

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-0635-26	Applicant:	Mr G Lilley
Proposal:	Erection of store extension and part change of use for lawn mower repairs - retrospective		
Location:	41 Spalding Road Holbeach Spalding		
Terminal Date:	28th September 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 4 - Achieving sustainable development
 Section 14 - Achieving well-designed places
 Section 15 - Promoting sustainable transport
 Section 17 - Pollution, public protection and security

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

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

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full application for the extension of a workshop to be used for lawnmower repairs. The application is made retrospectively, with works having completed in October 2024. The building measures approximately 11.4m (depth) by 4.8m (width), rising to a width of 8.75m when the existing building is considered. The height is set at approximately 2.6m. It is a timber clad building, with white UPVC windows. The hours of opening of the business are 8:30 till 17:00 Monday to Friday and 8:30 till 13:00 on Saturdays.

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South East Lincolnshire Local Plan, 2019. The site is towards the west of the settlement, within a residential area, characterised by 20th century dwellings. It is located towards the junction of Spalding Road and Langwtih Drive.

41 Spalding Road is a two-storey dwellinghouse, which is fairly typical of the area. It features a red brick ground floor, with white rendered first floor, beneath a hipped roof. The workshop is located to the rear of the property, approximately 1.15m from the boundary with 43 Spalding Road.

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 Chapman

This extension will not have any impact on the neighbouring properties that I can see. So happy to support it.

South Holland Internal Drainage Board

Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board, I can confirm the Board has no comments to make.

SELCP Ecologist

Thank you for consulting us on this application. We have reviewed the proposals and have no ecological concerns to raise at this time; therefore, we have no objections

Highway and Lead Local Flood Authority

The proposal is for erection of store extension and part change of use for lawn mower repairs - retrospective and it does not have an adverse impact on the Public Highway.

Environmental Protection

Environmental Protection is currently investigating recent complaints but as yet no supporting evidence has been provided. we have no previous history of complaints regarding the activity

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, 2 letters of representation have been received, one stating concerns, and the other objecting.

These can be summarised as:

- Hours stated on form are not indicative of actual hours of operation
- Business operating 7 days a week, often late into the evening
- Concerns regarding drainage
- Impact of fumes
- Larger area used for workshop than indicated on plans
- Fire risk

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, 2026 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy Context - Spatial Strategy

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 within the settlement of Holbeach which is classed as a main service within Policy 1. As such development will be permitted that supports Holbeach's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

Policy Context - Achieving Sustainable Development

Policy S3(1) of the NPPF states:

"Decisions on development proposals should apply a presumption in favour of sustainable

development. This means:

a. Policy S4 in this Framework should be applied when considering development proposals within settlements;

b. Outside settlements, policy S5 should be applied"

As previously outlined, the site is within a defined settlement limit, and therefore, Policy S4 is relevant. This states:

"Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework."

Policy S4(2) outlines circumstances where the benefits of approving a development are likely to be substantially outweighed by adverse effects. This includes, but is not limited to, development on allocated land for purposes other than those allocated, the loss of cemetery land, loss of land used for flood risk management, or failure to comply with a policy which explicitly states development should be refused in specific circumstances.

Policy Context - Creation of Business

Where the proposal would relate to the creation of a business use, Policy 1 is supported by Policy 7. Policy 7 relates to employment uses in Class B1, B2 and B8. It should be noted that Class B1 has now been superseded by Class E, specifically E(g). Whilst this is noted, the underlying principles of the policy are still wholly applicable.

Policy 7 designates specific employment sites throughout the area, and directs development of employment spaces to these sites in the first instance. The site here lies outside of any defined employment area.

As such, the location would fall to be assessed as an "other employment site". In this context, Policy 7 states:

"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."

The proposal would not involve the reuse of previously developed land, as defined within Annex 2 of the NPPF, as the site is within a residential garden. The site would also not involve the reuse or conversion of a redundant building as a new structure has been constructed for the specific use, and it has not been demonstrated that the existing workshop was redundant. Policy 7 goes on to state the following in such circumstances:

"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"

Analysis

A Full Application has been submitted, and the description of development provided by the Applicant has explicitly referred to the change of use of the land. Therefore, there is an implicit agreement that the use is not incidental to the dwellinghouse. Moreover, the building is clearly for business purposes, as opposed to a hobby workshop, as outlined in the supporting statement submitted by the Applicant; and therefore, would not be incidental for the purposes of the General Permitted Development Order, 2015.

The supporting statement submitted by the Applicant has stated that the business has operated from the site for many years, although an exact start date is not known. Moreover, there is nothing before the Council to suggest that the business has operated in the same vein for the entirety of its

lifetime, in fact the contrary has been evidenced by the creation of the workshop which would imply an intensification of the use.

For these reasons, the proposal would represent the creation of a building for a business use and would therefore require assessment against the relevant policies.

Assessing the proposal against the aforementioned criteria of Policy 7, the following is considered:

- a. The proposal would conflict with neighbouring land uses, in so far as it represents a commercial business within a primarily residential area, which is likely to give rise to increased disturbance via noise and footfall.
- b. The business itself would conflict with the prevailing residential character of the area, in so far as there would be a break in the hegemony of residential use in the immediate vicinity which lessens the existing character of the area.
- c. The building itself is relatively small and well screening from most views
- d. The scale of the business is not so large as to adversely impact the highway network, particularly given the capacity of the relevant roads
- e. The scale of the development is not so large as to affect the viability of other sites
- f. The proposal is within a town, and therefore, interconnectivity is reasonably high for the area. Moreover, the nature of the business would necessitate a degree of reliance on private vehicles to drop off and collect the equipment
- g. There has been no case advanced by the Applicant as to why the use necessitates this location, or why an alternative unit within a recognised employment area would not be preferable. On that basis, point g has not been met.

For the above reasons, the proposal is considered contrary to Policy 7 of the SELLP.

Policy S4 is clear that a proposal in a settlement boundary would be acceptable in principle, bar where the benefits of granting permission would be substantially outweighed by the harms. As explored in greater detail below, the proposal is considered to cause significant harm, without creating significant benefits, and therefore, the proposal would be contrary to S4.

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

Section 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines that "development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets".

In order to create well-designed places, Paragraph 2 outlines that proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

Likewise, 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.

The building itself, taken in isolation of its usage, is well screened. As a result, the impacts upon the wider area are limited. The scale is small, and comparable to what could be achieved under the provisions of the General Permitted Development Order, 2015 (if the building was incidental to the use of the dwellinghouse which is not considered to be the case here). In light of this comparison, the actual impacts of the building itself are low.

That being said, the use of the building would be commercial. Whilst it is not unusual for small scale businesses to be run from a dwellinghouse, these typically would be of a scale smaller than that proposed here and would be of a less industrial nature. As a result, there would be a clash between the use and the residential nature of the wider area. Whilst the length of time of the use is noted, the exact nature and length of this usage has not been provided to the Council; and therefore, it cannot be concluded that the area has fully acclimatised to the business operated from the site.

The proposed use would cause an adverse impact to the character or appearance of the area and would therefore be contrary to Policies 2 and 3 of the SELLP and Section 14 of the NPPF.

Impacts Upon Resident Amenity

DP3 of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals should "provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life ". Policy P3(2)(d) requires proposals to "Mitigate and reduce to a minimum potential adverse impacts resulting from noise".

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. Policy 30 relates to pollution, including noise pollution, as well as disturbances by smells and fumes.

As outlined above, whilst it is accepted that the business has operated from the site in some form historically, the exact intensity and start date of this has not been provided to the Council. As such, it has not, and cannot on the balance of probabilities based upon the information provided to the Council, be concluded that the use is lawful and offers a legitimate fallback position. The application has explicitly applied for the change of use of the land.

No noise assessment has been provided. Accordingly, it has not been demonstrated that the proposal would not have an adverse impact upon residential amenity via increased noise disturbance. Given the nature of the use, which would include having to run lawn mowers and using machinery for the repairs, a relatively high level of noise emissions can be expected. The impacts of this would be particularly acutely felt given the residential nature of the area. It should be noted that during the Officer's site visit, noise emanating from the site could be heard clearly and distinctly from the adjacent bus stop, which would be approximately 50m from the workshop building. Whilst this evidence is anecdotal, it does indicate a high level of noise emissions.

Whilst the hours of operation are not necessarily extensive, they are frequent enough as to create a level of impact. Given the residential nature of the area, and the rise of homeworking practices for many professions which would result in an increased sensitivity to daytime noise, the hours of operation alone would not prevent an unacceptable disturbance to neighbouring dwellings. Moreover, no details of the number of customers expected per day/ per week, or the exact working practices have been provided. Therefore, the extent of disturbance during working hours cannot be concluded to be acceptable on the information provided.

Disturbance by fumes have also been noted in resident comments. This again has not been quantified; however, on the balance of probabilities, based on the nature of the works, it is considered that there is the potential for an adverse effect here.

The building itself would overshadow the neighbouring plot to a certain extent; however, given the low overall height, the extent of shadow is not considered to be overly harmful.

As detailed above, the nature and extent of the use is considered to have an unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered contrary to Section 17 of the NPPF and Policies 2 and 3 of the SELLP.

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, Policy TR6(4) advises that "development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion."

Policy TR3 of the NPPF outlines that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. The policy outlines a series of principles to achieve these aims, with the expectation that all proposals should, so far as is relevant, conform to them. Policy TR3(2) is explicit that "The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development."

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.

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. One parking space would be expected for a unit of the size proposed under Appendix 6.

It has been stated that no adverse impact upon the highway network is anticipated by the Highway Authority. There is nothing before the Planning Authority to dispute this conclusion.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 15 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that

planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

The application was submitted and validated before 06/08/26, and therefore the original provisions of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 are still applicable here, as per the transitional arrangements outlined in the PPG.

The submitted BNG exemption statement has stated that the proposal would "be exempt from any Biodiversity Net Gain on as it is in a domestic garden". The reason for exemption outlined by the Applicant is not a valid exemption under The Biodiversity Gain Requirements (Exemptions) Regulations 2024 prior to the changes made on 06/08/26. As such, the proposal would be required to demonstrate biodiversity net gain. No information on this basis has been provided in relation to this, and therefore, it cannot be concluded the relevant net gains could be achieved.

The proposal therefore has failed to meet the requirements of Schedule 7A of the Town and Country Planning Act, 1990.

Economic Sustainability

Section 7 of the NPPF outlines the role planning can play in securing economic growth. In this context, Policy E2(1) states:

"substantial weight should be given to (...) The economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt"

As a result, significant weight should be given in favour of the proposal.

Planning Balance

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

The proposal would represent the unjustified and unnecessary creation of an employment use outside of an identified employment area. The proposed use would conflict with the prevailing character of the area, whilst harming residential amenity through increased noise disturbance. Insufficient information has been provided regarding biodiversity net gain.

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 contrary to Policies 2, 3, 7 and 30 of the SELLP, as well as Sections 4, 14 and 17 of the NPPF. The harm identified is considered to significantly outweigh the benefits of the proposal; therefore, the planning balance is against the proposal.

Recommendation

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