

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0737-25 **Applicant:** Mr R Green
Proposal: Change of use of former commercial kitchen and a house of multiple occupation into a dwelling
Location: 31 High Street Long Sutton Spalding
Terminal Date: 26th September 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 04 Approach to Flood Risk
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 17 Providing a Mix of Housing
- 24 The Retail Hierarchy
- 26 Primary Shopping Frontages
- 29 The Historic Environment
- 30 Pollution
- 33 Delivering a More Sustainable Transport Network
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0

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
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission change of use of a former commercial kitchen and a house of multiple occupation to one dwelling. The commercial kitchen area is located towards the rear of the site, on the lower ground floor. No external changes are proposed to the building within the site.

Initially, the description of development was to change to use of the former commercial kitchen and five flats into one dwelling. This was queried with the applicant's agent as the flats appear very small and do not have self-contained facilities such as kitchens or even kitchenettes. The applicant's agent has since clarified that the site has been used as a 5-bedroom house of multiple occupation (HMO). As such, the description of development was updated.

Site Description

The site comprises 31 High Street, Long Sutton, except for the ground floor at the front of the site which currently accommodates an antiques shop. The building within the site features four storeys and the site slopes downwards towards the rear of the site.

The site is located within the settlement boundary of Long Sutton as identified within the South East Lincolnshire Local Plan (2019).

The site is within Long Sutton town centre policy area and a primary shopping frontage are.

The site is within Long Sutton Conservation Area. The site is also identified as a building of local heritage and there are listed buildings near to the site.

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

Relevant Planning History

H11-0986-81: (Full Application) Erection of conservatory at 31 High Street, Long Sutton - approved 30 October 1981

H11-1116-92: (Full Application) Replace existing wooden windows with white UPVC replacement Georgian windows - refused 11 December 1992

H11-0076-93: (Full Application) Proposed replacement windows and new shop front - approved 12 March 1993

H11-0102-93: (Full Application) Proposed replacement windows and new shop front - demolition of existing shop front - approved 24 March 1993

H11-1337-04: (Full Application) Proposed replacement single garage (retrospective) - approved 17 January 2005

H11-1337-04: (Full Application) Proposed replacement single garage (retrospective) - approved 17 January 2005

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

South Holland Internal Drainage Board: This proposal does not meet our criteria for commenting as per our Planning and Byelaw Strategy. For this reason, the Board has no comments.

Lincolnshire County Council: Highways and SUDS Support: No objections. The proposal is for Change of use of former commercial kitchen and 5 no. 1-bedroom flats to 1 no. 4-bedroom dwelling and it does not have an impact on the Public Highway or Surface Water Flood Risk. Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. This proposal has parking spaces, and whilst it is possible that the development may result in more parking demand than these spaces, there is parking available on the highway in the vicinity, and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety. 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.

Long Sutton Parish Council: In the Heritage Statement the applicant has not included that the site is registered as a building of historical interest by SHDC - Building Record MLI97101. The application is for the conversion of 5x 1 bed flats to a 4-bed dwelling. However, the council do question if this is designed for family use or for commercial multi-occupancy based on the following : There is no outside space other than a shared drive between the building and the bus stop to access the two other properties at the rear of the old bakery. There is no garden or leisure area to the building. There are no parking spaces and the parking in the immediate area is limited to 1 hour. It is assumed that in a four bed family home there would be a need for private parking. There is no outside space for refuse storage and considering that SHDC have resolved to change the refuse collection to wheelie bins and fortnightly collections of refuse and recycling it is unlikely that wheelie bins can be accommodated outside of the property due to the shared drive access. The site plan indicates that the footprint of the site is for the building only with no additional outside space. It is also of concern that there is another lounge to the property on the first floor adjacent to bedroom 2 in addition to the Family areas in the open plan kitchen etc on the ground floor. It would be the norm for such a large 4-bed dwelling to be occupied by a family and therefore would require parking, outside space etc and this does raise questions regarding the application in the light of other properties who have seemingly sought to circumvent the HMO planning laws at other properties in the town which the council have raised with SHDC. The Council feel in the light of recent applications and the number of HMOs in the town and proposed HMOs they have to raise these objections on behalf of the residents who are concerned about the increase in multi use properties in the centre of the town and the government policy to continue to use private accommodation to relocate hotel residents including HMOs and private accommodation.

Environmental Protection: No comments regarding environmental protection or land contamination.

Environment Agency: This proposal comes under cell E7 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the

Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice.

Conservation Officer: No response received.

Ecology Officer: No response received.

Long Sutton & District Civic Society: No response received.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Cllr D J Wilkinson: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The response sets out that the access is not a shared driveway and that it is not owned by the applicant. The owners of the access allow others to use it and to park two cars on the access provided the driveway is not blocked.

It is noted that the red line boundary does not cover the driveway land and only covers the building.

Key Planning Considerations

Development Plan

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

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

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

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

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

- Principle of Development;
- Visual and Heritage Impact;
- Impact on Amenity;
- Highway Safety and Parking; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

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

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are

areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Long Sutton which is identified as a Main Service Centre. Policy 1 of the Local Plan sets out that development will be permitted within Main Service Centres that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The proposal seeks to change the use of the site from a HMO and a former commercial kitchen into a dwelling. There are permitted development rights that allow for the conversion of dwellings to small HMOs and vice versa. These rights are set out within Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). A small HMO is considered to be a HMO that is occupied by no more than six people. Therefore, in this case, the conversion of the site into a dwelling could be permitted development and this weighs in favour of the proposals.

Furthermore, Policy 21 of the Local Plan sets out the importance of providing 'family-sized' dwellings as the Strategic Housing Market Assessments show that the greatest demand is for three-bedroom dwellings. The proposal is for a four-bedroom dwelling, which would be a family-sized dwelling.

The former commercial kitchen towards the rear of the site is proposed to be changed into residential use to provide living space for the dwelling. The front retail unit within the site currently hosts an antiques shop would remain in commercial use. As set out previously, the site is within the town centre of Long Sutton. Policy 24 of the Local Plan seeks to encourage the retention of commercial uses, particularly retail uses within town centre areas. As the retail unit at the front of the site is proposed to be retained, the proposed residential use towards the rear of the lower ground level is considered to accord with the aims of Policy 24. Furthermore, the change of use of the kitchen area into residential use could also potentially be permitted development under Class MA of the GPDO (Schedule 2, Part 3).

Therefore, the principle of development is acceptable as it is considered that the proposals accord with Policies 1, 21 and 24 of the Local Plan.

Visual and Heritage Impact

The site is within Long Sutton Conservation Area. The site is also identified as a building of local heritage and there are listed buildings near to the site.

Policy 29 (Part A) of the Local Plan sets out that proposals within a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting.

The NPPF 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.

Paragraph 212 of the NPPF sets out the following:

"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".

No external changes are proposed and as such, the visual impact of the proposals is acceptable. The use of the site would remain largely residential except for the ground floor retail unit which is proposed to be retained. As such, the proposals are likely to have a minimal impact on the character of the site. Although the council's Conservation Officer has not commented on the proposals, it is considered that the proposals would have an acceptable impact on the Conservation Area and the setting of nearby listed buildings. The proposal would also be acceptable in terms of its impact on the building itself, which is considered to be a non-designated heritage asset.

Therefore, the proposals would accord with Policy 29 and Section 16 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is considered that there would be sufficient internal living space for future occupants. The proposed change to one dwelling instead of a HMO could potentially result in fewer occupants within the building and a less intensive use. Furthermore, the conversion of the commercial kitchen space would provide more internal living space that is currently provided. As such, this could benefit future occupants compared to the existing space.

No dedicated garden space is proposed for the dwelling, however, the existing occupants do not have any external amenity space. Therefore, the proposals would not worsen the exiting living conditions and there are nearby open spaces that occupants could use.

Some internal walls are proposed and these walls do not required planning permission. However, these walls will separate the dwelling from the ground floor retail unit which is important in terms of protecting the amenity of future occupants by separating the uses.

The proposed lower ground living space would not overlook neighbouring properties as there are no dwellings located immediately to the east of the site.

As such, it is considered that the proposal would have no significant detrimental amenity impacts. Therefore, the proposed development would accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

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

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

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

Lincolnshire County Council's Highways Team have not raised any objections to the proposed development in terms of highway safety. There are currently no dedicated parking spaces within the site and this is proposed to remain unchanged. There are parking spaces on the High Street, however, these spaces are not part of the site. The proposed dwelling is likely to generate the need for fewer parking spaces than the existing use as a HMO.

Therefore, the proposal would be acceptable in terms of highway safety in in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

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

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

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

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

In this instance, the application is exempt from the statutory 10% Biodiversity Net Gain requirements as the proposal is considered to fall within the de minimis exemption.

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 proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and as such, the proposed development accords with the Local Plan and the NPPF.

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 these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 11, 17, 29, 30 and 36 of the Local Plan, as well as Sections 9 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal. Therefore, the planning balance is in favour of the proposal.

Recommendation

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