

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0895-25 **Applicant:** Mr E McGowan

Proposal: Change of use of land to static caravan/touring caravan site and retention of change of use of existing building to associated service dwelling - Retrospective

Location: Lazy Acre Caravan Site Little Dog Drove Holbeach St Johns

Terminal Date: 5th December 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
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking

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 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

Planning Policy for Traveller Sites (PPTS, 2024)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the change of use of land to a static caravan/touring caravan site, and retention of a change of use of an existing building to associated service dwelling. The proposal is part retrospective.

The planning statement confirms that there are 'two inter-connected' elements to the proposal'; these elements are:

- The siting of seven caravans: 4 static and 3 tourers 'predominantly, but not exclusively limited to, serving the traveller community; but also to provide, if it proves necessary from time to time, to accommodation for seasonal workers and temporary local employees'.
- Seeking to obtain the grant of full planning permission for the change of use of the approved amenity building to form a dwelling, to be occupied for managerial purposes in connection with the wider siting of caravans.

The submitted site plan shows that the statics are to be lined along the eastern boundary of the site, and the area for 3 tourers are to the southwest. The building that was approved as an amenity building is located to the north west, close to the access point.

Plans show that the proposed managers dwelling would be two bedroomed. It is made up of a dual pitched construction and finished with block and render.

Site Description

The site is located at Lazy Acre Caravan Site, Little Dog Drove, Holbeach St Johns. The site includes an amenity building, that is currently being lived in. This is in breach of planning permission.

The site is accessed from Little Dog Drove, through a gated access and is treated with high planting.

The site context is predominantly characterised by agricultural land and sporadic development. There is dispersed residential development in the surrounding area. The site location is not contained within any defined settlement limit, as set out in the South East Lincolnshire Local Plan, 2019.

History

- H09-1078-19 - Change of use of disused amenity building to dwelling - re-submission of H09-0663-19. Refused 22-01-20

Reason(s) for refusal

The application site is outside any settlement boundary. Such development should therefore be assessed against Policy 1 of the South East Lincolnshire Local Plan, 2019. It states that outside a settlement boundary, development will only 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. In terms of these issues, there is not considered to be an essential need for development in this location on land use grounds. Whilst the proposal is deliverable and would make a contribution to the supply of housing required to meet the personal needs of the applicants' family and future generations, the site is not closely related to an existing built up area and would not be readily accessible to existing services and facilities other than by motor vehicle. The proposal is therefore contrary to Policy 1 of the South East Lincolnshire Local Plan 2019, and to paragraph 79 of the National Planning Policy Framework 2019.

APPEAL DISMISSED - Policy 23 given limited weight (Conflict with para. 79 in that iteration of the NPPF)

The building is very new in construction, unfinished and has no architectural or historical merit to justify a residential conversion. The Local Planning Authority is of the view therefore that the proposals would be contrary to Policy 23 of the South East Lincolnshire Local Plan.

- H09-0663-19 Change of use of disused amenity building to dwelling. REFUSED: 22-08-19.

- H09-1127-18 Use of land as touring caravan site and associated tented camping. S191 LAWFUL USE CERT. Withdrawn Application: 18-02-19

- H09-1276-16 Retention of change of use to touring caravan and camping site. REFUSED: 08-02-17

- H09-0921-15 Retention of change of use to touring caravan and camping site. REFUSED: 05-02-16

Refusal Reason

The carriageway at Little Dog Drove is considered to be inadequate in terms of width and general physical layout to serve the proposed development. There is insufficient width to permit vehicles to pass one another and too few informal areas along the road to provide the opportunity for drivers of vehicles and caravans to pull to the side to allow other vehicles and caravans to pass. The additional traffic likely to be generated by the proposed development would result in an increased incidence of manoeuvring of passing vehicles, which would lead to vehicles overrunning the edge of the narrow carriageway and adjoining verge, thereby causing an unacceptable level of damage to both and possible structural failure of the carriageway edges. Such conditions are considered contrary to interests of safety and free passage of vehicles within the public highway.

Therefore, it is considered that there has been a failure to satisfactorily demonstrate that the site is well related to an adequate road system, which is contrary to Policy LT7 of The South Holland Local Plan 2006. Furthermore, safe and convenient access for road users of all kinds has not been demonstrated, which is contrary to Policy SG15 of the South.

APPEAL DISMISSED

- H09-0566-15 Proposed utility/amenity building. NON MAT AMENDMENT. Approved: 21-09-15

- H09-0336-14 Use of site for camping and caravanning - re-submission. S191 LAWFUL USE CERT REFUSED: 11-08-14

- H09-0929-13 Use of site for camping and caravanning. S191 LAWFUL USE CERT. REFUSED: 10-02-14

- H09-0336-14 - Use of site for camping and caravanning - re-submission of H09-0929-13. REFUSED: 11-08-14

- H09-0751-13 Erection of 2 sheds, toilet facilities and timber gazebo. Approved: 17-12-13
- H09-0114-13 Site manager's mobile accommodation. REFUSED: 16-04-13
- H09-0333-10. Proposed utility/amenity building. Approved: 10-06-10

Consultation Responses

South Holland IDB

Surface Water - The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

Foul Disposal - I note that the applicant intends to treat foul waste using a septic tank, however I cannot see that the applicant has indicated how they intend to dispose of the foul water once it has been treated. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees

Parish

Further to our previous comments, the application has not changed. Our original comments stand. This application should be refused: The continual work on the site is in breach of the planning refusal and the site is in contravention of the district traveller site agreements. The applicant has ticked no to the question has the work already started.

Over the last three months the site has been developed to include one large chalet style static, one touring caravan, plus additional buildings we believe are referred as ancillary work. The site is now occupied and power has been installed, whereby the occupants have significant lighting on all night which encroach on neighbouring properties. Contrary to the original statement regarding minimal vehicle movements, there are several that occur during darkness almost daily. None of this is in keeping with the local area and has had significant impact with two residents who have sold up at a loss and moved out. Worth noting that in past years two residents were refused planning for static caravans on their own properties

Environment Agency

The site is in Flood Zone 3a and situated outside of the hazard extents for the 2115 tidal breach events. Therefore, in line with the South East Lincolnshire flood risk advice matrix, we have no comments to make on this planning application. However, if you believe you do need our advice, please call me on the number below.

Housing Standards

This site will require a Caravan Site Licence once the Planning has been approved.

Environmental Protection

Caravan sites are now considered private water supplies under regulation 8 of Private water act 2008. please provide details of water distribution arrangements on the site, especially relating to supply arrangements for the static caravans.

Highways & Suds

Comments - The proposal is for change of use of land to static caravan/touring caravan site and retention of change of use of existing building to associated service dwelling - Retrospective. The information provided indicates that no arrivals to the touring/visitor pitches will be permitted before 16:00 and all departing vehicles must vacate the site by 10:00. These time restrictions mean it is unlikely that touring caravans will pass one another. Informal passing places are available, providing space for vehicles to pull into if needed, and visibility along the road is sufficient to allow drivers to see oncoming vehicles. The proposal will not result in an unacceptable impact on highway safety.

Please could the planner attach a suitable worded condition to control arrivals and departures in accordance with these times for the touring caravans.

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.

Representations

This application has been publicised in accordance with the Development Management Procedure Order 2015 (as amended). A number of objections have been received and they are summarised in the following way:

- Highway Safety concerns
- Planning Breach
- Errors in the application form
- Unsustainable
- Intermittent presence of site and amenity building.

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.

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 (updated December 2024) 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.

Boston and South Holland Gypsy and Traveller Accommodation Assessment (2016)

The primary objective of the 2016 Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Boston and South Holland. As well as updating previous GTAAs, another key reason for completing the study was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015 .

Policy Paper

Planning policy for traveller sites (2024) (PPTS). This document sets out the government's planning

policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework (December 2024).

Assessment

This proposal is two fold. The proposal can be separated into the following parts:

1. Consideration of the change of use of an approved ancillary building, to form managers accommodation to support the operations as described below.
2. A caravan site is proposed to incorporate seven units, four static caravans and three visitor plots, for occupation, predominantly, but not exclusively limited to, serving the traveller community, but also to provide, if it proves necessary from time to time, to accommodation for seasonal workers and temporary local employees.

The key topics for the assessment are as follows:

- Principle of Development and Sustainability
- Managers Dwelling
- Use of land for siting caravans (predominantly, but not exclusively limited to, serving the traveller community)
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Character & Landscape
- Highway Safety and Parking
- Environmental Issues/Amenity
- Ecology & Biodiversity
- Planning Balance.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) 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 (2019) 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.

The application site is in this instance lies outside of any defined settlement boundary as set out under Policy 1 of the South East Lincolnshire Local Plan (2019).

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". The site is therefore regarded as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

Part D of SELLP Policy 1 sets out the permitted development types within the open countryside. In respect of development within the countryside, it sets out that this is limited to that where it "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 reasoned justification of Policy 1 (under para. 3.2.17), housing exceptions in the countryside are commented. This 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 settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)".

The application site is not considered to meet the provisions of Policy 19, as the proposal does not seek permission for a Rural Exceptions Site.

The principle section can therefore be broken into two distinct elements; firstly the use of the ancillary building as a managers dwelling, and secondly the use of land for the siting of caravans.

Assessment of Managers Dwelling

The application proposes a permanent manager's dwelling.

In addition to the above, Paragraph 84(a) of the NPPF (December 2024) states that planning policies should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work.

In a similar regard, Policy 1 of the SELLP seeks to permit development in the countryside in instances only where it is necessary to the location, and/or it demonstrably meets the sustainable development needs of the area in terms of economic, community, or environmental benefits.

As such, it must be noted that development comprising a residential dwelling, including market houses and self-build properties, would not typically be supported where they fall within an open countryside location in planning policy terms. Proposals of this nature would therefore typically be resisted.

However, it is noted that the proposal in this instance is described as a 'managers dwelling', in association with activity on the wider site. As such, permanent dwellings in rural locations are therefore only acceptable where a functional or essential need is clearly demonstrated, and cannot be met by existing nearby accommodation.

In this case, the submission indicates that on-site management is required. However, the submission significantly lacks evidence in this regard; and provides no operational, functional, or viability evidence in this regard. There is no staffing plan, no justification for 24-hour residency, and no explanation as to why nearby accommodation could not meet the management needs (or indeed what the management needs of the site are).

The application site, as detailed above, has been subject to previous development proposal on site. Previous decisions relating to the site have similarly raised concerns regarding the justification for a permanent manager's dwelling, with reference H09-1078-19 having been refused by the Local Planning Authority, and subsequently dismissed at appeal.

Accordingly, the proposal fails to demonstrate the essential functional need required for a new dwelling in the countryside, and is therefore the proposal is contrary to Paragraph 84(a) of the NPPF (December 2024) and Policy 1 of the SELLP.

Assessment of Use of Land for siting Caravans

In relation to Gypsy and Traveller provision, Policy 20 of the SELLP is the primary policy consideration. This must be read alongside the Government's Planning Policy for Traveller Sites (PPTS, 2024), which reinforces and complements the Local Plan's criteria-based approach.

Policy B of the PPTS mirrors many of the requirements set out in Policy 20 of the SELLP, emphasising suitability of location, access to services, and protection of residential amenity.

Policy 20 of the SELLP states that planning permission will be granted for Traveller sites where

proposals:

1. are adequately served by essential infrastructure including electricity, potable water, waste-water treatment and waste/recycling facilities;
2. do not result in significant adverse effects on the amenity of existing residents or adjoining uses, with careful consideration given to layout, landscaping, external lighting and the appropriateness of any mixed-use elements; and
3. can be successfully assimilated into the immediate and wider landscape.

For unallocated sites, Policy 20 further requires compliance with criteria (a)-(g), including that proposals must:

- provide an acceptable standard of amenity for occupants;
- are not located near uses that could endanger health (e.g. refuse tips, water recycling centres or contaminated land);
- respect the scale and form of the nearest settled community;
- do not place undue pressure on local infrastructure;
- safeguard heritage assets and ecological interests;
- do not prejudice highway safety; and
- in the case of permanent residential sites, ensure reasonable access to education, health care, recreation, shops and employment, preferably by sustainable modes.

Paragraph 1(h) of the PPTS (2024) states the Government aims to increase the number of authorised Traveller sites in appropriate locations, address under-provision, and maintain a suitable supply. Importantly, the PPTS also requires sites to be sustainably located, to avoid unacceptable pressure on local services, and to respond to an identified local need.

These policies are reinforced by the provisions of the NPPF (December 2024). Paragraph 8 emphasises the need to balance social, economic and environmental objectives; while paragraphs 61 and 63 require planning authorities to meet the needs of different groups in society including Gypsies and Travellers.

On this basis, the proposal may be acceptable in principle only where it can demonstrate full compliance with Policy 20 of the SELLP and the PPTS, including evidence that future occupants will have reasonable access to essential services and facilities.

At present, the submission provides limited evidence regarding accessibility to education, healthcare, employment and day-to-day services, particularly by walking, cycling or public transport as encouraged by Policy 20(g) of the SELLP and the provision of the NPPF (December 2024).

Furthermore, the intended use of the site is insufficiently defined. The description refers not only to Gypsy and Traveller accommodation, but also to seasonal workers, temporary employees and "emergency accommodation for the public".

The proposal for mixed forms of occupation raises several policy concerns. Seasonal worker accommodation would require a clear functional/business justification, identifying the specific enterprise served and demonstrating essential need. In this regard, no detail, evidence or justification has been provided.

General public or temporary employee accommodation does not fall within the Traveller definition and would not qualify for the countryside exceptions, as would be provided under Policy 1 or Policy 20 of the SELLP, and the employee accommodation is ambiguous in that it is not clear which business would be supported, and a significant lack of evidence has been forthcoming that such a business requires live-in workers.

The introduction to the proposal of multiple unrelated accommodation types undermines the policy purpose of Traveller site provision and introduces uncertainty regarding principle planning matters.

As submitted, the proposal does not clearly demonstrate how the site would operate, how all occupants meet the PPTS definition, or how it fully satisfies the criteria of Policy 20 of the SELLP. The ambiguity in the accommodation types therefore weighs against the proposal in policy terms.

Therefore, notwithstanding the position of South Holland District Council in that its 5YLS for the provision of gypsy/traveller pitches cannot be demonstrated, the proposal fails to accord with Policy 20 of the South East Lincolnshire Local Plan (2019), the Planning Policy for Traveller Sites (2024)

and relevant provisions of the National Planning Policy Framework (December 2024).

The application does not demonstrate that future occupants would have reasonable access to education, healthcare, employment, shops and services by sustainable means, as required by Policy 20(g)(i) of the SELLP and paragraphs 8, 61 and 63 of the NPPF.

Insufficient evidence has been provided to show that the site would be sustainably located, adequately serviced, or appropriately assimilated into its surroundings, contrary to Policy 20 (1-3) of the SELLP and PPTS paragraph B13.

Lastly the conflict in accommodations types put forward, which are not all supported by Policy 1 of the SELLP within such a countryside location, give rise to principle planning issues surrounding appropriate accommodation within the countryside.

As such, when viewed as a whole, the proposal would be contrary to Policy 1 and Policy 20 of the SELLP, the provisions of the NPPF (December 2024) and the PPTS. The proposal, for the change of use of land to a static caravan/touring caravan site, and retention of a change of use of an existing building to associated service dwelling, is therefore unacceptable in principle.

Flooding Risk Considerations

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.

The application site lies within Flood Zone 3 in accordance with EA Mapping. Policy 4 sets out South Hollands approach to Flood Risk. A review of the hazard mapping and depth mapping that are derived from the SFRA, show that the application site is located within an area that is low hazard rating on both the South Holland District present day and 2115 flood maps.

Policy 4 of the SELLP states that development will be permitted subject, 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).

Planning Practice Guidance (Paragraph 27) on Flood Risk and Coastal Change state that "The sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test.

In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied".

In this instance, the EA have been consulted and have no objection. The application site is considered to be in a 'low risk' location in accordance with the South East Lincolnshire SFRA, and as such, the sequential test is therefore passed.

Turning to the exceptions test, which is required as part of the development relates to 'more vulnerable' and part to 'Highly Vulnerable', the test, which is two folded, requires that:

Wider sustainability benefits: The development must demonstrate it provides sustainability benefits that are so significant they outweigh the flood risk.

Safety and flood risk management: The development must be safe for its entire lifespan, and it must not increase flood risk for others. Developers must also show that, where possible, the project will

reduce flood risk overall.

In terms of wider sustainability, the proposal for Gypsy and Traveller accommodation which would go toward reducing the 5YLS and meeting a need would clearly have wider sustainability benefits to the community. Notwithstanding that the accommodation types are mixed, and some of those types not contributing to the wider sustainability benefits of the community, the provision of G&T pitches would, by itself out weigh the risk from flooding (when considering the SFRA low risk location of this site).

Foul and Surface Water Drainage

The applicant indicates an intention to dispose of surface water via infiltration; however, no evidence has been provided to demonstrate that infiltration is feasible at this stage. In respect of foul drainage, the applicant proposes the use of a septic tank, but has not clarified how treated effluent would be discharged thereafter.

The Internal Drainage Board (IDB) has been consulted and advises that formal consent would be required should any water be discharged into a watercourse. Environmental Protection has also commented, noting that:

"Caravan sites are now considered private water supplies under Regulation 8 of the Private Water Supplies Regulations 2008. Please provide details of water distribution arrangements on the site, especially relating to supply arrangements for the static caravans."

The regulatory requirement arises because water supplied from the public mains is onwardly distributed by a third party (the site owner/manager) to multiple units (in this case, the static caravans), where those occupiers are not direct customers of the primary water company. The purpose of Regulation 8 is to ensure that consumers receiving water through such indirect arrangements benefit from the same level of monitoring and protection as direct customers.

Notwithstanding the lack of detail at application stage, it is considered that the outstanding matters relating to foul drainage, surface water management, and private water supply arrangements can be satisfactorily addressed through appropriately worded planning conditions. Securing this detail by condition would provide sufficient mitigation and ensure that the development proceeds in a controlled and environmentally acceptable manner.

Accordingly, the Exception Test is considered to be met, and subject to the recommended conditions, the proposal would comply with Section 14 of the NPPF and Policy 4 of the South East Lincolnshire Local Plan.

Character & Landscape

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details 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 National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposals should meet sustainable development considerations specifically in relation to "size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses."

Policy 3 sets out the 'Design of New Development'; in part it states 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."

NPPF Paragraph 187(b) is relevant to this case. It states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Whilst the resultant lawful use of the built form would be altered as part of this proposal, when considering the built form itself, the ancillary building subject to this proposal is already in situ, which significantly limits additional landscape or visual impacts arising from its change of use to a manager's dwelling.

Furthermore, the touring caravans would be effectively screened by the existing mature boundary treatments that currently enclose the site. As a result, the proposed development would not materially alter the character or appearance of the surrounding area.

On this basis, the proposal is considered to accord with the aims and requirements of Policies 2 and 3 of the SELLP in regard to the impact upon the character of the area and landscape, as well as the environmental protection objectives set out in NPPF Paragraph 187(b).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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".

SELLP 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking; it 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)."

During the course of the application, the Highway Authority requested the submission of a Transport Statement. The Statement subsequently provided clarifies the operational characteristics of the site, including the pattern of vehicle movements associated with the touring and visitor pitches. The Highway Authority concluded that:

"The information provided indicates that no arrivals to the touring/visitor pitches will be permitted before 16:00 and all departing vehicles must vacate the site by 10:00. These time restrictions mean it is unlikely that touring caravans will pass one another. Informal passing places are available, providing space for vehicles to pull into if needed, and visibility along the road is sufficient to allow drivers to see oncoming vehicles. The proposal will not result in an unacceptable impact on highway safety."

They have therefore requested that a suitably worded planning condition is imposed to secure adherence to the stated arrival and departure times.

It is acknowledged that previous applications at the site have been refused and subsequently dismissed at appeal on highway safety grounds. However, in the context of the current submission and the specialist assessment now provided by the Highway Authority, the Local Planning Authority

has no substantive technical basis to contradict that professional advice.

Accordingly, the proposal is considered to comply with Policies 2, 3 and 36 of the SELLP in this regard.

Environmental Issues/Amenity

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 20(2) of the SELLP requires that development does not have a significant adverse effect on the amenities of existing residents or adjoining uses. Proposals must give careful consideration to, Layout, Landscaping, External lighting and The type and intensity of use.

The applicant has not provided a noise assessment or any lighting specification. That said, given the residential nature of the proposal and that lighting can be condition, it is considered that impacts in relation to amenity are acceptable.

The proposal therefore accords with Policies 2, 20 and 30 of the SELLP in this regard, as well as the section 12 of the National Planning Policy Framework (December 2024).

Ecology & Biodiversity

Policy 28 of the SELLP is concerned with the Natural Environment. Points 2 and 3 of Policy 28 are relevant to this assessment: point 2 relates to nationally or locally designated sites and protected or priority habitats and species, while point 3 concerns the need to address gaps in the ecological network.

No ecological surveys have been submitted. However, the application site is predominantly laid to hardstanding and no operational or construction works are proposed as part of the development.

As such, the likelihood of the proposal giving rise to adverse effects on protected species or sensitive habitats is considered to be low. Any future external lighting would require separate permission; this can be controlled through an appropriately worded planning condition, alongside an informative highlighting the relevant legislative protections for wildlife.

With respect to Biodiversity Net Gain (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.

"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 applicant has stated that the development is exempt, noting:

"In respect of the requirements of Section 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2017, it is considered that since this application relates to development already carried out, it is not subject to requirements in respect of proposals in respect of net biodiversity net gain that must normally be provided before an application can be registered. The Council's confirmation is requested accordingly."

In this instance, the assessment is complex. The change of use of the ancillary building to a dwelling involves no building operations, and the use of the wider site for the siting of caravans constitutes operational development but does not involve any physical alterations to the land.

As no construction works or physical changes to the site are proposed, the applicant's position is accepted, and it is concluded that BNG is not required.

Overall, the proposal is considered to accord with the relevant provisions of Policy 28 of the SELLP.

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.

In weighing the proposal against the Development Plan and other material considerations, the scheme offers limited benefits, primarily a modest contribution to the supply of Traveller pitches and minor economic activity, but these benefits carry only moderate weight, which is further emphasised given the uncertainties surrounding the mix of intended occupants.

It is considered that these benefits are significantly outweighed by the harm in this instance. The proposed manager's dwelling is unsupported by any operational or functional justification, failing to demonstrate an essential need for permanent occupation, and thereby representing unjustified residential development in the countryside.

The proposal also conflicts with Policy 20 of the SELLP and the Planning Policy for Traveller Sites (2024), as it does not satisfy the policy's criteria requiring that Traveller sites be located in suitable locations, adequately served by infrastructure, and appropriately integrated into the immediate and wider landscape.

The ambiguous mix of intended occupants which includes seasonal workers, temporary employees, and the general public, further undermines compliance with Policy 20, creating uncertainty over how the site would operate.

On balance, these clear and substantial policy conflicts significantly outweigh the limited benefits associated with the proposal. Accordingly, the development conflicts with the Development Plan when read as a whole, and there are no material considerations to indicate that permission should be granted.

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

For the reasons set out above, the proposed development conflicts with the South East Lincolnshire Local Plan (2019), the Planning Policy for Traveller Sites (2024), and relevant provisions of the National Planning Policy Framework (December 2024).

No material considerations indicate that planning permission should be granted, and the application is therefore refused.