

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0095-25 **Applicant:** Nationwide Produce PLC

Proposal: Proposed Internal Access Road, HGV Trailer Parking Area, Surface Water Lagoon, Security Fencing and Landscaping

Location: Land Off Cowper'S Gate South Long Sutton Spalding

Terminal Date: 7th May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 6 - Building a strong, competitive economy
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON	0	0	0	1

OFFICER - FLOOD RISK ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	5

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application which proposes an internal access road, HGV Trailer Parking Area, Surface Water Lagoon, Security Fencing and Landscaping. It also seeks the use of some additional land, around a dwelling (White House Farm) that has prior approval for demolition (this forms the trailer storage area); to be included as part of the operations associated with Nationwide Produce PLC, who operate from the adjacent land. On site visit it was noted that this development had already begun.

There are existing buildings on the site which are currently being refurbished and extended under planning permission H11-1084-23, granted in July 2024 (see planning history).

Site Description

The site is located on the eastern side of Cowper's Gate close to the A17 roundabout. It is currently occupied by a number of buildings, that benefit from permission to be extended. Tree planting and drains are situated along the northern boundary. A house (White House Farm) and associated business premises are situated to the west fronting Cowper's Gate. Residential development is located to the south-west, including Sheaf Cottage which is grade II listed. A Tree Preservation Order is in place in close proximity to the site: (Ref : TPO-11-36-2015).

The hamlet of Sutton Crosses lies to the south and there is agricultural land to the east beyond an IDB controlled drain. To the north is Long Sutton, the site is located within the open countryside for policy purposes. The South East Lincolnshire SFRA shows the site to have a max hazard of 0.75 - 1.25 at categorised as a 'danger for some'.

History

H11-1007-10 - Permission Renewal - Change of use of land and buildings from agricultural/horticultural uses to vegetable processing/storage (renewal of H11-0029-08) - Approved 4 February 2011.

H11-0208-13 - Agri Det - Proposed produce store - Approved 5 April 2013. H11-0027-14 - Full - Proposed enclosed canopy extension to existing agricultural building - Approved 12 March 2014.

H11-0011-16 - Full - Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage - Approved 2 March 2016.

H11-0236-21 - Full - Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage - Approved 4 May 2021.

H11-1084-23 - Proposed extensions to existing agricultural buildings including revised access arrangements and alterations to the concrete area to the south of the extensions. Approved 02-07-24

H11-0817-24 - Demolition of residential dwelling. Approval Granted 28th October 2024

Consultation Responses

Anglian Water

No objections, highlight that a feasible foul water strategy has been agreed between themselves and the applicant.

South Holland IDB

The Board has granted consent to discharge surface water from the existing impermeable area on site at an unattenuated rate, with the condition that applicant will need additional consent for the proposed development. The applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s post development. This is in excess of greenfield rate; however, I note the applicant's justifications for this. Whilst not having located any previous correspondence from the Board indicating our acceptance of the proposed final discharge rate, this proposal will require consent under Byelaw 3 and the discharge rate will be considered in detail, alongside the existing capacity within the Boards system and any other restrictions, when an application for consent for the final drainage arrangement is received. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Environment Agency

Please consider the proposals against standing advice

Historic Environment Officer

1st Response:

Recommendation: Currently there is insufficient specific information on the archaeological potential for the northwestern area of the site and the extent of impact to buried archaeological remains from the proposed development. Therefore, I recommend that the applicant be required to provide the results of a trial trench evaluation which should aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which could be impacted by the proposed development as noted above. This information should be provided with the application (prior to determination) so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) 2024 (paragraphs 207 & 218)

2nd Response:

The Historic Places Team, were consulted again following an understanding that work has already begun on this site.

The officers have suggested a condition, which would preclude any further development around the dwelling.

Ramblers Association

Thank-you again for picking up the fact that this application is adjacent to a public footpath on parts of its boundary, despite the footpath not being shown on any of the submitted plans. Thank-you also for bringing it to our attention. However it looks like the development will not interfere with access to or use of the footpath so we have no objections to this application.

Highways & Suds Support

No objection subject to conditions, relating to the following:

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Natural England

NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

Crime Prevention through Design Officer

No objections

Environmental Protection

I request a standard land contamination condition be applied at this location

Planning Considerations

- Principle of Development
- Flood Risk & Drainage
- Highways Safety
- Character and Landscaping
- Environmental Issues/Amenity
- Ecology/BNG
- Historic Environment
- Planning Balance

Evaluation

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

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

The policies and provisions set out in the National Planning Policy Framework (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.

Principle of Development

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

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within

the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The application site is located within the open countryside (the closest settlement is Long Sutton) in accordance with Policies Map of the South East Lincolnshire Local Plan 2011 - 2036.

Policy 1 'D' considers of such areas *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.*

NPPF paragraphs 88 and 89 are also relevant to this assessment, they state:

Para. 88 Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

NPPF Para 89 Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist

The application site is adjacent to a well-established rural business *Nationwide Produce PLC*, a company that grows, packs and trades produce. It is evident from the planning history that operational demand is increasing, and this application seeks to extend the ancillary/associated infrastructure to improve onsite performance/logistics. The proposal therefore represents a rural diversification that is supported by both paragraphs 88 and 89 of the National Planning Policy Framework; notwithstanding the loss of an existing dwelling (which has prior approval for demolition). The proposal therefore is also necessary in this location (despite its countryside allocation) and so would align with the requirements of SELLP Policy 1.

Flood Risk & Drainage

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

Policy 4 of the SELLP sets out the districts approach to flood risk. The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential

test.

The application site is located within Flood Zone 3 in accordance with EA Mapping systems. The South East Lincolnshire SFRA shows the area in a low hazard.

The existing use, of part of the site, was associated with a residential dwelling. This is a 'more vulnerable use'. This proposal is considered to be less vulnerable in terms of the flood risk classification (Annexe 3, PPG). The proposal is for a part change of Use of land for the Parking, Loading and unloading of Vehicles Associated with the Adjacent Business, which is also considered to be less vulnerable. The proposal which include the part change of use of residential land, internal access road, HGV Trailer Parking Area, Surface Water Lagoon, Security Fencing and Landscaping, is therefore acceptable in flood risk principle teams. Furthermore, the Environment Agency have no objections.

Drainage

The surface water drainage strategy includes the provision of a surface water attenuation pond towards the middle of the site, with an outfall into the Internal Drainage Board system. The IDB have been consulted and whilst express that discharge rates will need to be considered further, as well as potential site specific obligations, these can be mitigated and secured through the IDB consenting process and legislation.

The LLFA have also made comments and have requested the submission of a surface water drainage strategy, through condition. It is of note that development on this site has commenced. Therefore the condition will be worded as 'prior to first use', the risk lays wholly with the developer.

Overall, when considering the development on balance, it is considered that given the conditions recommended, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Highways Safety

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 of the SELLP details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

SELLP Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Approvals are already in place (ref: H11-1084-23) for improvement works within the public highway. This application seeks to make changes to the external HGV circulation area, HGV trailer storage areas and to amend the surface water drainage strategy to deal with the water from the buildings and additional concrete parking areas.

Highways have no objections as there are not additional vehicle movements associated with this development (just a more efficient flow). A condition on highway safety is proposed (as LLFA another condition relating to drainage is proposed and this is discussed within the above section) this relates to the site being built out in accordance with the plans prior to use.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan

(2019), and Section 9 of the National Planning Policy Framework (December 2024).

Character and Landscaping

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

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Policy 2 point 1 states that proposal should meet with 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"

The proposal would have limited impact across the countryside landscape and any effects would be localised. The dwelling already has permission to be demolished and the sites proximity to the A17 and other infrastructure would protect the wider open countryside from any undue visual effects. The applicant also shows a bund to the south of the site which will conceal may of the vehicular movements. An appropriate landscaping scheme is also shown on plan, and this would soften the entire site, including trailer storage area.

On this basis and subject to the aforementioned mitigation, the proposal is considered to be acceptable and it is considered that the proposal would be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Environmental Issues/Amenity

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

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

Given the existing use of the site, the environmental and amenity effects relating to polluting activities are considered acceptable. The sites proximity to the A17 would result in little additional effect from noise relating to HGVs negotiating the site.

On this basis and subject to the aforementioned mitigation it is considered that the proposal would meet with SELLP Policies 2 and 30.

Ecology/BNG

Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the

need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Policy 28 of the South East Lincolnshire Local Plan (2019) is concerned with the Natural Environment and seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

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

BNG

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

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

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

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

The baseline metric shows that there would be a potential net gain of 23.41% of habitat units, a 109% increase in hedgerow units and some of these are created on site, along the western boundary (mixed shrub) and to the south of the bund, as well as sporadic planting throughout the site.

It is considered at this stage; sufficient evidence has been presented that the applicant will achieve 10% net gain, should this not be shown on site post development the applicant has the ability to purchase off-site credits.

On this basis, the BNG plan is considered appropriate to attach; and a HMMP, as well as standardised BNG conditions, will also be attached to ensure a net gain is captured.

Protected Species

A PEA was also submitted, and the recommendation suggests that a preliminary roost assessment should take place prior to the demolition of the dwelling, as well as trees on site. Any permission will be conditioned to be in accordance with the recommendations of this report.

On this basis the proposal would accord with SELLP Policy 28.

Historic Environment

The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

The application site in this instance lies adjacent to a listed building. In this regard, in assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework (December 2024). Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

In addition, Policy 29 seeks to protect and enhance the district's historic assets. Part C is concerned with Archaeology and Scheduled Monuments and is pertinent to this assessment.

The historic places team have been consulted on numerous occasions. The first occasion resulted in a request for information prior to determination. However, given the applicant has already made a start on site, this is not possible. Subsequently, the historic places team have suggested a condition, that would require the developer to carry out field works. The condition is phrased as 'No development shall take place other than in accordance with the archaeological mitigation strategy' this does not preclude then the development that has already commenced. The main sensitive areas relate to the dwelling (and land immediately about it) which is yet to be demolished and the surrounding areas. This area will eventually become the trailer storage area. The condition which represents a reasonable approach by LCC, would therefore have the ability to regularise the existing (breach) scenario.

In terms of this nearby listed building 'Sheaf Cottage' this is located on the opposite side of Cowpers Gate. The works involved in this application would have a limited effect upon its setting. The dwelling to the fore of the site has been granted prior approval to be demolished under H11-0817-24. The remaining works are of a low scale to improve HGV circulation throughout the site and therefore any character impacts are localised to the immediate site frontage.

The condition in effect secures information relating to potential onsite archaeology, whilst acknowledging that certain areas are precluded due to development works being carried out.

On this basis and subject to the aforementioned mitigation it is considered that the proposal would accord with SELLP Policy 29c.

Land Contamination

SELLP Policy 30 is concerned with polluting activities, point 7 of the policy is concerned with land quality and condition and is considered relevant.

Environmental Protection have requested a land contamination condition, however, as a start on this site is already made. Notwithstanding this, given the nature of the end user (HGV through route and trailer parking) a full suite of land contamination conditions would be unreasonable, especially considering a large part of the site relates to a former residential use). Therefore an informative will be attached, that requires the applicant to return to the LPA to report any unforeseen contamination.

On this basis the proposal would accord with SELLP Policy 30.

Planning Balance

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

The proposal represent diversification in conjunction with a well-established rural business and in so requires this countryside location. The proposal is therefore acceptable in regards of SELLP Policy 1 and locationally the proposal site is justified. Furthermore, the proposal would also meet with NPPF paragraphs 88 & 89.

The proposal is subject to conditions relating to BNG gain, archaeology, highways and drainage. These conditions are considered to fairly mitigate impact relating to these topics.

In this instance then, there are material considerations that weigh in favour of the proposal and as such, the planning balance is in support of the development.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking into consideration these factors, the proposal is considered to be acceptable. The proposal would comply with Policies 1, 2, 3, 4, 28, 29, 30 and 36, along with Appendix 6, 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). On this basis the proposal is recommended for approval.