offering extensive vistas to level horizons and huge skies throughout, provides a sense of rural remoteness and tranquillity. "

To this end, the landscape of South Holland is sensitive to intrusion beyond clearly defined areas of development, as such expansion would break from the established sense of place. As outlined above, the proposal does not immediately read as an appropriate furtherance of the built form of the area, and in any event, said built form is so sparse, as to have a reduced intrusion into the openness of the area. Due to this, and the bulk and scale of the proposal, there would be a clear intrusion into the openness of this area; in turn, conflicting with the established sense of place of the Fens. Broadly speaking therefore, irrespective of the minutiae of the design, which are discussed further below, the proposal would fundamentally conflict with the present character of the area.

The buildings themselves are inspired by agricultural buildings, as outlined in the Design and Access Statement. Page 30 of the Design and Access Statement outlines that the proposal seeks to replicate the appearance of modern barn conversions. The materials and scales for each building are listed above, with both appearing to be relatively large and both favouring corrugated metal sheeting as cladding.

It is considered that the proposed design does, to a certain extent, pay homage to an agricultural building, and in a broad context, comprises elements that would be respective of a rural area. The proposed design is clearly inspired by modern agricultural holdings, rather than directly attempting to replicate these agricultural buildings like-for-like, as the orientation, appearance and scale of the dwelling and studio are such that they would be atypical as agricultural buildings. This atypicality, emerging from a desire to pay homage to agricultural buildings rather than replicate their design, does create a degree of uncanniness in the design, in that it does not necessarily wholly reflect the sense of place or dominant design ethos. To a certain extent, this uncanniness may create a greater contrast than a design with a clearer or far less clear design inspiration.

In any event, the proposal appears to be inspired by generic industrial agricultural buildings. Such buildings, while commonplace in South Holland, are not vernacular or unique to South Holland. Industrial agricultural buildings are typical of rural landscapes throughout the country and beyond. The proposal therefore roots itself in rurality and agriculture as general concepts as opposed to a specific sense of place influenced by South Holland's vernacular. The design, taken more broadly, does not reflect, and does not appear to have been designed, as influenced specifically by the site in which it lies, but has been designed with the aforementioned design intentions.

Therefore, the proposal fails to establish itself in the landscape of South Holland, instead contributing to a sense of placeness. As such, the proposal would fail to reflect the principles of the NDG, specifically Paragraphs 41, 43, and 53, in that it is not inspired by local vernacular.

It could also be argued that, in reinforcing modern conceptions of industrialised agriculture in the design, the proposal conflicts with more positive perceptions of rurality and the countryside as a whole. To this end, the proposal, to a certain extent, reinforces a negative view of rurality and juxtaposes the traditional pastoral image of rural England, in doing so, creating a clear break in the perceived character of the rural countryside.

The submitted documents have discussed the provisions of Paragraph 139 of the NPPF at great length. Accordingly, it is considered appropriate to discuss both whether the proposal would conform to the provisions of this paragraph from a design perspective (the provisions of other

matters relevant to Paragraph 139 such as environmental sustainability are discussed in greater detail in their relevant sections) and the appropriate weight afforded to this paragraph here.

Beginning with the provisions of Part A, throughout the above assessment, it has been argued that the proposal fails to reflect the provisions of the NDG in that the submitted design does not truly reflect local vernacular, instead being a pastiche of modern agricultural buildings more generically. On this basis, the proposal would fail to accord with the provisions of Paragraphs 41, 43 and 53 of the NDG, which encourage proposals to reflect the local vernacular. Whilst not specifically mentioning the term "vernacular", Paragraph 56 of the NDG outlines that buildings should contribute to local distinctiveness, in that they should draw upon local architectural precedents, adopt typical building forms and create a positive and coherent identity. As established above, the proposal is not considered to truly reflect the typical built form of agricultural buildings or root itself in its locality. Likewise, the choice of materials is considered to fail to truly reflect "local distinctiveness", as required by Paragraph 57 of the NDG. Points on accessibility and movement are discussed at greater length within the "Highway Safety, Parking and Accessibility" section of this report; however, broadly, the proposal is considered to fail to reflect the guidance in Section 4 of the NDG on "movement" in that the site is inaccessible by sustainable methods of transport. As such, the proposal is not afforded weight under Part A of Paragraph 139.

Turning to Part B, further discussion on the innovative nature of the proposal with respect to environmental sustainability can be found in the "Impacts of Climate Change" and "Biodiversity & Ecology" sections of this report. In brief here, it should be noted that the submission is not considered to be truly innovative in either regard.

The design itself is not considered to be outstanding or innovative, and nor is it considered to raise the standard of design more generally. The design is directly inspired by several already present in the District and already well established design techniques and approaches, such as those outlined in "Your Home, Australia's Guide to Environmentally Sustainable Homes", as evidenced on Page 34 of the Design and Access Statement. The proposal would not build upon these previous designs, instead transplanting ideas into this context. Transplanting ideas into different contexts without significant adaptation or improvement cannot be said to be innovative.

As established above, the design is not considered to be of a significant quality as to raise the standard of design elsewhere or to be considered outstanding. The caveat applied to Part B is considered appropriate here, in that the design is not considered to fit in with the overall form or layout of its surroundings.

As such, the proposal is not considered to reflect the established character of the area in a meaningful way. The proposal fails to reflect government guidance on design, as outlined in the NDG. Therefore, significant weight should be applied against the proposal, in line with the provisions of Paragraph 139 of the NPPF.

Impacts Upon Resident 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.

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

A distance of 11 metres to the nearest boundary with a neighbouring property. This distance is considered to be sufficient to prevent any overshadowing impact.

A first-floor window within Appledore to the north looks directly towards the site. This window would offer views towards the site, specifically of the area surrounding the carport and kitchen. It is considered that these views would intrude upon the amenity of the potential occupants to a certain extent. However, as this elevation principally contains non-habitable functional rooms, the tangible impacts would be lessened.

Views to the south, west and east would not intrude upon residential amenity. Views to the north would be largely obscured by boundary treatments, with the exception of a first floor window being visible from the plot. As a result, there would be some reduction in privacy, with this impact being felt more acutely as their existing level of privacy is so high. Likewise, the increase in noise

generated by both uses would have a more acute impact upon the occupants of Appledore due to the dwelling's existing isolation. However, on balance, it is not considered that the proposal would result in an unacceptable amenity impact. Views gained would be at an oblique angle, so as not to be overly intrusive, and in any event, could be obscured further via increased planting. Likewise, noise disturbance may be more consistent than is currently the case; however, the level of noise generated by a single dwelling is unlikely to be so significant as to be detrimental to the amenity of occupants.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety, Parking and Accessibility

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

Paragraph 117 of the NPPF states that applications for development should "give priority first to pedestrian and cycle movements, both within the scheme, and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use". Likewise, Paragraph 109 of the NPPF states that proposals should consider transport issues at the earliest stage, including "identifying and pursuing opportunities to promote walking, cycling and public transport use". Paragraph 110 does caveat these other paragraphs somewhat, stating that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

The provisions of the SELLP and NPPF are supported by the "Movement" chapter of the NDG. Paragraph 75 states "patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport". Paragraph 79 expands upon this, stating that in "a well-designed place, all modes of transport are positively designed into the built form". The points raised in these two paragraphs are echoed throughout the NDG; however, most relevant here is the provisions of Paragraph 83 which states: "in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities, open spaces or the natural environment". To this end, development proposals should be accessible via sustainable methods of transport, and new development should not be reliant on private vehicles to be accessed.

Throughout the NDG, the idea of accessibility on foot is discussed at length, although no definition of what would be walking distance is provided. Therefore, the provisions of the Manual for Streets are used here to define suitable walking distance. Paragraph 4.4.1 defines walking distance as within 10 minutes or up to 800m.

Lincolnshire County Council's Local Transport Plan 5, a guidance document produced by Lincolnshire County Council in their role as Highway Authority, again reiterates the need for sites to be accessible and to promote the use of sustainable methods of transport. Policy GREEN4 states that the development management process should "ensure that development is planned, delivered and managed to reduce the need to travel and support the delivery of sustainable transport modes".

Policy 36 of the SELLP, 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. Ample space has been made available to meet residential parking need.

As outlined previously, the SELLP was written prior to the introduction of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which modified the 1987 Order, revoking several previous classes and replacing them with a more generic Class E use. As such, the provisions of Appendix 6 reference the former use classes under The Town and Country Planning (Use Classes) Order 1987, rather than Class E. To this end, it is considered that the most appropriate class to select from the provisions of Appendix 6 would be B1 Business. This requires 1 parking space per 30sqm. This provides a parking need of 8 spaces, when rounded up, which has been provided. Adequate parking is considered to have been provided in this instance.

Turning to the aforementioned accessibility issues. The site is in the Countryside, located a relatively significant distance to any neighbouring settlement. Along the road, there is a distance of 0.9km to Holbeach St John's far western edge, and a distance of 1.25km to the far south-east corner of Whaplode St Catherine. Both settlements are relatively small, both being classed as "other service centres" within Policy 1. Therefore, the pool of staff/customers emerging from these settlements is limited. Nutts Lane itself is a relatively narrow country road with no footpath. As such, there is limited scope for pedestrians to access the site. The distances present would exceed what is considered appropriate within the Manual for Streets, reducing the sites accessibility significantly.

Furthermore, said walk would take place entirely in the road, which, in accordance with the guidance found within the Manual for Streets, would reduce pedestrian safety and is not a recommended method of access. In any event, as both settlements are relatively small, the number of those who could reasonably access the site on foot or bike is reduced even further.

Page 38 of the Design and Access Statement highlights nearby bus stops in the area. The two nearest bus stops are served by the 6067 Tydd St Mary - Holbeach service and the S138S Tydd St Giles - Spalding service. Both services run twice a day to coincide with school opening and closing times. These limitations would mean that those wishing to access the architectural studio could not reasonably do so by bus. The hours would be preclusive for customers, who would be forced to wait approximately 8 hours between buses, and would not last a full working day, thereby preventing workers from using the bus. Furthermore, the route of the buses is towards Holbeach/ Spalding in the morning, and away from these settlements in the afternoon. Whilst it is accepted that this would potentially provide a minor benefit for the potential occupants of the dwelling, for the studio, only those who live in smalling outlying villages (such as Tydd St Giles, Tydd Gote, Tydd St Mary or Sutton St James) would be able to access the studio during working times. Again, this limits the viability of access via sustainable methods of transport. The site would be accessible by "Call Connect" buses; however, the majority of dwellings in the District could be accessed by this service and therefore the weight attributed to this factor is limited.

As a result of this inaccessibility via foot and public transport, there would be a clear reliance on private vehicles to access the site. This directly conflicts with the provisions of the SELLP, NPPF, NDG, Manual for Streets and Local Transport Plan outlined above. The provisions of Paragraph 110 are noted here; however, there are still provisions within rural areas to maximise sustainable transport solutions, such as locating dwellings within settlements where connectivity is higher.

Turning to the provisions of Paragraph 116 of the NPPF, it is considered that the proposal would not have an unacceptable impact on highway safety and the impact on the road network would not be severe.

However, irrespective of the provisions of Paragraph 116, the lack of accessibility by any methods of transport other than private car ownership would be indicative of an unsustainable development within an inappropriate location. As a result, the site would fall short of the sustainability requirements of the SELLP, NPPF and NDG; and therefore, there would be significant weight against the proposal. To this end, whilst there would not necessarily be a safety concern, there would be a conflict with Policies 2, 3, and 33 of the SELLP and Sections 9 and 12 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They

should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zones, 1, 2, and 3 of the Environment Agency's Flood Maps; however, a significant proportion of the dwelling lies within Flood Zone 3, with all of the built form of the dwelling lying within either Flood Zone 2 or Flood Zone 3. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of any classified hazard zone. As such, the tangible risk of flooding on the site is lower than a alternatives sites in Flood Zone 3, but risk is still present on the site.

The provisions of SELLP and NPPF are clear that sites should be located within areas of the lowest flood risk available, demonstrated via the submission of a sequential test. Despite the findings of the SFRA, the site is still judged to be at an increased risk of flooding due to its positioning within Flood Zone 3. The approach to the sequential test outlined in the SFRA is to take a settlement specific survey, whereby relevant sites within the settlement where an application is made are evaluated to assess sequential preference.

As the site is located within the countryside, the breadth of this sequential test should, by extension, be expanded to include all countryside locations within South Holland. To this end, a district wide search should be provided to demonstrate if the site passes the sequential test. This has not been provided.

Seeing as there is land within South Holland within Flood Zones 1 and 2, which could accommodate this development (the identified conflict with other policies aside), it is not judged that the site is sequentially preferable; particularly when viewed in absence of an appropriate sequential test.

In any event, irrespective of the acceptability in regard to the sequential test, in respect of the exceptions test, the proposal is not considered to meet the requirements outlined in Paragraph 178 of the NPPF, and the proposal would be considered to fail the exceptions test also. It has been outlined throughout this report that the expected sustainability benefits of the proposal would be minimal, and would not be specific to the area itself but rather generic non-locational benefits. Given the flood risk on the site, it is not considered that these benefits would outweigh flood risk, irrespective of whether the proposal could be made safe for its lifetime. Therefore, in line with Paragraph 178 and 179 of the NPPF, the site is considered to fail the exceptions test, and the development would be unacceptable in flood risk terms even if the sequential test was passed.

Overall, when considering the development on balance, it is considered, that the proposal would fail to accord with Policy 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Impacts of Climate Change

In respect of the climate emergency, Section 14 of the NPPF states that new development should be planned for in ways that: "avoid increased vulnerability to the range of impacts arising from climate change" with care taken to ensure that, where development is brought forward in areas which are vulnerable, "risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and help to reduce greenhouse gas emissions, such as through its location, orientation and design".

Paragraph 161 states that the "planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".

Paragraph 163 states: "the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts."

Paragraph 166 of the NPPF details that when determining planning applications, Local Planning Authorities should "expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption", with 'significant weight' given to "the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights)".

Policy 31 of the SELLP titled "Climate Change and Renewable and Low Carbon Energy" outlines South Holland's strategy for addressing the consequences of climate change through the planning regime. This includes "reducing the need to travel through locational decisions" and also providing criteria which proposals for renewable energy production should conform to. These criteria are listed in Part B of Policy 31, stating that:
"With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:
1. visual amenity, landscape character or quality, or skyscape considerations;
2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;
3. highway safety (including public rights of way);
4. agricultural land take;
5. aviation and radar safety;
6. heritage assets including their setting; and
7. the natural environment."

Beginning with an assessment of the photovoltaic (PV) array, it is considered that the proposal conforms to the seven criteria. There would be no impact upon the visual or residential amenity, as the panels would be to the rear of the property and obscured by existing boundary treatments. There would be no impact on highway or aviation safety due to the small scale of the works. No

heritage assets are close enough to property as to be affected. The impact upon agricultural land take and the natural environment would be minimal due to the small scale of the proposal.

Turning to the assessment of the dwellinghouse itself; proposed here is a zero-carbon dwelling. The design incorporates a significant focus on insultation and thermal mass, with the use of cast concrete floors and internal walls to provide passive regulation of the internal temperature of the buildings. In this vein heavier construction materials than conventional eco/passive houses are proposed. The proposal features a courtyard design to maximise solar gains and provide improved temperature regulation.

These design choices are commendable, in that there is a clear desire to minimise the environmental impacts of development, particularly with regards to green house gas emissions and energy usage. To this end, the proposal does conform to the main thrust of Paragraph 161.

However, what is unclear at this stage is the potential impacts emerging from the construction process. The use of cast concrete proposed, amongst other materials, has obvious environmental impacts associated with emissions through production and transport to the site. To this end, while it may be the case, it is unclear whether the proposal would still have net negative emissions in light of this.

Furthermore, as established previously in this report, the positioning of the site means that occupants and users of the studio would be reliant on private vehicles. This has obvious environmental impacts, particularly when the movement of employees is considered. The relative impact of this is higher, when compared to more sustainable locations within settlements, where staff and customers could access the site via sustainable methods of transport. It should be noted here that the applicant would work at the proposed studio, cutting their reliance on private vehicles for work purposes; however, there would still be a reliance for private tasks, such as shopping and leisure, with increased vehicle usage from other staff members or clients, that will be required to access the 'studio'.

It should also be noted at this time that the measures proposed do not necessitate a Countryside location. The same design principles could be applied to a development irrespective of its location. To this end, the same passive solar gain technique and construction process etc could be applied to a development within a settlement, which would also have the additional bonus of improved connectivity, thereby further reducing the potential environmental impacts of the development.

As established within the "Layout, Design, Scale and Consideration of the Character of the Area" section of this report, the submitted Design and Access Statement has asserted that the design would be innovative, particularly with respect to adaptation to climate change, in line with the provisions of Paragraph 139 of the NPPF. Page 34 of the Design and Access Statement outlines where inspiration for the proposed measures has come from, including referencing the "Australians Guide to Environmentally Sustainable Homes". It is considered that the proposal transplants ideas and techniques, rather than innovating on them. Taking ideas, regardless of their quality, from one context and transplanting them to another is not necessarily innovative, particularly when that relocation is geographic rather than a change in field. Elements such as the courtyard proposed, while not commonplace in traditional English homes, are prevalent throughout much of the Globe and have been for hundreds of years; and therefore, cannot be considered innovative here. To this end, it is unclear that the proposal has innovated upon previous ideas; and therefore, the proposal is not considered to be afforded significant weight under Paragraph 139 of the NPPF on climate change matters.

It should also be reiterated at this time that the provisions of Policy 1 are such that any environmental gains should meet the development needs of the area, not just the development itself. As outlined within the principle discussion above, the gains emerging from the climate change mitigation and adaptation methods proposed would be principally felt by the occupants of the dwelling and would not cascade into the wider area. To this end, regardless of the weight attached to the environmental measures discussed above, the proposal would still fundamentally conflict with the provisions of Policy 1 in this regard.

To summarise, the proposal is for a zero-carbon design, which in itself in commendable and meets the aims of Section 14 of the NPPF to a certain extent. However, the submitted scheme is not considered to be innovative, appearing, from the submitted information, to transplant ideas that have already been applied as opposed to truly evolving them or developing wholly new concepts. Moreover, in locating the dwelling outside of a settlement, a reliance on private vehicles is created,

which itself would have a harmful environmental impact.

As such, only limited weight in favour of the proposal can be attached with respect to climate change matters.

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 of 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.

Provision 8 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, outlines that:
"The biodiversity gain planning condition does not apply in relation to planning permission for development which
(a)consists of no more than 9 dwellings;
(b)is carried out on a site which has an area no larger than 0.5 hectares; and
(c)consists exclusively of dwellings which are self-build or custom housebuilding"

As a self/ custom build dwelling, subject to the appropriate legal agreement confirming this to be the case, the proposal is considered to meet the requirements of this provision and is therefore exempt from the need for the statutory biodiversity gain condition.

Further discussion of biodiversity and ecology matters is found below.

Biodiversity & Ecology

Section 15 of the NPPF seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the NPPF details that Local Planning Authorities should apply the following principles:
"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearlyoutweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient

woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Despite being exempt from the need for the gain condition, a planting scheme has been provided. Approximately eight trees have been proposed, alongside a small range of native mixed hedge and garden shrubs. The rest of the site, with the exception of the hardstanding areas, would feature wildflower planting (creating approximately 1700sqm of planting). While it could be assumed that the proposal would deliver a net gain based upon this level of planting, this has not strictly been evidenced via the submission of a biodiversity metric. Likewise, at this time, no management plan for the habitat has been provided, and so it is unclear if any environmental benefits gained from planting would be maintained long term. To this end, the weight attributed to this point is tempered accordingly.

Several other wildlife enhancement features are proposed, including two swift boxes, two bat boxes, two sparrow streets and an insect hotel. The exact details of these installations have not been provided at this time. However, it should be noted that the RSPB advice note on sparrow nestboxes included outlines that such boxes should face north or east. The proposed sparrow streets face south and west; thereby, limiting their efficacy. Likewise, the RSPB advice note on swift boxes states that the boxes should be at least 5m above ground level. It would appear that this may not be the case on the western elevation. For swift bricks to be effective, they are also recommended to be in groups of at least three, which does not appear to be the case here, thereby limiting the efficacy of the installation. No details on the installation of the bat boxes have been provided, and so an assessment of their efficacy cannot be undertaken.

As such, there are concerns that the proposed measures would not function properly, thereby limiting their effectiveness and in turn limiting the weight in favour which can be attributed to these measures.

It should be noted once more at this time that the provisions of Policy 1 are such that the environmental gains should meet the development needs of the area, not just the development itself. It is unclear from the submitted details that the proposed works would cascade into the wider area. As the majority of the planting is within a private residence, there is limited scope for interaction with residents. In addition, it is not clear as to how the planting would relate to existing habitat and if a suitable wildlife corridor could be established to maximise gains. Given that the site is immediately adjacent to agricultural land, which it can be assumed would be subject to pesticide and herbicide spraying in accordance with conventional modern practice, there is the potential that the uptake of these environmental gains would be reduced. To this end, the ability of the proposal to meet the sustainable development needs of the area is reduced.

Economic Sustainability

Section 6 of the NPPF, "Building a strong, competitive economy", concerns the planning regime's role in meeting the government's economic growth objectives. To this end, Paragraph 85 of the NPPF states: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

Paragraphs 88 and 89 specifically concern the rural economy. Relevant here is Paragraph 88, which states: "Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings". Paragraph 89 relates, in part, to spatial consideration for rural businesses. It states:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously

developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".

The provisions of Paragraph 89 are such that allowances for businesses outside of settlement boundaries should still be accessible and appropriately located. As established throughout this report, the site is physically isolated from settlements and lacks suitable accessibility by public transport, there is no clear functional need for the business in this location. To this end, the allowances under Paragraph 89 are not considered to be wholly applicable here and cannot be considered a carte blanche for development in the Countryside.

Any economic gains emerging from the development of the architectural studio would emerge irrespective of the positioning of the studio. As such, the same gains, in terms of employment, would occur if the proposal was to be relocated into a settlement in accordance with the spatial strategy of the SELLP. It could be argued that if the site was located in an employment site, in accordance with the provisions of the SELLP as a whole, then the benefits would be greater, as there would be a greater secondary effect through staff visiting other local businesses throughout the day. It should be noted at this time that Studio 11, the architectural firm owned by the applicant, currently holds an office in Spalding, a sub-regional centre which is judged to be the most sustainable location for development, so no new employment would actually be created in the District.

To this end, some weight is attached to the economic gains emerging from the proposal; however, this weight is tempered as the gains cannot be said to be site specific.

Historic Environment

Policy Context and Background Information

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications which may impact upon the historic environment, including archaeological remains, should preserve or enhance historic assets.

Paragraph 205 of the NPPF states:
"Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
a) assess the significance of heritage assets and the contribution they make to their environment; and
b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future."

In this instance, the historic environment record comes from the Lincolnshire Historic Environmental Record (LHER). The Local Planning Authority's interpretation of the information within the LHER is informed via consultation with the Historic Places Team of Lincolnshire County Council (HPT), who maintain the LHER.

The public information relating to the LHER is taken from the Lincolnshire Heritage Explorer (LHE). The LHE is not a comprehensive database, and the information contained within it is constantly evolving. The LHE webpage is explicit that "the information provided through the Lincolnshire Heritage Explorer is only part of that held by the LHER, and will not be sufficient on its own to inform the planning process".

Paragraph 208 of the NPPF states:
"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

As outlined above, the HPT would be the "necessary expertise" stated in Paragraph 208. The LHER would be the available evidence to the Local Planning Authority.

The LHER identifies that the site immediately abuts an area of potential archaeological import, namely a potential Roman Settlement. The provisions of the LHER are clear that the exact positioning or form of this possible settlement are unknown and that this location is based upon identified crop marks throughout the area.

Paragraph 207 of the NPPF states:
"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

This paragraph is further supported by Paragraph 41 of the PPG (Reference ID: 18a-041-20190723), which states:
"Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated that following the initial assessment of archaeological interest only a small proportion - around 3% - of all planning applications justify a requirement for detailed assessment."

The phrase "archaeological interest" contained within Paragraph 207 of the NPPF is defined in Annexe 2 of the same document. The following definition is given:
"There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point"

As outlined above, an assessment of the extent of archaeological interest, the significance of a historical asset and the harm caused, is informed upon the information available to the Local Planning Authority, with this information coming both from the LHER and the applicant themselves.

Part C of Policy 29 concerns "archaeology and scheduled monuments". This Policy outlines five assessment points for an application which may impact upon archaeological remains, the first three of which are particularly relevant here:

"1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.
2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.
3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."

These points are expanded upon in Paragraph 7.3.15 of the SELLP which states: "Local Planning Authorities may require developers to assess the potential impacts of their proposal on archaeological remains in order to reach a decision on a development proposal". In essence, the SELLP establishes a need for the relevant information to be presented to the Local Planning Authority prior to a decision being formed on the application, with this potentially including field work.

Sites of archaeological interest can broadly be separated into two categories: designated assets and non-designated assets. Designated assets, such as scheduled monuments, are far rarer and only occur in places where the requirements of the Ancient Monuments and Archaeological Areas Act 1979 can be applied. These are sites which have a pre-established significance to archaeological understanding at a wider national level, and must be designated by the Secretary of State as such. Accordingly, such sites are rare and are often designated after the scope of the asset has been established. The site in this instance is not designated.

Footnote 75 of the NPPF states that: "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."

This broadly outlines that an assessment of harm should be consistent with the provisions of Paragraphs 212 to 216 of the NPPF. Broadly, these paragraphs require an assessment of the

potential significance of a heritage asset (based upon the evidence sources outlined above), the potential harm generated by the proposal and an assessment as to whether said harm is outweighed by public benefits emerging from the proposal.

Assessment

The site immediately abuts an area defined in the LHER as having a high archaeological interest. The comments of the HPT (found in full in the relevant section above) outline that, in the consultee's professional judgement, this specific site is also of archaeological interest. Its proximity to a known area of importance, alongside identified crop marks and evidence in the LHER, have informed this decision.

Accordingly, in line with the principle of Paragraph 207 of the NPPF, appropriate information should be submitted to the Local Planning Authority to aid in an assessment of both the archaeological potential on site and the implications upon said archaeology emerging from the developer. Upon the strength of the information in the LHER, and in line with the provisions of Paragraph 207, 208 and 218 of the NPPF as well as Paragraph 41 of the PPG and Policy 29 of the SELLP, it is considered proportionate to require a field evaluation prior to a decision being formed here.

A request has been made to the Applicant to provide the required information. In response, the Applicant has outlined that, whilst they would not be opposed to a condition requiring the submission of the requested information, they would be unwilling to conduct the required work pre-determination.

Beyond this, in line with the above, the Local Planning Authority discussed the option for a 'Desk-Based Assessment' to be formed by the applicant, with such details being submitted to the Local Planning Authority prior to determination, with further conditions then to be attached, which would require additional assessment such as trial trenching, in such instance that the proposal was considered to be acceptable. Following contemplation, the applicant confirmed, in writing, that a Desk-Based Assessment' would only be forthcoming should a favourable recommendation be forthcoming. In this case, the proposal is not being favourably considered. As such, in its current form, no archaeological evaluation or assessment has been provided by the applicant, and no evidence or supporting detail in this regard has been provided in support of the proposal.

On this basis, it is considered that the Local Planning Authority do not have the information required to make an informed assessment of the potential significance of the asset or the level of harm caused by the proposal. As such, the proposal fails to meet the requirements of Paragraph 207 of the NPPF and Policy 29 of the SELLP.

Information pertinent to understanding Roman occupation of the Fens can be considered to be significant, and without evidence to the contrary, the site can be considered to be a non-designated heritage asset (NDHA). Whether the site would fall to be assessed as a site equivalent to a Scheduled Monument, and therefore given the additional weighting afforded by footnote 75 of the NPPF, is unclear due to the lack of information provided. However, on the balance of probabilities, it is considered appropriate to continue on the basis that the site is merely a NDHA and is not afforded the additional protection under footnote 75.

Paragraph 216 of the NPPF outlines that "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

It is accepted that ploughing has occurred historically throughout the site. However, ploughs typically only impact the near surface soil, generally no more than 600mm. Drainage and services ditches generally are deeper than this level. No details of the actual construction of the dwelling, including its processes and scale of vehicles required to facilitate development, have been provided at this stage. Therefore, there is insufficient evidence to establish that there would not be any impact upon archaeological remains. In line with the principles of the NPPF and Policy 29 of the SELLP, the Local Planning Authority must err on the side of caution here.

The excavation and construction of the proposed buildings could impact on any surviving earthworks and below-ground archaeology. As such, the siting and foundation design of the proposal have considerable potential to harm the NDHA. In some circumstances a planning condition can be used to secure archaeological investigations and recording. However, for such a condition to be necessary and reasonable, the Local Planning Authority would need to be able to

conclude that the benefits of investigating and recording evidence of the asset would outweigh any adverse impact on its significance. In the absence of even a desk-top assessment of the impact of this proposal, the Local Planning Authority are unable to draw that conclusion.

Given the potential importance of the site, and having regarding to the importance that both the SELLP and NPPF afford the conservation of heritage assets, it is considered that a precautionary approach should be taken. As set out above, the potential benefits of the proposal would be very limited. In the absence of any investigations, the scale of any harm or loss to the NDHA has not yet been established. Therefore, it cannot be concluded that the benefits would outweigh any harm to the NDHA.

Consequently, it has not been demonstrated that the proposal would conserve or enhance the significance of non-designated heritage assets. The proposal would be contrary to the provisions of Policy 29 of the SELLP and Section 16 of the NPPF.

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 represents the development of a self-build dwelling and detached architectural studio outside of the defined settlement boundaries, within the Countryside of South Holland. The Local Planning Authority do not consider that the proposed studio would represent an ancillary form of development, as there is no clear subservient relationship as would be expected for an annexe.

Policy 1 outlines that in the "Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits." It is not considered that the proposal necessitates this Countryside location or that it meets the needs of the area in terms of economic, community or environmental benefits.

Some weight is given in favour of the proposal as a self-build dwelling. Notwithstanding this, paragraph 5.3.5 of the supporting text to SELLP Policy 11 states that there may be opportunities for infill self-build development within defined settlement boundaries, although housing need may also be met through rural exception sites where appropriate. The application site is not within a settlement boundary, and it has not been suggested that it would be a rural exception site. Accordingly, the proposed site would still conflict with the spatial strategy and policy regarding self-buildings of the SELLP. In any event, the contribution towards meeting self-build dwelling needs made by a single dwelling is limited and is not substantive enough as to outweigh spatial considerations in isolation.

The sustainability of the dwelling with respect to green house gas emissions and energy efficiency during its lifetime are not disputed here. Nor is it disputed that there would be some form of biodiversity net gain arising from the development. However, no clear indication of the extent of the gains has been provided, and there is questionable efficacy in the proposed additional ecological features, such as the swift and sparrow boxes being inappropriately located. Furthermore, the energy efficiency and zero-carbon nature of the dwelling house would offer benefits solely to the occupant of the dwelling, rather than benefiting the wider area. Accordingly, the weight attributed these points is reduced as the requirements of the SELLP and the NPPF have not been fully met in this regard.

Likewise, weight is given in favour of the development of a business in accordance with the provisions of Paragraph 85 of the NPPF. However, in accordance with the provisions of the NPPF and SELLP as a whole, in particular Paragraph 89 of the NPPF and Policies 7, 24 and 27 of the SELLP, the weight attributed here should be tempered as the site would be unsustainable and fail to accord to the development plan as a whole.

It is considered that the proposed design would fail to reflect the existing character of the area and would not root itself in local vernacular. The significant scale of the development would intrude upon the sense of openness of the Fens and fail to respect the existing proportions of buildings within the area. The proposal can be considered a pastiche of modern agricultural buildings, which fails to reflect the existing vernacular of South Holland.

The site is considered to be of archaeological interest, and therefore, appropriate information should be provided in order to assess both the significance of the asset and the extent of the development's impacts. Inadequate information has been provided, and therefore, the proposal is considered to be contrary to Policy 29C of the SELLP and Paragraph 207 of the NPPF. In lieu of information to the contrary, the site can be considered a NDHA, and therefore, the development can be considered to represent harm to a NDHA. As the benefits from the proposal (outlined above) are limited, and the extent of the importance is such as that detailed above, this aspect is considered unacceptable.

Whilst points in favour of the application (as outlined above) are acknowledged, it is not considered that these points outweigh the fundamental conflicts with the development plan as a whole and clear harm arising from material considerations.

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 is considered to be contrary to Policies 1, 2, 3, 7, 24, 29, and 33 of the SELLP, as well as Sections 7, 9, 12, and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is not in favour of the proposal.

Recommendation

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

The recommendation consists of five reasons for refusal:
1. Principle of Development
2. Principle of Architectural Studio
3. Character and design
4. Archaeological and Heritage Harm
5. Sequential Test.