

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0388-25 **Applicant:** IMN Properties
Proposal: Proposed change of use of existing buildings to form 2 HMO's and 1 bedsit
Location: 39 & 43 West Street Long Sutton Spalding
Terminal Date: 2nd July 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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework December 2024**

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	1	0	0	0
WARD MEMBER	1	0	1	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

HISTORIC ENVIRONMENT OFFICER	0	0	0	1
LONG SUTTON & DISTRICT CIVIC SOCIETY	1	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	1	0	0	1
RESIDENTS	31	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought to convert no.39 and 43 West Street into two Houses in Multiple Occupation (HMO's) along with the provision of one bedsit. A separate application seeking listed building consent for the works has been submitted under application reference H11-0389-25 and is being considered concurrently.

The accommodation proposed is as follows:

No.39 West Street

9 x 2-person room
1 x 1-person room
1 x 1-person bedsit

No.43 West Street

3 x 2-person room
5 x 1 person room

Internal works primarily involve the construction of stud walls with all internal openings re-used where possible. No external alterations are proposed.

A cycle store is proposed to the rear of the building along with four parking spaces.

The following documents have been submitted as part of the application:

Heritage Impact Assessment
Schedule of Works
Design and Access Statement, including Flood Risk Assessment and BNG Statement.

Site Description

No. 39 and 43 West Street are Grade II listed buildings, known as National Westminster Bank and Brenchley House, the buildings are located within the settlement boundary and Long Sutton Conservation Area.

The list description for the buildings read:

Flat, bank and house. Mid C18, remodelled early C19. Stucco and red brick. Slate roof. Single red brick ridge stack. Gables coped with blue brick. Moulded eaves. Chamfered plinth with chamfered rustication to the ground floor. The top 2 storeys with bays defined by fluted giant order pilasters. First floor band. Two and a half storeys, 8 bays, each property being 4 bays, the right 4 bays being set at a slight oblique angle and with basement. Basement opening to left of far right doorway. Doorway with C20 door and overlight. Either side are single tripartite sashes each sash divided by a band of rustication and topped with a single keystone, some now obliterated by C20 sign. Further left is a single similar doorway and door with keystone. To the right are 2 glazing bar sashes, further right is a doorway with panelled door and overlight and on the far right a single similar sash. All openings with keystones. Above are 4 glazing bar sashes with 4 smaller glazing bar sashes to the right. On the top floor are 4 smaller glazing bar sashes, to the right is a single blind window opening, a single smaller glazing bar sash, a single similar blind opening and on the far right a single similar small sash. All first and second floor sashes with moulded architraves.

The buildings are three storeys and prominently located, fronting West Street within the town centre. The buildings have been significantly altered to the rear, with replacement of original windows and the construction of flat roofed extensions and an external staircase. The curtilage and associated land is hard surfaced.

History

No recent or relevant site history.

Consultation Responses

Responses Received (consultation period 15th May 2025 to 6th June 2025).

Long Sutton Parish Council: 25.05.2025

The council object to this application and the plethora of objections have been sent directly to the case officer. Further representations will be made following the public meeting on 29 May 2025 and upon receipt of additional documents requested and information following the Council's FOI request.

Long Sutton Parish Council: 30.05.2025

No planning notices had been erected in a public space to advertise the proposed plans as is required as part of the planning consultation. Not all neighbouring residents to Brenchley House have been consulted in writing regarding the application as required as part of the planning consultation. The Council object that to these omissions which negate the consultation process. - The applicant has confirmed that there is NO provision within the application for the storage of refuse and recycling or disposal of it which is a breach of Policy 18. 4. Of the SELLP. - The Council object to the applicants' omission and argue that permission for the applications is refused on these grounds. There is no footprint for this facility to be provided. All outdoor space allocated within the application has been identified as the outside amenity area and there is no room to use this space for both requirements of the policy. The applicant does state in their supporting documents that there is limited scope regarding the patio area which confirms the council's assumptions and objections. - A Planning application for accommodation was refused in West Street due to parking issues. Due to this precedent being set by SHDC this should also be applied to this application and the application refused. Further objections raised at the Public Meeting held on 29 May 2025 will be sent separately and request they are posted online in full.

Long Sutton Parish Council: 02.06.2025

Further to previous objections the Council refer to application number H11-0726-22 Churchills, West Street Long Sutton for the conversion of 2 rooms to accommodation for rent consisting of 2 bedrooms. This application was refused due to parking issues and was again refused on appeal. parking at appeal. This has set a precedent not only by SHDC but also by the Planning Inspectorate

and therefore the application should be refused.

South Holland Internal Drainage Board

The application does not meet the threshold for commenting as per our Planning and Bylaw Strategy, therefore the Board has no comment to make.

Environment Agency

No comment to make.

Designing Out Crime Officer

Lincolnshire Police do not have any objections to the application.

Highway and Lead Local Flood Authority

No objections.

Historic Environment Officer

Recommends a condition for a mitigation strategy to effectively deal with the site.

Long Sutton and District Civic Society

Object on the following grounds:

- The addition of an intensive use HMO in such a prominent location will not improve the security and condition of the Conservation Area.
 - The proposal is in the immediate vicinity of St. Mary's Church, a Grade I listed building.
 - The proposal has a significant frontage to Market Place.
 - Limited personal space, the only communal areas identified are small shared kitchens.
 - Concerned at the refuse arrangement.
 - Top floor rooms have restricted headroom.
 - On site parking is inadequate.
- Lack of consultation with neighbours and businesses, lack of site notices displayed around the property notifying of the existence of the planning application.

Environmental Protection Officer

No comments regarding environmental protection.

War Memorial Trust

No response received.

County Fire Officer

No response received.

Conservation Officer

No response received.

Senior Ecologist

No response received.

Private Sector Housing

No response received.

Councillor Tennant

Request application is considered by committee due to scale.

Councillor Tyrrell

Need this to come to planning committee.

Councillor Wilkinson

Completely unsuitable development in a conservation area. Overdevelopment of this building, lack of available public parking, Noise and disturbance.

Public Representation

The application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance 32 representations objecting to the proposal have been received. The main planning issues referred to are:

- Insufficient parking for the size and number of occupants for the proposed HMO's, 4 parking spaces are quoted for up to 31 residents. This is completely unacceptable and will burden the small number of public parking spaces for shoppers in the area.
 - No explanation for the refuse and waste management of these properties.
 - Long Sutton has seen a number of new developments in recent years which has put tremendous pressure on the local medical centre and schools. This new development will further add to the strain and will not add any benefit to a small market town like Long Sutton.
 - The proposed density of occupation is excessive for the size and location of these properties. It will likely lead to overcrowding, increased noise and disturbance and frequent comings and goings, this would negatively impact the quality of life for neighbouring residents.
 - The approval of the proposal would lead to an over-concentration of HMO-type properties in the area. This risks unbalancing the local housing mix and undermining community cohesion.
 - Noise generated through the construction phase.
- Loss of business premises, businesses should be supported to ensure the continuity of a thriving community and town.
- The proposal would alter the market place character of West Street.
- The application is not suitable for this location, a grade II listed building in a conservation area next to a grade I historic church.
- No adequate are planned for refuse.
 - Residents will feel cramped, there is a small area to the rear of the premises for recreational use which is far too small.
 - The proposal does not accord with Appendix 6, Parking Standards of the SELLP.
 - Buses to Kings Lynn, Boston and Spalding take around 1 hour each way.

Planning Considerations

Principle of Development and Sustainability

Heritage Considerations

The Level of Amenity Afforded to Future Occupants and Impact on Surrounding Land Users

Access and Parking

Flood Risk Considerations

Biodiversity Net Gain

Other Matters

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.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, concerns whether to grant planning permission for development which affects a listed building or its setting and requires special regard to be had to the desirability of preserving the building or its setting or any features of special or architectural interest which it possesses.

Within Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Principle of Development and Sustainability

The National Planning Policy Framework (Framework) December 2024 sets out the Government's planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; an economic objective, a social objective, and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.

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.

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 application site is located within Long Sutton, defined under Policy 1 (Spatial Strategy) as a 'Main Service Centre'. The Policy advises that within the settlement boundaries of the Main Service Centres development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The proposal seeks to convert two unoccupied buildings no.39 and 43 West Street into two Houses in Multiple Occupation. The utilisation of vacant buildings for residential use within the town centre would contribute to the vitality and viability of the centre, providing social and economic benefit to the local community.

Heritage Considerations

The effect of the proposal on the special interest, including the setting of the listed buildings.

The Framework, at paragraph 202, advises heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Further stating, at paragraph 212, "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."

Policy 29 of the South East Lincolnshire Local Plan (2019) advises that to respect the historic legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals are required to conserve and enhance the character and appearance of designated and non-designated heritage assets.

Policy 29(A1) states:

Proposals to change the use of a listed building or alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interests of the building's preservation and does not involve activities or alterations prejudicial to the special architectural interest of its setting.

A Heritage Impact Assessment (HIA) and Schedule of Works have been submitted as part of the application. The HIA states, "owing to the listed status of the properties, physical works have been

kept to a minimum, with stud walls put in place to provide en-suites to each of the bedrooms and to separate off rooms 1 and 4 of no.39. All internal openings have been reused where possible with only a few examples of new internal openings." The Schedule of Works lists the work required to each level of the buildings.

The HIA and submitted drawings lack detail and do not assess the interior of the heritage asset and the effect of the proposed works. It is intended to sub-divide the ground floor of no.39 to create 2 rooms with en-suites, however, the HIA does not provide any explanation of the effect of this on the original plan form of the room. In addition, it is intended to create a door to serve Room 5 but no elevation of this has been provided. This is also the case with the ground floor of no.43 where sub-division and the blocking up of doors are proposed.

It is acknowledged that the Schedule of Works lists the extent of works proposed, however, this does not explain the effect of the works on the historic fabric of the buildings. The Schedule of Works refers to the removal of a number of existing walls and doorways and the breaking out of existing walls to install new doors. There are several instances where en-suites are proposed which are proposed across or partially obscure existing chimney breasts and the scheme also involves the removal of an existing staircase.

Paragraph 213 of the Framework is clear that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. It is not considered that the applicant has adequately assessed the impact of the proposed internal works on the architectural significance of the buildings and historic fabric that remains. In the absence of such detail the local planning authority cannot satisfy the requirements of Section 66(1) of the Act.

The proposal is therefore contrary to the requirements of section 66 (1) of the Act and the provisions within the Framework which seeks to conserve and enhance the historic environment. The proposal is also contrary to Policy 29 of the South East Lincolnshire Local Plan (2019) as the local planning authority is not satisfied that the proposal does not involve alterations prejudicial to the special architectural interest of the listed buildings.

Whether the proposal would preserve or enhance the character or appearance of the Long Sutton Conservation Area.

Policy 29(B) of the South East Lincolnshire Local Plan, 2019 states:

Proposals within, affecting the setting of, or affecting views into or out of a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to an areas character, appearance and setting.

The proposal seeks to convert the existing buildings to create 2 HMO's. The majority of the work is confined to internal alterations with the external facades retained and no external alterations proposed. The area to the rear of the buildings is hard surfaced, minimal alterations are proposed by the provision of a small store for bicycles and the marking out of parking spaces. Given the limited external alterations proposed the existing appearance of this part of the Conservation Area will remain largely unchanged.

The proposal would preserve the character and appearance of the Conservation Area and in this regard accords with the requirements of Section 72 of the Act and Policy 29 of the South East Lincolnshire Local Plan, 2019.

The Level of Amenity Afforded to Future Occupants and Impact on Surrounding Land Users.

The Framework advises, at paragraph 135, development should create places with a high standard of amenity for existing and future users.

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

Concern has been raised with the applicants' agent at the level of amenity afforded to several of the proposed rooms, along with the elevational and sectional drawings that have not been provided and the overall lack of communal living space proposed. The concerns raised are outlined by floor, as follows:

Basement.

No elevation or cross-section of the basement has been submitted showing the size or design of windows. In addition, there is no elevation of the windows serving Room 3. Concern has been raised at the level of light serving this room and its proximity to a wall which significantly reduces the outlook.

Ground Floor.

The window to Room 2 appears smaller on the floor plan than shown in elevation and the kitchen window serving Rooms 1,2,3 and 4 is not shown in full in elevation.

The window serving Room 4 is not shown in elevation, this directly faces onto the external staircase and given such proximity it is questionable whether it would be possible to open the window. Moreover, concern has been raised at the lack of outlook, given the proximity of Room 4 to the staircase and blank wall of the maisonette, there is also concern at potential levels of unacceptable noise and disturbance to the occupants of this room by users of the external staircase.

There is also no elevation of the door serving Room 5. It is not clear whether this is fully glazed, partially glazed or of solid construction. The provision of one opening to this room, serving both access, ventilation and light is wholly inadequate, and given its proximity to the external staircase and cycle store there is the potential for unacceptable noise and disturbance to arise.

First Floor.

The elevation does not show the full length of the kitchen door. In addition, the en-suite for Room 8 appears some distance from the room itself, however, this is an observation and not an objection.

Second Floor.

Whilst the nationally described space standard relates to internal space within new dwellings, the guidance advises it is suitable for application across all tenure and it is therefore reasonable to apply this to houses in multiple occupation. The standard states that any area with a headroom less than 1.5metres is not counted within the Gross Internal Area unless solely used for storage. The floor plan for Room 11 suggests a large part of the floor area will not be capable of being used and it is therefore questionable whether this room could be occupied by two persons, this is also the case to some extent with Room 8. In addition, it is not clear how much of the internal floor space of the kitchens on this floor are capable of being used.

Overall, the level of amenity afforded to the occupants of several of the rooms is considered unacceptable. Moreover, there are no dining facility provided within the kitchens, nor has any communal living space been provided as an alternative to this. It is acknowledged, that to a certain extent, it will be for the future occupants to consider whether the level of amenity provided is acceptable, however, national guidance requires planning decisions to create places with a high standard of amenity for existing and future users, and is considered that this has not been achieved.

Regarding the effect of the proposal on neighbouring residential and commercial property, whilst the concerns of representations received are acknowledged, given the town centre location of the site and an expectation of higher levels of noise and disturbance it is not considered that the proposal would cause unacceptable noise and disturbance to the occupants of existing residential and commercial properties.

The proposal is therefore contrary to Policy 3 of the South-East Lincolnshire Local Plan, 2019 and paragraph 135 of the Framework which require development be designed to ensure there are no significant adverse impacts on occupiers.

Access and Parking

Paragraph 116 of the Framework advises that development should only be 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, considering all reasonable future scenarios.

Policy 2 of the Local Plan states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 of the Local Plan 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.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards required for development proposals.

The proposal includes the provision of two cycle stores in the basement and a further cycle store is proposed to the rear of the building along with the provision of four on-site parking spaces.

The highway authority has no objection to the proposal and advises whilst it is possible that the development may result in more parking demand than these spaces, there is parking available on the highway and nearby car parks in the vicinity. Additionally, the development has provided cycle storage in line with the local plan. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. It is therefore considered that the proposal is acceptable in terms of highway safety.

Concern has raised by representations received at the lack of on-site parking facilities to serve the development and the impact this will have on limited space available on-street and in public car parks. Reference has also been made to an appeal decision at Churchills, West Street, for the conversion to create two apartments (reference H11-0726-22). In this case no off-street parking was provided and the application was not supported by a Transport Assessment or Travel Plan, The Inspector concluded in such case, without clear substantive evidence to the contrary, there was a risk the scheme would comprise highway safety in the area.

It is considered there are material differences between the current application and that dismissed at appeal, moreover, each application must be considered on its individual planning merits. Whilst the current proposal seeks the provision of a large number of habitable rooms, a reasonable level of cycle storage is proposed along with a level of on-site parking to serve the development. Whilst a Transport Assessment has not been provided the applicant has sought to address the requirements to provide facilities for users of the private car and sustainable travel options. A condition may be attached requiring the submission and approval of a Travel Plan prior to the commencement of development.

The development accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 9 of the National Planning Policy Framework, December 2024.

Flood Risk Considerations

Paragraph 170 of the Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Further stating, where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 176 states that applications for some minor development and changes of use should not be subject to the sequential test nor the exceptions test. Footnote 62 clarifies that minor development includes changes of use.

As the proposal seeks the conversion of existing floor space a sequential and exceptions test are not required, however, as the site is located within Flood Zone 2 and 3, as paragraph 176 advises, the proposal should still meet the requirements for site specific flood risk assessments set out in Footnote 63.

A Flood Risk Assessment has been provided, this states no alterations are proposed to the finished floor levels of the building as part of the application and all finished floor levels will remain the same as existing, ensuring that the proposal will be made safe for the lifetime of the development and not increase the risk of flooding elsewhere.

The proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and the Framework in this regard.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is required under a statutory framework introduced under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) and 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.

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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

A Biodiversity Gain Statement has been submitted. This considers the development is exempt on the basis that it is development below the threshold and is subject to the 'de minimis exemption' as the development:

- a) does not impact a priority habitat and
- b) impacts less than 25square metres (5m by 5m)of on-site habitat that has a biodiversity value greater than zero, and less than 5m of on-site linear habitat.

In justifying the exemption the applicant states the buildings are existing structures and no new development is proposed.

It is considered the development meets the requirements of exempt development and is not required to provide Biodiversity Net Gain.

Other Matters

Representations received have raised concern at the lack of publicity of the application. The Town and Country Planning (Development Management Procedure)(England) Order 2015, as amended, requires the publicity of planning applications. In respect of the proposed development the application is required to be advertised in the press and also by either a site notice displayed on or near the land to which the application relates, or serving the notice on any adjoining owner or occupier. The local planning authority has exceeded the legislative requirements by advertising the development in the press, notifying neighbours and also displaying a site notice.

Representations received have raised concern at the lack of refuse provision within the site. Amended plans showing the provision of a facility were submitted by the applicant, but these were not accepted due to the requirement to re-consult and the concerns raised at the development relating to other matters.

Planning Balance

As detailed above, Section 38(6) of the Planning and Compulsory Purchase Act 2024, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The site is in a sustainable location within the settlement boundary of Long Sutton. The re-use of vacant Grade II listed buildings for residential use within the town centre would contribute to the vitality and viability of the town centre, providing social and economic benefit to the local community, along with safeguarding the long-term sustainability of heritage assets, to which moderate weight is attached.

However, the impact of the proposed internal works on the remaining historic fabric and architectural significance of the buildings has not been adequately assessed and clear and convincing justification for the works has not been provided, to which substantial weight is attached.

Moreover, the development would not create a well-designed place with a high standard of amenity for future users to which substantial weight is attached.

The proposal would preserve the character and appearance of the Conservation Area and there would be no detriment to highway safety. However, these matters would not outweigh the significant harm identified with regards to the effect on heritage assets and future users.

The proposal is contrary to the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole. In this instance there are no material considerations that weigh in favour of the proposal and as such the planning balance is against the development.

Conclusion

Taking the above considerations into account, the proposal is contrary to policies 3 and 29 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). There are no significant factors in this case that indicate in favour of the proposal and outweigh the consideration against the proposal and the policies referred to above.

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.

Recommendation

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