DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0813-24**	**Applicant:**	**Seagate Homes**
Proposal:	Residential Development		
Location:	Land South Of Tudor Lodge Fen Road Holbeach		
Terminal Date:	29th November 2024		

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
06	Developer Contributions
28	The Natural Environment
29	The Historic Environment
30	Pollution
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application with means of access to be considered only. The applicant has provided a site plan showing access from Fen Road (B1168) as well as an indicative plan showing 4 number detached dwellings with garages. The applicant has also provided a Tree Protection Plan as well as D&A and flood risk assessment.

The indicative plans show 4 number detached dwelling with garages located on site. The proposed access is already approved under an extant planning permission.

Site Description

The application site is located outside of the settlement boundary for Holbeach (though the northern boundary does abut the settlement) and within the open countryside for policy purposes. The application site is located within flood zone 3 in accordance with EA mapping however is considered to be in a low risk area in accordance with the South East Lincolnshire SFRA, both present day and in future modelled scenarios.

The application site is located south west of Tudor Lodge and would utilise the same access that is approved under planning application H09-0950-22. Tudor Lodge itself is a large detached dwelling set within extensive grounds.
The site is abut but the Old River Drain along the western boundary, the approve housing site to the north and field to the south. To the east is Fen Road. The site is heavily planted and has a verdant characteristic.

History

H09-0950-22 - Residential Development - 9 dwellings. Approved 31-01-23

Consultation Responses

Parish Clerk

Concerns regarding access and traffic issues.

Lincs Fire & Rescue

No objections subject to the development meeting access to building, hydrants and hard standing carrying capacity for fire fighters and plant.

South Holland IDB

The applicant has indicated that they intend to dispose of surface water via infiltration as per the application form, however I cannot see that the viability of this proposal has been evidenced at

outline stage. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Historic Environment Officer

I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work.

This will initially comprise but may not be limited to a desk-based assessment, non-intrusive survey and trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation.

This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

Tree Officer

Based on the photographs you have taken, and the plans/reports provided, it must be borne in mind that the trees are apparently semi mature which grow on the southern and western boundaries. Those on the southern side should be retained as part of the scheme as help to blend the development into the existing landscape, those on the western side retained if possible.

Should permission be granted it is suggested that the trees are made the subject of a Planning Condition, restricting works to them indefinitely unless with the written consent of the Local Planning Authority. Obviously with trees being on the southern boundary there may be shading issues, particularly for the eastern most of the proposed dwellings. Dwellings require to be built to a scale so that the trees do not overpower them. The trees will grow.

Looking at the proposed layout may have to remove some trees at the western boundary of the site, to accommodate particularly the garage and to prevent the proposed dwelling from being dominated by them. Otherwise retain all the trees and build three dwellings instead of four. Would have liked to have seen what species the large tree on the western boundary was.

Environmental Protection

There is a requirement for a construction management plan.

Lincolnshire County Council - Local Highway Authority

This proposal will utilise the existing access off Fen Road that serves the previous development site, which has suitable visibility and is wide enough to accommodate two-way vehicular movements, with some alterations. There is adequate turning facility and parking within the site to allow vehicles to enter and leave in a forward gear, in the interests of highway safety. There will be a requirement to extend the existing 30mph speed limit further South of the development site and provide a frontage footway from the development site making connection with the existing footway network.

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.

Note to Planner We wish to request that the applicant enters in to a S106 Agreement to secure to secure the funding of £2,800 for Lincolnshire County Council to undertake a Traffic Regulation Order to extend the 30mph speed limit South of the proposed access site on the B1168 Fen Road.

Local Ward Member

Representation have been received from the local ward member that express concerns that the sequential test has not been met.

Public Representation

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

Planning Considerations

The application site is located within the open countryside and outside of the defined settlement limit for Holbeach. The application is outline with matters relating to access only to be considered. The following issues are relevant to this assessment:

- Principle of Development
- Impact on Character and Appearance of the Area
- Residential Amenity
- Flood Risk
- Highway Safety
- Ecology/BNG
- Planning Balance

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) 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 equivalent to in excess of 5 years through the latest Housing Land Supply Assessment (the Council has identified a 6.4 year housing land supply as at 31 March 2024).

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

As such, development within these settlements, subject to the proposals compliance with other relevant national and Local Plan policies, may be considered acceptable in principle where they lie within the settlement boundaries of that settlement.

The application site in this instance lies within a postal area of Holbeach, a settlement that is identified as a Main Service Centre within Policy 1 of the South East Lincolnshire Local Plan. However, the site itself lies outside of the clearly identified settlement boundaries for this settlement, as shown on the Inset Maps pertinent to Policy 1.

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It 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. 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.*

This is supported by explanatory text within the reasoned justification (under para. 3.2.17), whereby housing exception in the countryside are listed. The paragraph states that *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites)*.

The application site comprises a site located outside of the defined settlement boundary and seeks Outline permission for four Market Dwelling's, as specified within the submitted application form. The propsoal does not meet the provisions of the policies outlined above, nor meet any of the exceptions for dwellings in the countryside.

Returning to the requirements of Policy 1 of the SELLP, as previously mentioned, it has not been demonstrated that the development of four open market houses is necessary to this location. In terms of the 3 dimensions of sustainable development, the following has been considered:

- An economic role:
The development may give limited support to the local economy through employment opportunities associated with some elements of construction and fitting out, and future occupants may work locally and support local services. However, the benefits attributed to this are minimal, predominantly limited to the construction period, and in any event, does not offer additional economic benefits beyond those that could be afforded by a four dwelling scheme within a more sustainable location.

- A social role:
The proposal would make a contribution, albeit small, towards housing supply in the District. However, no explanation has been submitted why the development cannot be accommodated within an existing settlement boundary, as directed by Policy 1 of the South East Lincolnshire Local Plan (2019). Additionally, any minor benefit in this instance does not outweigh this conflict.

- An environmental role:
The environmental objective identifies the need to protect and enhance our natural, built, and historic environment. It has not been demonstrated that the development is necessary in this location and how it would protect/enhance the objectives in this regard. Whilst the Biodiversity Net Gain matters are noted, as addressed further below within this report, this is in respect of the

statutory requirements introduced through Schedule 7A. These matters are a mandatory and policy requirement, and does not provide additional environmental benefits beyond those that would otherwise be required in any event, irrespective of the developments location.

The proposal would introduce new residential development within a countryside location. It has not been demonstrated how any benefits of such a proposal would outweigh the policy conflict in respect of Policy 1.

The proposal is therefore considered to be contrary to policy 1 of the South East Lincolnshire Local Plan (2019) and as such, the principle of development is not considered to be acceptable.

Flood Risk

Section 14 of the National Planning Policy Framework (December 2023) 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: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "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", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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 site lies within Flood Zones 3 of the Environment Agency's Flood Maps. 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.

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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

SELLP Policy 4 sets out the districts approach to flood risk. The South East Lincolnshire SFRA shows the area in a low hazard both present day and in future scenarios. Policy 4 of the South East Lincolnshire Local Plan 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.

The policy states 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, where:*

It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).

Furthermore, within the policy justification under paragraph 3.55 it states that *The provisions of the Local Plan will ensure that housing need within settlements is met. However, going forward the steer of national policy will need to be applied and future speculative and windfall proposals will be required to use a Borough or District wide search area when undertaking the sequential test. This will ensure that development is directed to areas at the lowest risk of flooding and that development in the highest risk areas only proceeds by exception (i.e. meeting the Exceptions Test).*

The applicant has provided some commentary as regards the sequential test within the FRA, stating that *Large parts of the South Holland district between the River Welland and River Nene lie within Flood Zone 3. As such, opportunities to undertake the development at an alternative site with a lower flood risk are limited. The SFRA states that as it is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the 1% fluvial and 0.5% tidal event. The site therefore has a low probability of flooding and is considered to pass the Sequential Test.*

It is considered that whilst it may be that much of the district is located within flood zone 3 and that the application site in terms of the SFRA is considered low hazard, this site is considered to be open countryside and it is not the only area to have this type of flood environment, including sites located within settlement boundaries. Furthermore, the site area is 0.47 ha which is modest. It is anticipated that a study should have taken place which is 'district wide' focusing upon the settlement hierarchy that would explore whether or not sites of this scale are in fact available within/across the whole district, without which it cannot be confirmed that the sequential test is passed. There are also housing allocations that are yet to come forward, that have been subject to sequential testing, there is no justification as to why these have been discounted. Lastly on this point there are areas within the district that are not located within flood zone 3.

In any event, the Exception Test requires two additional elements to be satisfied (as set out in paragraph 170 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

It should be demonstrated that:

development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and 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 applicant states of the exception test within the FRA *The Local Plan has a target of a net increase of at least 11,681 dwellings in South Holland over the 25-year local plan period. The Plan considers this new housing is required to ensure the sustainability of the Local Plan area. The proposed development will contribute to this target* AND

Section 5 of this Flood Risk Assessment describes the flood mitigation measures and the management of the residual risks, demonstrating that this development will be safe and not increase flood risk elsewhere. The development is considered to pass the Exception Test.

Turning to the first point the applicant does not apply the test in the correct way. The test requires justification as to how the development would *provide wider sustainability benefits to the community that outweigh flood risk*.

Sustainability should be based upon economic, social and environmental benefits. SHDC can demonstrate a 5 year land supply for the delivery of homes (the Council has identified a 6.4 year housing land supply as at 31 March 2024) and therefore the basis of the applicants comments that 'housing' in general represents sustainability, is not suitable or sufficient in this regard. This site, if developed for example would lead to an intrusion into the open countryside and so give rise to environmental harm. It is not clear how the sustainability benefits of this scheme would outweigh the risk from flooding.

Overall, the requirements of the Exceptions Test have not been satisfactorily demonstrated.

On this basis, despite no objections to the technical drainage elements, the proposal would fail the sequential and exception test and is contrary to Policy 4 of the South East Lincolnshire Local Plan

and Section 14 of the National Planning Policy Framework (December 2023).

Highway Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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 would be severe".

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.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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. Policy 36 states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

This proposal will utilise the existing access off Fen Road approved under H09-0950-22. Highways have revived this proposal and have no objection in relation to highway safety subject to a condition that would connect the development to the existing footway network. Parking provision would be dealt with at the detailed design stage.

Highway have also requested £2,800 for Lincolnshire County Council to undertake a Traffic Regulation Order to extend the 30mph speed limit South of the proposed access site on the B1168 Fen Road. It is considered that such works would be necessary to make this acceptable in highway safety terms, the request is related and proportionate.

On this basis the proposal would accord with Policies 2 , 3 and 36 of the South East Lincolnshire Local Plan in this regard.

BNG & Ecology

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

SELLP Policy 28 is concerned with the Natural Environment. Points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

Protected Species

There are a number of trees existing on site that hold roosting potential. The applicant has provided ecological information which shows the development could proceed in an acceptable manner.

BNG

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.

For applications that are submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate and the mandatory 10% requirement would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity net Gain (10%), a condition would be required, as mandatorily set.

The applicant has provide a bio-diversity statement. Paragraph 3.7.6 confirms that *At this stage, the proposals are assessed as unable to deliver >10% Biodiversity Net Gain within the application site's redline boundary. Three readily achievable approaches to off-setting the proposals (securing additional land and managing / enhancing it, or purchasing off-site available Biodiversity Units or Credits), in order to achieve the required level of net gain are provided above, which could be readily secured through a Section 106 (s106) agreement and / or suitably worded planning condition.*

The document shows that a off-site habitat creation area to the south of the site can be achieved, this are is located within the same ownership (blue line boundary) and can therefore effectively be captured either through condition or potentially legal agreement.

On this basis it is considered that as Off-site BNG can be effectively captured the proposal would accord with legislative requirements as well as the policy requirements of SELLP Policy 28.

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 is for market dwelling located within the open countryside and is therefore unacceptable in planning principle. Whilst the applicant points towards other development/permissions in the area, these do not have such a material weight that would lead to the support of this development which represents a clear departure from the development plan. In this case there are no material considerations that would suggest a departure from the development plan is justified.

The applicant also considers the sequential test is passed; this is based upon the premise that most of the district is located within flood zone 3. However, SELLP Policy 4 requires a district wide search and given the application site is located within the open countryside this is appropriate to apply. The site is a modest 0.47 hectares and the South East Lincolnshire SFRA by categorising hazard areas offers a useable tool. It is considered that the applicant has not discounted other potential sites in similar flood environments that are located within settlements (starting with principal settlements and working through the hierarchy, lastly followed by countryside sites). There is also potential to consider housing allocations that have not yet come forward.

Furthermore, it has not been demonstrated that the wider sustainability benefits of this scheme would outweigh the risk from flooding, especially given that the SHDC can demonstrate a 5 year land supply for the delivery of housing (the applicants reasoning is that housing in itself is sustainable) and therefore the exceptions test is failed as it remains unclear what the sustainability benefits (other than providing housing) area, and how they would outweigh flood risk.

In this instance then, sufficient material considerations do not exist that weigh in favour of the proposal and as such, the planning balance is not support of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the

special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking into consideration these factors, the proposal is considered to be contrary to Policies 1, 2, 3 and 4 the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023).

On this basis the proposal is recommended for refusal.