SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Lead Development Management Planner (Interim) - BBC & SHDC**

To: **Planning Committee - 29 April 2026**

(Author: **Mark Niland - Planning Officer)**

Purpose: **To consider Planning Application H09-1109-25**

Application Number:	H09-1109-25	**Date Received:**	12 November 2025
Application Type:	FULL		
Description:	Use of Site as Gypsy Traveller Plot on Storage Yard - Retrospective		
Location:	Ravens Gate Holbeach St Johns Spalding		
Applicant:	Mr L Gray	**Agent:**	Alexandra Design
Ward:	Whaplode and Holbeach St Johns	**Ward Councillors:**	Cllr A C Beal Cllr P A Redgate

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-1109-25

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application is referred to Planning Committee, having been heard by Chairman's Panel where this item was requested to be heard before the Planning Committee.

2.0 PROPOSAL

2.1 Full planning permission is sought for the change of use of the land, to form a single Gypsy/Traveller residential plot, comprising the siting of one caravan together with the erection of an ancillary day room.

2.2 The proposed day room would measure approximately 7 metres by 6 metres and would be constructed in timber. It would provide a family room, kitchen and bathroom facilities for occupiers of the site. Sleeping accommodation would be provided within the caravan only.

2.3 The proposal would utilise the existing vehicular access. Foul drainage would be dealt with by way of a package treatment plant.

3.0 SITE DESCRIPTION

3.1 The application site lies to the west of Raven's Gate, a straight road running broadly north-south, with its southern point meeting the hamlet of Holbeach St Johns. The site lies within the countryside for the purposes of the South East Lincolnshire Local Plan and is therefore outside of any defined settlement boundary.

3.2 The application site is also located within flood zone 2 in accordance with Environment Agency maps for planning and in a low risk area in accordance with the South East Lincolnshire SFRA.

3.3 To the north of the application site, within the same wider landholding and shown within the blue line, is an area of land currently used as a storage yard, which has been in use for a number of years. Beyond that, separated by a narrow field, lies Ravensgate Lodge. On the opposite side of the road is Red Lodge, a detached residential property within a relatively spacious plot.

3.4 The wider site, comprising the red line and blue line land, is enclosed by trees and hedging. At the frontage there is a high close-boarded fence set back from the highway. Internally, the land has been subdivided by further close-boarded fencing.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

4.2 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38(6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.3 South East Lincolnshire Local Plan, March 2019

4.4 The most relevant policies are considered to be:
- Policy 1 - Spatial Strategy
- Policy 2 - Development Management
- Policy 3 - Design of New Development
- Policy 4 - Approach to Flood Risk
- Policy 20 - Gypsies, Travellers and Travelling Showpeople
- Policy 28 - Natural Environment
- Policy 36 - Vehicle and Cycle Parking

4.5 **National Guidance**

4.6 National Planning Policy Framework (NPPF), December 2024

4.7 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 and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

4.8 Planning Policy for Traveller Sites (PPTS), 2024

4.9 Policy A: Using evidence to plan positively and manage development
Policy B: Planning for traveller sites
Policy C: Sites in rural areas and the countryside
Policy H: Determining planning applications for traveller sites
Policy I: Implementation
Annex 1

4.10 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 The relevant planning history is as follows:

5.2 H09-0690-08 - Upgrading of buildings (former glasshouses) to be used as store in conjunction with existing industrial use, including landscaping and boundary fencing. Refused.

5.3 H09-0356-09 - Use of building for repair/renovation of forklift trucks including landscaping and security fencing. Refused and dismissed on appeal.

5.4 H09-0103-16 - Use of site for the storage of items in connection with the hiring of synthetic ice rinks and marquees, plus ancillary workshop and the erection of boundary fencing (retrospective). Approved.

It is noted that this approval related only to the part of the site nearest the road and not the whole of the current application site. Conditions were imposed in relation to noise, lighting and fencing.

5.5 A review of Google Earth aerial imagery indicates that in 2016 only the front part of the site nearest the road was in use. By 2018 the whole of the application site and land to the north appeared to contain vehicles and stored materials. This continued into 2020. By 2022 the rear of the site had been cleared and activity was again primarily focused on the front section benefitting from planning permission.

5.6 The following recent appeal decisions relating to Gypsy and Traveller sites are also material considerations:

5.7 H09-0087-22 - The Rear of Emmanuel House, Main Road, Holbeach Drove
Change of use from paddock to residential use for Gypsy and Travellers, including two static caravan pitches and associated touring caravans. Allowed on appeal.

The Inspector found that Policy 20 of the South East Lincolnshire Local Plan is not worded so as to prevent additional Gypsy and Traveller sites above the identified need, and that the GTAA did not account for all future need including in-migration.

5.8 H06-0532-23 - The Orchards, Blazegate, Gedney, Spalding

Change of use of agricultural land to provide five Gypsy/Traveller family pitches. Allowed on appeal in July 2024.
The Inspector concluded that, despite policy conflict in flood risk terms, the evidence demonstrated that occupiers would not be exposed to unacceptable flood risk and significant weight was given to the need for traveller accommodation.

6.0 REPRESENTATIONS

6.1 **Consultee responses are summarised as follows**:

6.2 Environment Agency

No objection. The site lies within Flood Zone 2, but the South East Lincolnshire SFRA hazard mapping indicates the site is outside hazard extents for the future climate change scenario. The EA recommends conditions requiring caravans to be adequately anchored and finished floor levels to be set a minimum of 600mm above ground level.

6.3 South Holland Drainage Board

Advises that Land Drainage Consent will be required.

6.4 Ecologist

No objection subject to the mandatory 10% biodiversity net gain being secured through off-site units prior to commencement.

6.5 Environmental Protection

No observations.

6.6 Lincolnshire County Council Highways and SuDS

No objection. The Highway Authority considers that the proposal would not be expected to have an unacceptable impact on highway safety or a severe residual cumulative impact on the highway network and would not increase surface water flood risk. It is noted that the site has an existing lawful use and access and that the proposal is for one family only.

6.7 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, three letters of representation have been received, together with an objection from the local MP.

6.8 The material planning concerns raised can be summarised as follows:

·the site lies in the open countryside outside the development boundary;
·national policy advises traveller development in the open countryside should be very strictly limited;
·the proposal is in an unsustainable location with poor access to services and facilities;
·there are no footways, the adjacent road is subject to a 60mph speed limit, and walking would be unsafe;
·the proposal would lead to increased vehicle movements, including outside business hours;
·the access and surrounding highway conditions raise road safety concerns;
·there is concern regarding accidents having occurred on this stretch of road;
·insufficient evidence has been provided regarding alternative sites or essential need;
·the proposal could result in increased noise, loss of privacy and reduced security for nearby residents;
·further hardstanding may be required, with implications for drainage;
·concern has been raised regarding previous site uses and potential environmental impacts.

6.9 A letter of objection has also been received from the local MP raising concerns in relation to character, amenity and highway safety, including reference to the accident history in the locality. This can be read against the suite of documents associated with the application.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Evaluation

7.3 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.

7.4 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.

7.5 The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents and, with particular attention to this proposal, the Planning Policy for Traveller Sites (PPTS), 2024.

7.6 The key issues in the determination of this application are considered to be:

·The principle of development;
·The policy approach to Gypsy and Traveller sites and the issue of need;
·Sustainability of the location;
·Character and appearance;
·Residential amenity;
·Highway safety and parking;
·Flood risk and drainage; and

·Biodiversity net gain.

7.7 Principle of Development

7.8 The application falls to be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

7.9 The site lies within the countryside for the purposes of Policy 1 of the South East Lincolnshire Local Plan. However, Policy 1(d) does not preclude development in countryside locations. Rather, it provides that development will be permitted 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.

7.10 Importantly, paragraph 3.2.17 of the supporting text to Policy 1 confirms that housing needs may, by exception, be justified in the countryside, including Gypsy, Traveller and Travelling Showpeople accommodation under Policy 20. The proposal must therefore be assessed through the specific policy framework for traveller accommodation rather than treated as unacceptable solely by reason of its countryside location.

7.11 In that context, the proposal is considered acceptable in principle, subject to compliance with Policy 20 of the South East Lincolnshire Local Plan and other relevant development management considerations.

7.12 Approach to Traveller and Gypsy Sites, Need and Compliance with Policy 20

7.13 The Planning Policy for Traveller Sites (2024) requires local planning authorities to assess need, identify a supply of deliverable sites, and positively plan to meet the accommodation needs of Gypsies and Travellers. It also makes clear that criteria-based policies should be applied in decision-making so that applications for unallocated sites can be properly considered where they arise.

7.14 At the local level, Policies 1 and 20 of the South East Lincolnshire Local Plan (2019) provide a permissive, criteria-based framework for the delivery of Gypsy and Traveller accommodation. Policy 1(d) confirms that development in the countryside will be permitted where it meets sustainable development needs, and the supporting text at paragraph 3.2.17 expressly recognises that Gypsy and Traveller accommodation may, by exception, be justified in such locations. Policy 20 of the South East Lincolnshire Local Plan (2019) complements this approach by setting out detailed criteria against which proposals for Gypsy and Traveller sites must be assessed.

7.15 Policy 20 of the South East Lincolnshire Local Plan (2019) identifies an existing need for permanent residential pitches and confirms that additional needs arising during the plan period will be met through the determination of planning applications on unallocated sites. The supporting text refers to the Gypsy and Traveller Accommodation Assessment (GTAA) 2016, which identifies an element of "unknown need" arising from households not interviewed and future needs that may materialise over time. The Local Plan makes clear that such need is to be addressed through the development management process.

7.16 Significant weight is also afforded to the appeal decision at Emmanuel House, Holbeach Drove, in which the Inspector concluded that Policy 20 is not framed so as to resist additional Gypsy and Traveller sites beyond the identified need, and that the GTAA is dated and does not fully account for future demand, including in-migration. That reasoning is directly relevant to the assessment of this proposal.

7.17 In this context, the proposal, which seeks permission for a single Gypsy/Traveller pitch, is modest in scale and would make a contribution towards meeting an identified and ongoing need within the District. This is a material consideration that weighs in favour of the development.

7.18 Turning to the detailed criteria of Policy 20 of the South East Lincolnshire Local Plan (2019), the

proposal has been assessed against each requirement. The site can be adequately served by necessary infrastructure, including electricity, portable water and wastewater treatment. The scale of development is limited and would not dominate the nearest settled community nor place undue pressure on local infrastructure. The site is of sufficient size to provide an acceptable standard of amenity for its occupiers and is not located adjacent to uses that would be harmful to residential living conditions.

7.19 There is no evidence to suggest that the proposal would adversely affect heritage assets or areas of nature conservation interest. Highway matters have been considered in detail by the Local Highway Authority, which raises no objection, and the proposal is therefore acceptable in terms of access and vehicle generation.

7.20 Furthermore, the site is physically enclosed and well contained by existing boundary treatments, such that it is capable of assimilating into its surroundings without giving rise to unacceptable visual impact.

7.21 In terms of accessibility, the site is not among the most sustainable locations within the District and future occupiers would be reliant to a material degree on private transport. However, it is important to recognise that the site is not isolated in functional terms. The nearby settlements of Holbeach St Johns and Whaplode St Catherine are located within a reasonable travelling distance of the site.

7.22 Whilst these settlements are relatively small and offer only a limited range of services, they nonetheless provide a degree of connection to established communities. Future occupiers would also have access to a wider range of services and facilities within higher order settlements in the District, albeit primarily via private vehicle.

7.23 The principal remaining consideration in the context of Policy 20 of the South East Lincolnshire Local Plan (2019) relates to the site's location within Flood Zone 2. This matter is addressed in detail within the flood risk section of this report, where it is concluded that the Sequential Test is passed and that the proposal complies with Policy 4 of the South East Lincolnshire Local Plan (2019).

7.24 Taking all matters into account, and having regard to the permissive and criteria-based nature of Policies 1 and 20 of the South East Lincolnshire Local Plan (2019), the proposal is considered to comply with the requirements of Policy 20 of the South East Lincolnshire Local Plan (2019) and is supported in principle by national policy set out in the Planning Policy for Traveller Sites.

7.25 Character and Appearance - Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the National Planning Policy Framework (December 2024), "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

7.26 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 (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

7.27 Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in

assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the South East Lincolnshire Local Plan 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.

7.28 It is acknowledged that Gypsy and Traveller sites, by their nature, can have the potential to introduce visual change within rural areas, particularly where they involve the siting of caravans and associated domestic paraphernalia. As such, careful consideration must be given to their siting, layout and screening to ensure that they assimilate appropriately into the landscape.

7.29 In this instance, the application site benefits from a high degree of existing enclosure, including close-boarded fencing, established hedgerows and tree planting along the site boundaries. This provides effective screening from the public realm, particularly from Raven's Gate, and limits the visual prominence of the site within the wider landscape.

7.30 The site is not located within a visually sensitive or designated landscape and is relatively contained within its immediate context. As a result, views into the site are limited and filtered, and the development would not appear as a prominent or incongruous feature in the wider countryside.

7.31 The proposed day room is modest in scale and of a domestic, ancillary form, and would sit comfortably within the confines of the plot. Whilst the internal layout of the site is functional in nature, reflecting its intended use, it is proportionate and appropriate to the scale of the proposal, which is limited to a single pitch.

7.32 The introduction of a caravan and associated domestic activity would inevitably result in some degree of visual change when compared to the existing lawful circumstances on site. However, given the scale of development, the existing lawful use of the site, and the strong boundary treatment and screening, this change is not considered to be harmful or to result in a material adverse impact on the character or appearance of the area.

7.33 Any potential visual impacts arising from external lighting or materials can be appropriately controlled by condition if necessary.

7.34 Taking all matters into account, the proposal is considered to be appropriately assimilated into its surroundings and would not result in unacceptable harm to the character or appearance of the area. The development therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

7.35 Residential Amenity

Section 12 of the National Planning Policy Framework (2024), in particular paragraph 135, requires that development should create places with a high standard of amenity for existing and future users, and ensure that the quality of life is not undermined by unacceptable impacts such as noise, disturbance or overlooking.

7.36 At the local level, Policy 2 of the South East Lincolnshire Local Plan (2019) requires that development proposals adequately consider their relationship to neighbouring land uses and should not result in unacceptable impacts by reason of noise, disturbance, visual intrusion or loss of amenity. Policy 3 further requires that development is appropriately designed and laid out so that it integrates with its surroundings and provides a suitable standard of living environment.

7.37 A number of letters of representation have been raised, concerning the impact of the proposal on neighbouring amenity, including:

·potential overlooking and loss of privacy;
·increased noise and general disturbance arising from residential use;
·a perceived reduction in security; and
·intensification of activity compared to the existing use.

7.38 These concerns are acknowledged. The change from a storage-based use to residential occupation would alter the pattern of activity on the site, including comings and goings at different times of the day and evening. However, in assessing these impacts, it is important to consider the scale and nature of the proposal and its relationship to surrounding receptors.

7.39 The development comprises a single Gypsy/Traveller pitch only, which inherently limits the level of activity that would be generated. The site is physically separated from neighbouring dwellings by a reasonable distance and is enclosed by boundary treatments including fencing and vegetation, which provides a degree of visual containment and screening.

7.40 In terms of overlooking and privacy, the siting of the caravan and day room within the plot, together with the separation distances involved, ensures that there would be no direct or unacceptable overlooking of neighbouring properties.

7.41 In respect of noise and disturbance, whilst some increase in activity relative to the existing use is likely, particularly outside typical business hours, the scale of the proposal is such that this would not result in levels of noise or disturbance that would be materially harmful or unacceptable when assessed against Policy 2 of the South East Lincolnshire Local Plan. It is also relevant that the site has a lawful commercial use, which could give rise to its own form of activity and disturbance.

7.42 Concerns relating to external lighting and associated impacts can be appropriately controlled through the imposition of planning conditions if required.

7.43 The proposal would also provide an acceptable standard of amenity for future occupiers of the site, with sufficient space, facilities and separation from neighbouring uses, consistent with the requirements of Policy 3 South East Lincolnshire Local Plan.

7.44 Taking all matters into account, the proposal would not result in unacceptable harm to the amenity of neighbouring occupiers and would provide a suitable living environment for future residents. The development is therefore considered to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and the relevant provisions of the National Planning Policy Framework (December 2024).

7.45 Highway Safety and Parking

7.46 Section 9 of the National Planning Policy Framework (December 2024) seeks to promote sustainable transport and safe access for all users. Paragraph 116 of the National Planning Policy Framework (December 2024) is clear that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

7.47 At the local level, Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019) are relevant. Policy 2 requires that development proposals satisfactorily address access and vehicle generation levels, and do not give rise to unacceptable impacts in terms of amenity, disturbance or infrastructure capacity. Policy 3 requires development to be well-designed and appropriately laid out, including in relation to access arrangements.
Policy 36 requires development to provide appropriate levels of vehicle parking.

7.48 A number of objections have been received raising concerns in respect of highway safety. These include representations from third parties and the local MP, which highlight:

·the nature of the road (B1168), including its straight alignment and 60mph speed limit;
·the absence of footways and perceived risks to pedestrians;
·the history of road traffic accidents in the locality;
·concerns that additional vehicle movements associated with residential use could increase risk, particularly at different times of day; and
·potential conflict arising from vehicles slowing or turning into the site.

7.49 These concerns are noted and carry weight, particularly given the character of the road and the absence of pedestrian infrastructure. It is also acknowledged that the proposal introduces a

residential use, which may give rise to movements at times differing from the previous commercial use of the site.

7.50 However, Lincolnshire County Council, as the Local Highway Authority, has assessed the proposal and raises no objection. In doing so, the Highway Authority has had regard to:

·the existing lawful use of the site and associated access arrangements;
·the nature and extent of the proposed development, which is limited to a single family;
·the accident record for the surrounding road network; and
·the overall impact on the operation and safety of the highway.

7.51 The Highway Authority advises that:
·the existing access is of suitable construction;
·the site has previously accommodated commercial uses which could generate vehicular movements in their own right;
·the proposal would not be expected to result in an intensification of use that would materially affect highway safety;
·there is no evidence that the location constitutes a problem area in highway safety terms; and
·the development would not result in a severe residual cumulative impact on the local highway network.

7.52 The proposal also provides sufficient on-site space for parking and manoeuvring of vehicles, in accordance with the requirements of Policy 36.

7.53 In assessing the proposal, it is important to apply the test set out in paragraph 116 of the National Planning Policy Framework (December 2024). Whilst the concerns raised by local residents and the MP are acknowledged, the evidence before the Council, including the professional advice of the Local Highway Authority, does not demonstrate that the proposal would give rise to an unacceptable impact on highway safety, nor that the residual cumulative impacts would be severe.

7.54 It is further recognised that the absence of footways and reliance on private vehicles is a characteristic shared by many rural locations within the District and is not, in itself, a reason to withhold planning permission.

7.55 Taking all matters into account, including the scale of the proposal, the fallback position of the site, and the absence of objection from the Local Highway Authority, the proposal is considered acceptable in highway safety and parking terms and is therefore in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019) and Section 9 of the National Planning Policy Framework (December 2024).

7.56 Flood Risk and Drainage

7.57 Section 14 of the National Planning Policy Framework (December 2024) seeks to ensure that inappropriate development is avoided in areas at highest risk of flooding and that development, where necessary in such areas, is made safe for its lifetime without increasing flood risk elsewhere.

7.58 Policy 4 of the South East Lincolnshire Local Plan (2019) provides the local framework for managing flood risk. It states that caravans intended for permanent residential use will not be permitted in areas at risk of flooding, and requires that the Sequential Test is passed, demonstrating that there are no reasonably available sites at a lower risk of flooding. The policy confirms that the Sequential Test should be undertaken on a district-wide basis unless local circumstances justify otherwise.

7.59 The application site lies within Flood Zone 2. However, the South East Lincolnshire Strategic Flood Risk Assessment (SFRA), which forms part of the evidence base underpinning Policy 4, identifies the site as being within an area of low flood hazard, outside the 'danger for most' and 'danger for all' classifications.

7.60 In applying the Sequential Test, the applicant has set out that a significant proportion of the

District lies within Flood Zones 2 and 3. In this context, reliance has been placed on the SFRA to identify areas of lowest actual flood risk within the District. Given that the application site falls within a low hazard area as defined by the SFRA, it represents one of the lowest risk locations available within the District for this type of development.

7.61 Furthermore, the proposal relates to a Gypsy and Traveller pitch, and there remains a recognised shortfall in provision across the District, including 'unknown need' identified within the Gypsy and Traveller Accommodation Assessment. This establishes a clear need for additional sites, which is a relevant consideration in applying the Sequential Test and supports a flexible, realistic approach to site selection.

7.62 A site-specific Flood Risk Assessment has been submitted which demonstrates that:

·the site benefits from flood defences associated with the River Nene;
·the site is not within the flood hazard extents for the future climate change scenario; and
·mitigation measures including finished floor levels set a minimum of 600mm above ground level and anchoring of the caravan are proposed.

7.63 The Environment Agency has been consulted and raises no objection, subject to these mitigation measures being secured by condition. Taking all of the above into account:

·the site is located within a low flood hazard area as defined by the SFRA;
·the applicant has demonstrated a robust and proportionate approach to the Sequential Test, reflecting the flood risk context of the District; and
·there is a clear identified need for additional Gypsy and Traveller accommodation,

7.64 It is considered that the Sequential Test is passed in this instance.

7.65 Accordingly, the proposal is considered to comply with Policy 4 of the South East Lincolnshire Local Plan (2019) and the aims of Section 14 of the National Planning Policy Framework (December 2024).

7.66 Biodiversity Net Gain

7.67 Policy 28 of the South East Lincolnshire Local Plan as well as The Environment Act 2021 seek to achieve a net gain for bio-diversity. The statutory biodiversity net gain regime applies to this application. Development must therefore achieve at least a 10% biodiversity net gain unless specifically exempt.

7.68 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.

7.69 "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".

7.70 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.

7.71 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.

7.72 The Council's Ecologist has confirmed that the submitted biodiversity information is sufficient for determination and that mandatory net gain can be achieved through the purchase and securing of off-site biodiversity units. The ecologist confirms that 0.334 area habitat units will be required off-site and that these can be secured through either a legal agreement/conservation covenant or purchase from a registered habitat bank, with the usual biodiversity gain plan submitted pre-commencement.

7.73 The applicant has indicated willingness to secure the required off-site units. In any event, the statutory biodiversity gain condition would apply and must be discharged before development commences.

7.74 Subject to the statutory condition(s) the proposal is acceptable in this regard and would accord with Policy 28 of the South East Lincolnshire Local Plan.

7.75 **Planning Balance**

7.76 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

7.77 In this case, Policies 1 and 20 of the South East Lincolnshire Local Plan (2019) provide a permissive, criteria-based framework for the delivery of Gypsy and Traveller accommodation. The proposal is considered acceptable in principle, and the detailed assessment above demonstrates that it complies with the criteria set out in Policy 20.

7.78 The development would deliver a single Gypsy/Traveller pitch and would contribute toward addressing an identified and ongoing shortfall in provision within the District, including "unknown need" identified within the Gypsy and Traveller Accommodation Assessment. This carries significant positive weight, consistent with national policy set out in the Planning Policy for Traveller Sites.

7.79 In respect of technical matters:

·The proposal is acceptable in character and visual terms, with the site well contained and assimilated into its surroundings;
·There would be no unacceptable impact on residential amenity, having regard to separation distances, scale and the nature of the use;
·The proposal is acceptable in highway safety and parking terms, with no objection raised by the Local Highway Authority and compliance with the requirements of the National Planning Policy Framework (December 2024);
·In relation to flood risk, the site lies within a low hazard area as defined by the SFRA, the Sequential Test is satisfied, and the Environment Agency raises no objection subject to mitigation;
·Biodiversity net gain can be secured in accordance with statutory requirements.

7.80 It is recognised that the site is located within the open countryside and is not among the most sustainable locations within the District. Opportunities for access to services by walking or cycling are limited, and future occupiers would be likely to rely on private vehicles. However, this must be considered in the context of Gypsy and Traveller provision, where both national policy and the Local Plan recognise that such development may appropriately come forward in rural locations, including the countryside.

7.81 Taking all matters into account, the identified limitation in locational sustainability is not considered to outweigh the clear policy support for the proposal, the absence of technical objections, and the benefits arising from meeting an identified accommodation need.

7.82 The proposal is therefore considered to accord with the development plan when read as a whole, and there are no material considerations that indicate that planning permission should

be withheld.

7.83 **Additional Considerations**

7.84 Public Sector Equality Duty

7.85 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.

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

7.87 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.

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

7.89 Human Rights

7.90 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).

7.91 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.

7.92 **Conclusion**

7.93 The proposed development represents an acceptable form of Gypsy and Traveller accommodation, which is supported in principle by Policies 1 and 20 of the South East Lincolnshire Local Plan (2019) and national policy set out in the Planning Policy for Traveller Sites.

7.94 The proposal has been carefully assessed against all relevant material considerations. It has been demonstrated that the development would not result in unacceptable harm in respect of the character and appearance, residential amenity, highway safety, flood risk or biodiversity, subject to appropriate planning conditions.

7.95 Whilst the site is located within the countryside and is not among the most sustainable locations within the District, this must be considered in the context of the recognised need for Gypsy and

Traveller accommodation and the policy framework which supports such development in rural locations where appropriate.

7.96 Overall, the proposal is considered to comply with the development plan when read as a whole and with national policy. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.

8.0 RECOMMENDATIONS

8.1 It is recommended that the application be approved, subject to the conditions set out below.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

- Site Location Plan, Existing & Proposed Site Plan, Floor Plans & Elevations Dayroom
- Flood Risk Assessment ECL1643/Alexandra Design
- November 2025 Biodiversity Statement
- July 2025 (v1.0.2) Statutory Biodiversity Metric

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Occupation of the development hereby permitted shall be limited solely to persons who meet the definition of a Gypsy or Traveller, as defined in the Planning Policy for Traveller Sites (December 2024 or any subsequent revision), and their resident dependants.

Reason: The site is located in the countryside where residential development is restricted. Permission has been granted having regard to the identified need for Gypsy and Traveller accommodation.
This condition is imposed in accordance with Policies 1, 2 and 20 of the South East Lincolnshire Local Plan (2019).

3. The site shall be occupied by no more than one Gypsy/Traveller pitch at any one time, comprising no more than one caravan (which may include one static caravan) and one dayroom.

No commercial activities, including the storage, sale or processing of materials, machinery, vehicles or waste, shall take place on the land.

Reason: To ensure that the development remains of an appropriate scale and does not give rise to unacceptable impacts.
This condition is imposed in accordance with Policies 1,2 and 20 of the South East Lincolnshire Local Plan, 2019 which reflects national guidance.

4. The development hereby permitted shall be carried out in accordance with the recommendations set out within the submitted Flood Risk Assessment (Ref: ECL1643, Alexandra Design, December 2025).

In particular:
·Finished floor levels shall be set no lower than 600mm above existing ground level; and
·The caravan shall be secured to the ground by appropriate anchoring.

Reason: To ensure the development is safe from flooding and does not increase flood risk.
This condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).

5. No external lighting shall be installed on the site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have first been submitted to and approved in writing by the Local Planning Authority.

Any lighting installed shall be carried out in accordance with the approved details..

Reason: In the interests of residential amenity, air quality and environmental protection.. This condition is imposed in accordance with Policies 2, 28 and 30 of the South East Lincolnshire Local Plan (2019).

6. No burning of materials shall take place on the site at any time.

Reason: In the interests of residential amenity, air quality and environmental protection. This condition is imposed in accordance with Policies 2, 28 and 30 of the South East Lincolnshire Local Plan (2019).

7. The hedges and trees along the site boundaries shall be retained for the lifetime of the development.

Any hedges or trees that die, are removed or become seriously damaged or diseased in he opinion of the Local Planning Authority, shall be replaced within the next planting season with planting of a similar size and species.

Reason: In the interests of the visual amenity of the locality.
This condition is imposed in accordance with Policies 1 and 2 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance.

8. Within three months from the date of this decision, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

9. The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

10. Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.

B) Details of the phasing and implementation of the habitats

C) Details of the management operations necessary to achieving aims and objectives.

D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.

F) Details of the persons responsible for the implementation and monitoring.

G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

H) Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details.

Reason: To meet the requirements in delivering the Mandatory Biodiversity Net Gain and to ensure net gain in biodiversity is provided on site.
This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

11. Within three months of the date of this decision, details of bat boxes, including the specification, quantum and location of the boxes, shall be submitted to and approved in writing by the Local Planning Authority.

The bat boxes so approved shall be installed within 28 days of obtaining approval of such details, and shall be retained thereafter.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

12. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

13. **Biodiversity Net Gain**

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan, or

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

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Holland District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP before development is begun). This is over and above the information submitted and considered as part of this application, and will be required before development is begun, because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

For clarity, the Local Planning Authority do not consider that any of the exemptions apply in this case. As such, the development hereby permitted will be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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