DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0912-25**	**Applicant:**	**Mr Von Haartman**
Proposal:	Erection of 1 dwelling including the formation of a new access		
Location:	Adj. Hillside Hurn Road Holbeach Hurn		
Terminal Date:	19th November 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

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

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks outline planning permission with all matters reserved for the erection of a dwelling, except for the proposed access. The access is proposed to be taken from Hurn Road, which is located to the west of the site.

Site Description

The application site comprises land within the garden of Hillside, which is a detached dwelling set within a spacious plot. The dwelling within the Hillside plot is located to the south of the site. There is a row of three attached dwellings to the north of the site, the nearest of which is Vinery Cottage. To the north-east of the site, there is a building which has consent to be converted into an annexe to serve The Old Ranch, which is a dwelling located further to the north-east.

The site is within the settlement boundary of Holbeach Hurn, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map.

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

Planning History

To the east of the site (also within the curtilage of Hillside):

H09-0785-25: (Full Application) Conversion of domestic outbuilding to annexe (retrospective) - approved 10 November 2025

To the north-east of the site (The Old Ranch):

H09-0130-24: (Full Application) Conversion of ancillary outbuilding into annex for family use - approved 23 July 2024

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for

this application. Considering the proposal nearby MLI123377 Vinery Cottage, the SHDC Conservation officer must be consulted before a decision is made (setting impact).

Lincolnshire County Council - Highways and SUDS: The proposed access arrangements will be from Hurn Road where the applicant has shown suitable visibility in accordance with Manual for Streets, so that drivers intending to enter the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre. The applicant needs to make consideration of sufficient parking provision where 2 parking spaces for a dwelling with three bedrooms or less and 3 parking spaces for dwellings with four or more bedrooms are proposed and sufficient turning facility within the site to enable vehicles to enter and leave in a forward gear. Sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application. Highways Informatives 03 and 08 are recommended.

South Holland Internal Drainage Board:

Byelaw 3 (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. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): 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. 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.

Section 23, Land Drainage Act 1991: I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Environmental Protection: I request a standard land condition be applied at this location.

Ecology Officer: We believe there are potential nesting habitats onsite for nesting birds. Therefore, we request a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 1st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue. Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain cannot be achieved

Holbeach Parish Council: No response received.

Cllr C N Worth: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 5 representations have been received (from the 2 households). 3 of the representations were received after the consultation period. The following summarises the key matters raised within the representations:

- It is unclear what size the dwelling will be. Anything taller than a bungalow would be unfair.
- Although the wall at the rear of the site is shown as being 1.5m tall, the wall is 1m tall on the neighbouring side of the site.
- If anything other than a bungalow is built this will restrict light to the area behind and also result in overlooking and overshadowing of the neighbouring garden.
- The neighbouring properties are all bungalows other than the old post office building which has trees covering windows.
- The land rises at the back of the site which will means neighbours will see in and be seen by any occupants as the ground raises to a concrete slab which was a cart loading ramp approximately 0.5m tall.
- There are animals / livestock directly behind the land in the outbuildings opposite which needs to be highlighted due to the noise aspect.
- Under policy 1 spatial strategy, Holbeach Hurn is listed as an area of development restraint. This must be considered

Wastewater and Drainage:
- The application indicates that a package treatment plant will be used. Could clarification please be provided on where the treated wastewater will discharge? In addition, I cannot find any details on the plans relating to the package treatment plant or any proposed infiltration arrangements for surface water management.
- The application states that there are no trees or hedges adjacent to the proposed site. This is incorrect, as there are established hedgerows bordering the site which provide an important habitat for local wildlife.
- It is not clear from the application how a net gain in biodiversity would be achieved. The proposal involves the removal of a significant portion of the roadside hedge to create vehicle access, as well as removal of the hedgerow separating the existing property from the development site to make way for a 1.8m high boarded fence. This would result in a clear
loss of biodiversity within Holbeach Hurn.
- The application proposes parking for three vehicles. Each vehicle must be able to turn within the site so as to exit the highway in a forward gear. The current plans do not appear to provide sufficient space to allow for this safely. The proposed entrance to the development is positioned very close to the junction with Hurn Bank. I am concerned this may create a potential hazard for vehicles entering or exiting the site, particularly given the limited visibility at this location.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;

- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain;
- Contamination; and
- Heritage Assets.

These matters are assessed in turn below.

Principle of Development

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

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

The site is within the defined settlement of Holbeach Hurn which is within the category 'Other Service Centres and Settlements'. Policy 1 sets out that within this type of settlement, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill. Therefore, the development is acceptable in principle as the proposed dwelling is considered to comprise infill development. However, it is necessary to assess the proposed development against other material considerations, as assessed below.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

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

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it 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.

At this stage, the proposed scale, appearance and layout of the dwelling is unknown. As such, it is difficult to assess the visual impact of the proposals. The application is accompanied by an indicative site layout plan, which shows how a dwelling could be positioned within the site.

The site is located to the north of Hillside and to the south of Vinery Cottage. Hillside comprises a large, detached dwelling that is set back from the road frontage by approximately 12m. There is a row of three attached cottages located to the north, including Vinery Cottage which is the closest to the site. These cottages are located next to the road frontage. Other dwellings within the wider vicinity of the site are set back further from the road frontage at varying distances and comprise a mixture of house types and styles. Therefore, there is no strict uniformity in terms of the existing street scene.

The indicative site layout shows that a dwelling could be accommodated near to the road frontage, and also near to the northern boundary of the site. The site access and car parking area is shown to the south of the dwelling and a rear garden is shown. Whilst the current application does not seek

approval for the layout, consent is sought for the access and it is likely that the dwelling and car park area would need to be approximately as shown, unless an integrated garage was proposed.

The existing street scene varies as there are house types set within various plot sizes within the area. The siting of the nearest dwellings also varies. The proposed dwelling is likely to be of a suitable scale and siting to respond appropriately to the street scene and the character of the area. Whilst the dwelling is likely to be located closer to the road frontage than Hillside, it is considered that this would be appropriate within the street scene due to the proximity of the cottages to the north to the road frontage. The retention of the frontage hedge as shown indicatively would be welcomed to help retain some the green character that the site currently features.

Therefore, it is considered that the site has the capacity to accommodate a suitably designed dwelling whilst having an acceptable visual impact in order to accord with Policies 2 and 3 of the Local Plan, and Sections 12 and 16 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; 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 Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

At the application is in outline form only, it is unclear how large the dwelling and associated garden would be at this stage. Notwithstanding this, it is considered likely that any dwelling within the site could be provided with sufficient internal and external living space to provide a quality standard of living for future occupants. For example, based on the indicative layout, the garden shown would cover approximately 170sqm of land, with a depth of at least 8m. It is also likely that the proposed dwelling would accord with the nationally described space standard, depending on the number of bedrooms proposed.

It is unclear where windows would be placed as the detailed design of the dwelling is not yet known. The indicative layout shows that a dwelling could be accommodated within the north-western part of the site. The nearest dwelling would be Vinery Cottage, which is located to the north of the site. Vinery Cottage features windows on the front elevation and there is also a window located on the side elevation at the first-floor level. The indicative layout shows a separation distance of at least 6.5m between the proposed dwelling and Vinery Cottage. Whilst there might be some loss of light to the first-floor side elevation window on Vinery Cottage, it is not considered that this would be significant or adverse.

The placement of windows would need to be considered carefully at the detailed design stage. However, it is likely that any habitable room windows for the proposed dwelling would be on the front or rear elevations of the dwelling. If so, it is unlikely that the proposed dwelling would overlook any neighbouring dwellings to an unacceptable degree. For example, it is considered that there would be suitable separation distances between the proposed dwelling and Hillside to the south of the site.

The public representations have raised concerns with potential overlooking between the site and land to the west. The Old Ranch is a residential dwelling set within a spacious plot located to the north-east of the site. According to the public representations, animals are kept on land to the east. As set out previously, planning permission has been granted to convert a building to the east of the site into an annexe under permission H09-0130-24. If implemented, this annexe would be located approximately 12m to the north-east of the site boundary. It is not considered that the proposed dwelling is likely to face directly onto the annexe. Furthermore, with appropriate boundary treatments, this should reduce the degree of overlooking between the sites. The Old Ranch is set within a spacious plot and as such, there is space for privacy within the existing garden area that is not adjacent to the current application site. As such, the relationship between the proposed dwelling and The Old Ranch is likely to be acceptable on balance.

Therefore, it is considered that the site has the capacity to accommodate a design that would have an acceptable impact on the residential amenity of neighbouring dwellings and future occupants. As such, the proposal is considered to accord with the provisions of the Section 12 of the NPPF and

Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The vehicular access is proposed to be taken from Hurn Road, to the west of the site. Lincolnshire County Council's Highways Team consider that the applicant has demonstrated suitable visibility in accordance with Manual for Streets. Therefore, the proposed access would be acceptable in terms of highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is located within Flood Zone 3. Policy 4 of the Local Plan sets out that development within Flood Zone 3 can be permitted in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. As the site lies within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

Whilst the submitted FRA does not contain a site search exercise, as set out above, planning guidance requires the sequential test to be applied proportionately and appropriately. In this case, the site search area includes Holbeach Hurn. The vast majority of the area around Holbeach Hurn is located within Flood Zone 3, except for land to the south-east of the village which partly overlaps with land within the curtilage of Hillside. The land that is within Flood Zone 1 is mostly within an agricultural field and this land does not appear to be for sale. As such, it is considered that the sequential test is passed in this case.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

In terms of part a, the development would make a contribution to local housing supply which could benefit the community as future occupants could help sustain local services and facilities. National Planning Guidance sets out that examples of wider sustainability benefits can include the re-use of brownfield land and the provision of sustainable drainage systems (Paragraph: 036 Reference ID: 7-036-20220825). The application form indicates that the proposed means of surface water drainage is via soakaways, which are a sustainable form of drainage. It is unclear if soakaways are feasible at this stage as the application is not accompanied by infiltration testing results. Therefore, it is considered to be appropriate to include a condition requiring soakaways to be proposed. An alternative drainage strategy would only be acceptable if soakaways are not feasible.

In terms of part b, 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. The SFRA sets out at Paragraph 9.1.5 that there are a range of factors to be considered when determining whether or not a development is 'safe'. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within a hazard rating area and as such, the SFRA does not recommend specific flood risk mitigation measures. Notwithstanding this, the SFRA recommends that the finished floor level of the dwelling is 0.3m above surrounding ground levels and that 0.3m of flood resilient construction is included. As such, it is considered appropriate to include a condition requiring compliance with the measures recommended by the submitted FRA.

It is noted that one of the public representations raises queries in terms of the proposed surface and foul water drainage strategies. As the application is in outline form only, it is considered appropriate to secure further drainage details via conditions.

Therefore, it is considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk and drainage.

Biodiversity Net Gain

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

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

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

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or

(c) the development is exempt from the biodiversity gain condition.

The application is accompanied by a Biodiversity Net Gain Assessment which indicates that the proposals would result in a net loss of -49.52% in terms of area-based habitat units, and a net loss of -34.81% in terms of linear-based habitat units. The Assessment concludes that an off-site contribution is likely to be required to provide BNG. The local planning authority agrees with this conclusion as it is considered that there is limited scope to provide BNG on site due to the small-scale nature of the site. Therefore, a planning condition has been agreed to secure the provision of BNG. Landscaping proposals, including planting within the site can be secured via a condition.

The council's ecology officer has set out there could be habitats within the site that might be suitable for nesting birds. As such, it is considered appropriate to include a condition requiring the submission of further details relating to how birds will be protected if works are to commence between March and August (the bird nesting season).

Contamination

Policy 30 of the Local Plan sets out the development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon land quality and condition.

The council's environmental protection team have requested a standard contamination assessment condition is included to investigate any potential contamination risks from the proposals. Therefore, a condition has been agreed with the applicant's agent to secure further details prior to the commencement of development.

Heritage Assets

Paragraph 216 of the NPPF sets out the following:

"The effect of an application on the significant of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Policy 29 of the Local Plan requires proposals that would affect the significance of a heritage asset (whether designated or non-designated) to be informed by proportionate historic environment assessments.

Lincolnshire County Council's Historic Environment Team have set out that the council's conservation officer should be consulted as the proposal is near to Vinery Cottage. Vinery Cottage is identified within the county council's Historic Environment Record (HER) (reference: MLI123377). The Historic Environment Team have not identified Vinery Cottage as a non-designated heritage asset. Planning guidance is clear that non-designated heritage assets should be clearly identified within clear and up to date information (Paragraph: 040 Reference ID: 18a-040-20190723). Whilst the building is described in the HER, the building is not identified as a Building of Local Heritage and it is not considered that the building is a non-designated heritage asset. As such, it has not been deemed necessary to consult the council's conservation officer.

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 principle of one dwelling within the site represents appropriate development within the defined settlement boundary. The application is in outline form only except for the proposed access and as such, the proposed visual impact of the development is unclear at this stage. However, it is considered that the site has the capacity to accommodate a suitably designed dwelling. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 28, 30 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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