

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H09-1284-25                      **Applicant:** Mr E McGowan

**Proposal:** Change of use of land to caravan site for use by gypsies/travellers 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:** 6th March 2026

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
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

**Representations:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
PARISH COUNCIL	0	0	0	1
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	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	4	0	0	0

## CASE OFFICER ASSESSMENT

### **Proposal**

This is a full planning application for the change of use of land to caravan site for use by gypsies/travellers and retention of change of use of existing building to associated service dwelling (part Retrospective).

The block plan shows the retention of an existing 'ancillary' building that has been occupied permanently in breach of its permission and the use of the existing access arrangement and 4 number static caravans located on the eastern boundary. To the south west of the site there is an area proposed to accommodate 3 mobile caravans on the existing hard standing.

The application site is already treated by high planting and this is shown to be retained.

### **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**

H09-0895-25 - 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. Refused 01-12-25

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

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 Refusal: 08-02-17

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

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 REFUSAL: 11-08-14

H09-0929-13 Use of site for camping and caravanning. S191 LAWFUL USE CERT. REFUSAL: 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. REFUSAL: 16-04-13

H09-0333-10. Proposed utility/amenity building. Approved: 10-06-10

## **Consultation Responses**

### Parish Clerk

This is not allocated within the local plan and should not be supported. The fact that it is retrospective presupposes that the applicant knew this to be the case. Highways will need to comment on the increased traffic flow any expansion would cause.

### South Holland IDB

Surface Water - The Planning Statement (M228, John Church Planning Consultancy Ltd, Dec 2025) indicates that the applicant intends to use the existing drainage system to dispose of surface water from the development. For the avoidance of doubt, we recommend that the applicant provides a drainage strategy for the site (Treated Foul Water) - note that the applicant intends to treat foul waste using an existing septic tank, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development.

### Environment Agency

The proposed development involves the use of static caravans for year-round residential occupation. As outlined in paragraph 079 of the planning practice guidance section on Flood Risk and Coastal Change (ID: 7-079-20220825), the proposed residential static caravans have a flood risk vulnerability classification of 'highly vulnerable' and are incompatible with Flood Zone 3a. Therefore, this element of the proposal is contrary to national planning policy.

Notwithstanding the policy objection, the hazard mapping found in South East Lincolnshire Strategic Flood Risk Assessment shows the site to be situated outside of the hazard extents for the future climate change scenario.

**Therefore, we do not wish to object to this application.**

We recommend that static caravans are secured to the ground using an adequate mechanism such as chains and ground anchors and finished floor levels should be set at a minimum 300mm above ground level.

### Highways & SuDs Support

I understand that this is a resubmission of H09-0895-25 for change of use of land to caravan site for use by gypsies/travellers and retention of change of use of existing building to associated service dwelling - Retrospective, therefore, my comments remain the same.

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.

#### Historic Places Team

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request

#### Environmental Protection

No comments.

#### **Representations**

This application has been advertised in accordance with the Development Management Procedure Order 2015 (as amended). A number of objections have been received which are summarised as:

- Previous refusals
- No suitable infrastructure
- Lack of lighting
- Previous reasons for refusal not addressed
- Highway Safety concerns

#### **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.

## **Assessment**

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

1. A caravan site is proposed to incorporate seven units, four static caravans and three visitor plots on existing hard standing for use as a Gypsy & Traveller Site
2. The change of use of an approved ancillary building to form a managers accommodation to support site operations.

## **The key topics for the assessment are as follows:**

- Principle of Development and Sustainability
- Use of land as Gypsy and Traveller site
- Managers Dwelling
- 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.

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It states that The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

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

The principle section can therefore be broken down into two distinct elements. Firstly, the use of land for a Gypsy and Traveller Site and secondly the use of the ancillary building as a managers dwelling.

### Use of Land for siting Caravans

In relation to Gypsy and Traveller provision, SELLP Policy 20 is the primary policy consideration. This is 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, emphasising suitability of location, access to services, and protection of residential amenity.

SELLP Policy 20 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:

- 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's 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.

The NPPF (Dec 2024) reinforces these policies. 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 is acceptable in principle only where it can demonstrate full compliance with Policy 20 and the PPTS, including evidence that future occupants will have reasonable access to essential services and facilities.

Whilst the submission does not expand upon the proximity of the site to services and amenities, it is acknowledged that Holbeach St Johns is located close to the north of the site and is the nearest settlement, containing a village hall and Public House. Moulton Chapel to the north west is also accessible and this settlement has a primary school. Notwithstanding the limited information on suitability of location, the need for Gypsy & Traveller site in South Holland is undisputed. Therefore given the accessibility to nearby settlements, with key facilities it is considered that the proposal would likely accord Policy 20(g) and the NPPF.

### Managers Dwelling

The application proposes a permanent manager's dwelling. Paragraph 84(a) of the NPPF (Dec 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. Similarly, SELLP Policy 1 permits development in the countryside only where it is necessary to the location and/or demonstrably meets the sustainable development needs of the area in terms of economic, community, or environmental benefits.

Permanent dwellings in rural locations are therefore acceptable only where a functional or essential

need is clearly demonstrated and cannot be met by existing nearby accommodation. Within the planning statement the applicant, states of the managers dwelling:

*Insofar as the retention of the change of use of the former amenity building is concerned, its residential use will be linked solely to ensuring the highest standards of management of the caravan site, and this element of the application should be considered, accordingly. As indicated above, it will enable all comings and goings to and from the site to be monitored effectively, and the site's rules to be enforced, because the management will be "on hand" 24 hours a day. It can then deal with emergencies, in particular should possible flooding be anticipated, provide care for, and control of, any animals and pets whose owners are out during the working day and carry out regular, essential site maintenance and drainage and waste management, including toilet cleansing. The living accommodation will also provide a small day room facility for the elderly or for the young children of residents.*

The benefits of having an onsite manager would improve the operation of the site and so, amenity of neighbouring residents, as well as the ability to link this caravan site to a management plan and manager, to ensure future smooth operations. In addition to the existing breach of this permitted 'ancillary day room' that has been inhabited for over 5 years it is considered that linking this building to the site operations, thereby regularising the breach would be beneficial to both the way the site operates as well as the impact the site would have upon neighbouring amenity. The dwelling will only be permanent in regard to the lifetime of the permission. Should the broader use of the site discontinue, there would be no justification for this building to continue as a managers dwelling, a suitably worded condition will reflect this scenario.

### **Conclusion of Principle Matters**

The site lies within the open countryside where development is generally restricted under the South East Lincolnshire Local Plan (2019). However, Policy 1 allows for certain exceptions where development is necessary in that location or meets identified sustainable needs, including Gypsy and Traveller accommodation under Policy 20.

In this case, the proposal for a Gypsy and Traveller site is considered acceptable in principle, subject to compliance with the detailed criteria of Policy 20 and the Planning Policy for Traveller Sites (2024). While limited information has been provided regarding accessibility to services, nearby settlements offer some facilities, and the acknowledged need for Gypsy and Traveller accommodation in South Holland weighs in favour of the development.

With regard to the manager's dwelling, the report accepts that an on-site presence would support effective site management and residential amenity. Subject to a planning condition restricting occupation to a site manager, the retention of the building for this purpose is considered justified and its permission as a dwelling will be linked to the broader use of the site.

Overall, the proposal is regarded as acceptable in principle within the countryside context, subject to compliance with relevant policy requirements and the imposition of appropriate conditions.

### **Flooding Risk Considerations**

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk. SELLP Policy 4 sets out South Hollands approach to Flood Risk.

The application site lies within Flood Zone 3 in accordance with EA Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to be low hazard rating on both the South Holland District present day and 2115 flood maps.

Policy 4 sets out South Hollands approach to Flood Risk. The application site is located within flood zone 3 in accordance with the Environment Agency Mapping systems. 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 has a mix of 'Danger for most' & 'Danger for all' (with depth between 1.25 and 2.0).

In such locations SELLP Policy 4 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 given the application site is considered to be in a 'low risk' location in accordance with the South East Lincolnshire SFRA. In flooding terms then, with reference to the SFRA there are unlikely anymore preferable places to site this development. Furthermore the application site has an established use as a camping and caravanning site.

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 outweigh the risk from flooding (when considering the SFRA low risk location of this site).

### *Foul and Surface Water Drainage*

In respect of foul drainage, the applicant proposes to utilise an existing septic tank; however, the submission does not clearly identify the final point of discharge for treated effluent or confirm the capacity of the system to accommodate the proposed level of occupation. The Internal Drainage Board (IDB) has advised that formal consent would be required should any discharge be made to a watercourse.

While this information has not been fully detailed at application stage, it is noted that no objection has been raised in principle by the relevant consultees. Given the scale of development and the existing use of the site, it is considered reasonable and proportionate to secure full details of foul drainage disposal, surface water management, and any private water supply arrangements by planning condition. Such conditions would require submission, approval and implementation of a comprehensive drainage strategy prior to occupation, including confirmation of discharge arrangements and any necessary consents.

Subject to these safeguards, it is considered that flood risk would be appropriately managed and that the development would not increase flood risk elsewhere. Accordingly, the Exception Test is satisfied and, with the imposition of 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

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; 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.

The ancillary building subject to this proposal is already established on the site and forms part of its existing built context. The application does not propose any external alterations or extensions to the structure; rather, it seeks to regularise its residential use in connection with site management. As such, there would be no additional built form introduced into the countryside, and no increase in visual massing, height or footprint arising from this element of the development.

In respect of the proposed siting of caravans, these would be positioned within an area that has historically accommodated caravan and camping uses and is enclosed by established, mature boundary planting. The existing hedgerows and tree belts provide a strong degree of visual containment, limiting views into the site from Little Dog Drove and the wider open landscape. Given the low-profile and transient nature of caravans, together with the established screening, the proposal would not give rise to significant visual intrusion or encroachment into the rural landscape.

The wider character of the area is one of dispersed development interspersed with agricultural land and sporadic residential plots. The continued use of the site for caravan-based accommodation, together with the retention of the ancillary building, would not materially alter this established pattern. The proposal would therefore maintain the intrinsic character and openness of the countryside and would not result in demonstrable harm to landscape character.

Accordingly, the development is considered to accord with SELLP Policies 2 and 3, which require development to respect the character and appearance of the area, as well as with paragraph 187(b) of the NPPF (December 2024), which seeks to recognise and protect the intrinsic character and beauty of the countryside.

### Highway Safety and Parking

SELLLP 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.

SELLLP 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.

SELLLP 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)."

Lincolnshire County Council, as Highway Authority, has been consulted on the application and has raised no objection to the proposal. The Highway Authority notes that the submitted information confirms that arrivals to the touring/visitor pitches would not be permitted before 16:00 and that all departing vehicles must vacate the site by 10:00. These staggered arrival and departure times are intended to minimise the likelihood of touring caravans meeting on the access road, thereby reducing the potential for conflict.

The Highway Authority further advises that informal passing places are available along the route, allowing vehicles to pull in where necessary, and that visibility along Little Dog Drove is sufficient to

enable drivers to observe and respond safely to oncoming traffic. On this basis, it concludes that the development would not result in an unacceptable impact on highway safety. It has requested that, should planning permission be granted, a suitably worded condition be imposed to secure the specified arrival and departure time restrictions in the interests of highway safety.

It is acknowledged that previous proposals at the site have been refused, and subsequent appeals dismissed, on highway safety grounds. However, each application must be assessed on its own merits and on the basis of the evidence currently before the Local Planning Authority. In this instance, the Highway Authority, as the statutory consultee with technical expertise in highway matters, has confirmed that it raises no objection subject to the recommended condition. In the absence of substantive technical evidence to the contrary, there is no reasonable basis for the Local Planning Authority to depart from that professional advice.

Accordingly, subject to the imposition of an appropriate condition controlling arrival and departure times, the proposal is considered to provide safe and suitable access arrangements and would not give rise to a severe residual cumulative impact on the highway network. The development is therefore considered to accord with SELLP Policies 2, 3 and 36, as well as the relevant provisions of the NPPF relating to highway safety.

### Environmental Issues/Amenity

Policy 20(2) 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.

No noise assessment or external lighting specification has been submitted in support of the application. However, the proposed use is residential in nature and is not inherently associated with significant noise generation beyond that typically expected from domestic occupation. The scale of the site, comprising seven pitches and a manager's dwelling is relatively modest, and there is no indication of commercial activities or intensified uses that would give rise to materially greater levels of disturbance.

The surrounding area is characterised by dispersed rural development interspersed with agricultural land. In this context, typical day-to-day activity associated with residential occupation, vehicle movements, and domestic comings and goings would not be out of keeping with the established character of the locality. Moreover, the site has previously operated as a camping and caravan use, which would likely have generated comparable, and potentially more transient and less predictable, levels of activity and associated disturbance. The proposed use, being more structured and permanent in nature, is unlikely to result in materially greater amenity impacts than the site's historical use.

In respect of lighting, whilst no detailed scheme has been submitted, external illumination can be effectively controlled by condition to ensure that any lighting is appropriately designed, directed and limited in intensity so as to prevent undue glare, light spill or harm to neighbouring occupiers and the wider rural character. A condition requiring submission and approval of a lighting scheme prior to installation would provide appropriate safeguards.

Taking these factors into account, and subject to the imposition of suitable planning conditions where necessary, the proposal is not considered to result in significant adverse effects on the amenity of neighbouring residents or adjoining land uses. The development therefore accords with SELLP Policies 2, 20 and 30, which seek to protect residential amenity and ensure appropriate design and environmental quality, as well as the relevant provisions of the NPPF which require planning decisions to secure a high standard of amenity for existing and future users of land and buildings.

### Ecology & Biodiversity

SELLP Policy 28 is concerned with the Natural Environment. Points 2 and 3 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), 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 SELLP Policy 28.

### **Planning Balance**

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. In this instance, the key considerations are the site's countryside location, flood risk, previous refusals, and the acknowledged need for Gypsy and Traveller accommodation.

The site lies outside any defined settlement boundary and is therefore within the open countryside, where development is generally restricted under Policy 1 of the South East Lincolnshire Local Plan. The site is located within Flood Zone 3 in accordance with Environment Agency mapping; however, the South East Lincolnshire SFRA indicates that it is in a 'low risk' location. The Environment Agency raises no objection, subject to appropriately worded conditions. While limited detail has been submitted regarding drainage, lighting, and wider infrastructure, these matters are capable of being satisfactorily addressed through planning conditions. Previous refusals and appeal decisions, particularly in relation to highway safety, are material considerations; however, the Highway Authority now raises no objection, subject to conditions.

The proposal would provide seven Gypsy and Traveller pitches in a district where unmet need for such accommodation is acknowledged. National policy, including the Planning Policy for Traveller Sites (2024) and the NPPF (December 2024), places significant weight on increasing the supply of authorised Traveller sites and addressing under-provision. The delivery of additional lawful pitches would provide substantial social benefits and assist the Council in meeting its obligations to provide for the housing needs of different groups within the community.

The physical impacts of the development are limited. The ancillary building is already in situ, and no additional built form is proposed. The site is well screened by mature boundary planting, and the proposed use would not materially alter the character or appearance of the surrounding countryside.

On balance, while the proposal constitutes development in the countryside and is located within an area at risk of flooding, the acknowledged need for Gypsy and Traveller accommodation, the limited additional visual and environmental impacts, and the absence of technical objections from statutory consultees carry significant weight. Subject to appropriate conditions securing occupancy restrictions, drainage arrangements, flood mitigation measures, lighting control, and site management, the adverse impacts of the development would not significantly and demonstrably outweigh its benefits.

Accordingly, when assessed against the Development Plan as a whole and all relevant material considerations, the planning balance weighs in favour of granting planning permission.

### **Conclusion**

Taking into consideration these factors, the proposal is considered to accord with Policies 1, 2, 3, 17, 20, 28, 39 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the

identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

## **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.