

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-1294-25 **Applicant:** Mr & Mrs J Heading
Proposal: Change of Use of Storage Shed to Residential - Retrospective
Location: 4a Gimmels Gate Long Sutton Spalding
Terminal Date: 20th March 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
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 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the change of use of an existing shed to form a residential unit. The application form indicates that the application is retrospective, with the change of use having occurred on 02 June 2025.

The submitted layout illustrates a bathroom, kitchen, storage space and living room. The proposal does illustrate any bedrooms.

The application is accompanied by a BNG statement to state that it is exempt as the application is for a change of use only and is de-minimis.

The application is also accompanied by a Planning Statement.

In summary the points made within the statement are that:

- The site is not isolated within the countryside, but within a hamlet of other properties and paras 83 and 84 of the NPPF seek only to avoid development of isolated homes in the countryside and that housing should be located where it will enhance or maintain the vitality of rural communities. Planning policy should identify opportunities for villages to grow and thrive especially where this will support local services.
- That the proposal re-uses a redundant building and makes efficient use of land.
- That the building exists and therefore there is no visual harm.
- That although it is accepted the site has no sustainable transport links, as the applicants are elderly they would need to rely on private transport in any event due to their health needs and living on site would prevent daily trips to check on the firearms business.
- The FRA states that while the site is in flood zone 3 it is at very low risk of flooding due to flood defences. It is not in a functional flood plain but in a passive flood plain. The site is at low risk of flooding at 0.5%. It is liable to 0.00-0.25m of flood water if the River Nene tidal defences fail. The development floor level has been raised to 400mm above existing ground level.
- No harm will arise through character and appearance as the building has approval and no changes are proposed.
- That given the distance from other properties there would be no harm to residential amenity.
- Due to financial difficulties the applicants had to sell their bungalow.
- That the applicant and his wife have deteriorating health issues.
- They need a single storey dwelling due to health issues and also as a result of these they sleep better on reclining sofas so there is no need for a bedroom.
- Family live close by to provide assistance if needed.
- For the reasons above the applicants have been unable to acquire alternative, acceptable and

affordable accommodation.

- That round the clock presence is required for the fire-arms business, otherwise expensive security measures would be needed to be installed.
- Valuable equipment and materials are held on site including shotguns, firearms and ammunition.
- Some aspects of the business require regular monitoring including deliveries, equipment checks.
- Being onsite allows an immediate response to unexpected issues such as power failure of the CCTV system.
- A personal and temporary consent to the applicant and his wife for their lifetime would be accepted.
- It is argued that it is sustainable development meeting economic, social and environmental objectives. Economic as it would support their business and they would pay council tax; social as it would meet the applicants needs and not compromise future generations; and environmental as it is using an existing building.

The planning statement argues that the proposals meet the objectives of the local plan when considered in the round, by being sustainable development, supporting and enhancing the rural community, by re-using an existing building in the countryside.

Site Description

The application site lies to the west of Gimmels Gate, near to the junction with Roman Bank. It sits within a small rural hamlet containing a few residential properties and a farm.

The application site is a fenced area of hard surfacing, occupied by two storage buildings and a shed, located on Gimmel's Gate, adjacent to other dwellings and buildings forming a cluster of sporadic development in open countryside.

The application building sits to the west of the site, adjacent to the other storage buildings and container units.

The building subject to this proposal is 9.675m wide x 5.900m depth x 3.350m high.

Under the application proposal the building would contain a living/kitchen room, a bathroom and a storage room. There is one door opening to the building and that is the patio door that leads straight into the living room. There are 3 roof lights to the rear of the building.

The site lies within Flood Zone 3a and outside of any defined settlement.

Planning History

Application site:

- H11-1079-97: Temporary use for construction and exhibition/conference scenery, plus siting of 4 containers to store materials. Approved 3rd June 1998.
- H11-0322-99: Erection of totally enclosed buildings for storage and assembly of stage scenery units. Approved 2nd September 1999.
- H11-0829-19: Use for the siting of a residential caravan/lodge. Refused 9th December 2019.
- H11-0931-20: Demolition of existing shed and replace with new brick shed (retrospective). Approved 18th December 2020.
- H11-0934-20: Siting of touring caravan. Refused. Appeal dismissed 21st June 2021.
- H11-0481-24: Storage facility for shotguns, firearms and ammunition. Refused 7th January 2025.

H11-0755-25.

Storage facilities for shotguns, firearms and ammunition. Lawful Development Certificate. Approved. 18 September 2025.

H11-0481-24.

Lawful Use Certificate. Storage facility for shotguns, firearms and ammunition. Refused January 2025.

H11-0934-20

Siting of touring caravan - retrospective. Refused on 18 December 2020 for the following reasons:

1. The application site is located outside of any settlement boundary as outlined in the South East Lincolnshire Local Plan, 2019. As per Policy 1 of the Local Plan, the site is therefore classed as being in the 'Countryside' in planning policy terms. The nearest services, facilities and amenities to meet the daily needs of the future occupants are in Long Sutton. The distance involved for a round trip to them, particularly by foot or cycle, is not insignificant. Moreover, the residents would have to negotiate the A17 (subject to a 60mph speed limit), on foot or by cycle, to the detriment of pedestrian safety. Furthermore, the site lies within Flood Zone 3, which National Planning Practice Guidance highlights is an inappropriate location for highly vulnerable uses - A category which includes caravans used as permanent residential accommodation.

The siting of a caravan for permanent residential use in this location is, therefore, considered to be inappropriate and would result in harm both in the context of Policies 2, 3 and 4 of the Local Plan, as well as in relation to the social and environmental objectives enshrined in Paragraph 8 of the National Planning Policy Framework, 2019 (NPPF). It would also be contrary to paragraphs 108 and 110 of the NPPF, which seek to ensure safe and suitable access and access by sustainable modes of transport (such as walking and cycling) and Section 12 in relation to flooding.

Given the location of the site, the proposal is in conflict with the spatial strategy outlined in Policy 1 of the Local Plan, as well as policies 10, 11 and 17 of the Local Plan, which underpin the delivery of housing within defined settlements. The proposal also does not comply with any of the exceptions for new dwellings in the countryside defined under policies 19, 20, 22 or 23 of the Local Plan.

For the reasons outlined above the proposal is in conflict with Local Plan, as well as the NPPF, including paragraph 12 which states that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed.

2. National Planning Practice Guidance classifies caravans used for permanent residential use as highly vulnerable and states that Flood Zone 3, in which the application site is located, is an inappropriate location for highly vulnerable uses. The proposal is therefore not acceptable on the basis that the proposed use falls within a flood risk vulnerability category which is inappropriate to the flood zone in which the application site is located. Furthermore, the Environment Agency have objected in principle to the proposal. For this reason, the proposal is considered to be contrary to Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019; Section 14 of the National Planning Policy Framework, 2019; and National Planning Practice Guidance on Flood Risk and Coastal Change.

A subsequent appeal found that:

1. The site is in the countryside and outside of the nearest settlement boundary;
2. That the application does not fall into any of the exemptions in the spatial strategy and did not meet the sustainable development needs of the area in terms of economic, community or environmental needs.
3. Long Sutton is distant from the site and there are no sustainable transport routes to it.
4. No Flood Risk Sequential Test was undertaken.

The appeal was dismissed.

H11-0931-20

Demolition of Shed and replace with a new brick shed. The application was submitted in October 2020 and approved on 18 December 2020.

This shed relates to the building the subject of the current application.

The application stated that the existing timber shed was damp and falling down and it was proposed to replace it with a brick shed (it was built out of bricks to damp proof course, blocks and cladding). It was used to 'store personal items of the owner plus small plant machinery, grass cutters, tools, drills, firewood. The owner is retired and uses the brick shed as a workshop'.

It should be noted that the concurrent application H11-0934-20 stated that the bungalow at no.4

was sold in October 2018, so there was no residential property linked to the site.

H11-0828-19

Use of land for siting of residential caravan/lodge. Refused for similar reasons to H11-0934-20.

Nearby sites:

H11-1115-19 Agricultural dwelling refused on land to the north of this site - not an essential need, would have some economic and social benefits but these are outweighed by harm in terms of other social and environmental factors - including distance from local services and facilities, reliance upon the motor car and the development's harmful effect upon the character and appearance of the countryside. Also refused on flood risk as it would be possible for development to be delivered in areas of lower flood risk.

Consultation Responses

Long Sutton Parish Council

Object to retrospective applications.

County Council Highway and SUDS

No objections. Access remains unchanged. Sufficient parking. Proposal would not result in unacceptable impact on highway safety.

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.

Environmental Protection SHDC

No comments.

Environment Agency

This proposal comes under cell E7 of the local flood risk standing advice.

County Archaeologist

Proposal unlikely to have an impact on significant archaeological remains. No further archaeological input is necessary.

South Holland Drainage Board

Works may require Land Drainage Consent from the Board.

No additional disposal of surface water.

No indication of how foul water will be disposed of.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are:

- Principle of Development and Sustainability;
- Layout, Design, Character and Appearance of the Area and Residential Amenity;
- Highway Safety and Parking;
- Flooding Risk Considerations;
- Foul and Surface Water Drainage;

- Biodiversity; and
- Personal Circumstances.

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 (SELLP) 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.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

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

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

The site is located outside any defined settlement boundary. Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". As such, the site should be considered to be within the Countryside from a planning policy context.

Policy 1 states that within "the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

Within the explanatory text of Policy 1, it is stated that: "There are types of development that require a Countryside location either because it is the location of an existing building or use South East Lincolnshire Local Plan 2011-36 of land. Where changes to such buildings or land uses require planning permission Policy 1 and other more detailed Local Plan policies will apply".

In this context, as the proposal relates to the reuse of an existing building, an assessment of necessity can be derived from two strands. Firstly, whether there is a specific need for a dwelling in this location, and second whether the conversion of the building would be in accordance with the relevant provisions of the SELLP.

A judgement as to whether the proposal would be necessary to such a location would be taken on the basis of the specifics of the business case and other relevant guidance such as the Planning Practice Guidance (PPG). Paragraph 10 of the "Housing needs of different groups" section of the PPG (ref 67-010-20190722) provides a framework of consideration in assessing the need for isolated homes in the countryside for essential rural workers. It should be noted that this Paragraph of the PPG references Paragraph 79a of a previous iteration of the NPPF; the provisions referred to can now be found in Paragraph 84a. For reference, Paragraph 84a has been copied below:

Paragraph 84a: "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;"

It should be noted that Paragraph 84 refers to "isolated homes in the countryside". Isolated is generally taken to mean physically isolated, as in divorced from settlements and existing development. The site in this instance, whilst within an open countryside setting, is not considered to be isolated, due to the proximity to existing development in the area. This matter is agreed upon within the Planning Statement, whereby the applicant also considers that the site is not isolated within the countryside. In any event, the principles of the PPG are still applicable, in so far as they provide a useful grounding in assessing need for rural workers, regardless of whether the site is isolated for the purposes of paragraph 84.

An argument of need has been put forward within the submission. This, in short, involves the personal circumstances of the Applicants, necessitating a single storey dwelling and reducing need for conventional internal arrangements, and a business need. The personal circumstances of the Applicant are noted; however, permission for a dwelling would be granted for the land, not the individual. As such, these points carry only minimal weight.

Taking this further, these personal circumstances of the applicants have been addressed further within the relevant section below.

Turning to the business case; the argument has been put forward on a number of grounds, including: security and asset protection, operational oversight, and emergency response. All points raised in this document (and others) are noted, and appear to broadly align with the points raised in the first bullet point of Paragraph 10 of the PPG.

However, within this document, no justification has been put forward as to why this need for 24/7 onsite presence necessitates a dwelling. For instance, alternative means have not been explored in detail, such as an alternative arrangement such as hiring additional staff. No adequate evidence based exploration of the lack viability of an alternative arrangement has been presented here, and so it cannot be said that there is an absolute need for a dwelling to be on the site which cannot be met through additional staffing.

There has not been a convincing reason presented as to why a third party, hired by the site owners, could not adequately handle deliveries etc (nor has it been outlined that these deliveries would occur on a 24/7 basis thereby warranting a person to be on site) and nor has it been evidenced why conventional security measures are insufficient.

Whilst the sensitivity of the existing business is noted, there is nothing before the Council to empirically state that presence of the owner would be a greater deterrent or more effective response mechanism, than conventional sources (i.e., the police). Moreover, the specific details of the current business, with regard to the integrate details of how this business operates has not been provided within this proposal.

In addition to the above, application reference H11-0755-25 relates to a lawful development certificate (existing - S191) for 'Storage facilities for shotguns, firearms and ammunition'. This submission was deemed lawful on 19 September 2025 on the basis that it has demonstrated "that the use of the buildings for the storage of shotguns, firearms and ammunition commenced on or before 7th August 2015 and has continued since first commencement for a continuous period of ten years prior to the submission of the Lawful Development Certificate on 7th August 2025". Furthermore, the submitted information within that application argued that "the building edged in blue was erected 01/01/2000 and has been used as a commercial storage unit and is legally approved for firearm storage"; indicating that the unit had been used for storage purposes, to some degree, since the year 2000, with this decision evidencing that the firearms unit had been present

for a period of at least 10 years, concluding that "it is clear that the buildings have been used for shotguns, firearms and ammunition storage for a continuous period of more than 10 years".

Based on this, it is evident that a storage facility for firearms and ammunition has been present on site for an extensive period, without the need for a residential dwelling to accompany the business; given that the site has been segregated from the nearby residential properties and has not been subject to a lawful residential unit. As such, no detail or evidence has been provided as to the changes in circumstances with the operation of the business, as to why the site now necessitates a residential unit.

The Applicant has stated that they would be comfortable with a temporary and personal permission; however, this would fundamentally be unacceptable, given the lack of evidenced need, the questionable enforceability of these conditions and the fact that in granting permission, a C3 use on the site would result regardless of time period.

On this basis, there is not considered to be a functional need for a dwelling, in so far as the provisions of a workers dwelling are concerned.

Turning to the aforementioned reuse of an existing rural building; within the context of South Holland, the suitability of a proposal for the re-use of a building in the Countryside is contained in Policy 23. In this context, Policy 23 states:

"Proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building".

The Reasoned Justification associated with this policy explains the rationale and aims of Policy 23. Paragraph 5.15.3 states: "Rural buildings, such as brick-built barns, can make a significant contribution to the character of an area and so there is a concern that they should not remain vacant, under-used or become derelict, detracting from the visual character and quality of the designated Countryside. Policy 23 therefore makes provision for the conversion and reuse of rural buildings as dwellings. South East Lincolnshire's stock of traditional and historic buildings is a finite resource and so conversions provide the opportunity to retain and enhance the architectural quality and character of the building and its setting."

This is expanded upon by Paragraphs 5.15.4 and 5.15.5, which are copied below for context:

"5.15.4: However, not all buildings in the Countryside are suitable for conversion as they may be of insubstantial construction, of poor design or not in keeping with their surroundings. Buildings to be converted should be structurally sound and proposals which require significant extension, alteration or rebuilding will be not acceptable. Structural surveys may be required in order to demonstrate that a building is structurally sound. Proposals which would involve rebuilding, rather than conversion, will be regarded as new dwellings in the Countryside and will not be permitted."

"5.15.5: Proposals will be required to be sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction in order to conserve its interest. They should also seek to optimise the potential to enhance the character and quality of the site. In terms of vehicular access, proposals should meet the requirements of the Highways Authority."

The aims of Policy 23 can therefore be broadly outlined as the retention and enhancement of buildings of architectural, or historical merit, in the Countryside.

Assessing the proposal against these criteria, the following is considered:

1. It has not been evidenced through the submission of a structural survey that the building is structurally sound. Whilst the newness of the building may count in its favour, it is not clear that the

construction quality is of a suitable level. It cannot be said, beyond reasonable doubt, that the building is capable of conversion.

Moreover, Paragraph 5.9.3 of the Reasoned Justification for Policy 17 states: "the Local Planning Authorities will advise developers to, at least, meet the minimum space standards in national guidance". These space standards are the Nationally Described Space Standards, published March 2015.

For a 1 bedroom, 2 person dwelling (which the supporting statement has outlined would be the case), a minimum floor space of 50sqm would be required. The proposed dwelling, at approximately 48sqm falls below this threshold. On this basis, the proposal falls short of the space standards and would require some form of alteration. In addition, the submitted plans have not shown a bedroom. Whilst the personal circumstances and wants of the applicant with regards to sleep patterns are noted, the space standards are clear that a bedroom would be required. The conversion cannot meet space standards without a bedroom. As this has not been shown, it cannot be said that the requirements of the space standards have been met, and therefore, there would be conflict with Policy 17 of the SELLP. Moreover, as discussed in greater length later in this report, it has not been demonstrated that the required 2.3m floor to ceiling height has been maintained, particularly in light of the changes to finished floor level. By extension, there would be need for adaptation of the building, which may exceed the threshold of Policy 23(1).

For these reasons, the building is not considered capable of conversion for the purposes of Policy 23.

2. Criterion 2 outlines that the building should be of architectural or historic merit to justify its conversion. The existing building is of no particular note or merit. It is a rudimentary and typical example of a storage building. Accordingly, while the building is of no specific harm to the character of the area, it does not strictly benefit the area either.

Therefore, there is no clear justification within the limited scope of criterion 2 for the conversion and it is evident that the existing building has no architectural merit, nor historic merit.

3. Whilst it is appreciated that the immediate area comprises a cluster of dwellings, there would be a degree of conflict with the surroundings, in so far as a residential dwelling within an otherwise commercial site would be out of keeping.

4. No external alterations are proposed, meaning the design would be sympathetic to the existing character. However, seeing as the existing building is considered to be of no merit, this is neutral factor.

5. The proposal would not change the appearance of the building or the area. The existing building, as detailed above, is a rudimentary and typical example of a storage building; within a site characterised by fairly unsightly storage buildings and containers, which fail to positively influence the character of the area.

Given that the proposal would make no changes to the external elevations of the building, nor does the proposals seek to make any physical alterations beyond this, the proposal cannot be said to enhance the setting of the building. Introducing a residential use, within a countryside location, contrary to the spatial strategy, can be considered to introduce an unsuitable and detrimental element.

On this basis, it cannot be said to enhance the setting of the building.

As such, the proposal would be contrary to Policy 23 of the SELLP, failing to meet criteria 1, 2, 3, and 5. The proposal cannot be considered necessary in this regard either.

As the use cannot be said to necessitate this location, for the reasons above, the proposal would be left to demonstrate the contribution to the sustainable needs of the area.

Assessing the proposal in turn, the following is considered:

- Economic - The economic benefits are questionable. The submission for the Certificate of Lawful Use sets out that there are no financial records for the business, as it is not a commercial business; and as such, the economic benefits in this regard are very limited, if comprising any benefit at all.

Even if it were, such a business does not help support the sustainable needs of the area, but would solely benefit the individuals. There would be no economic benefits attributed to the formation of a dwelling here.

- Community - the social benefits of a single dwelling are limited. Whilst the personal circumstances of the applicant are noted, it is not considered that addressing their needs offers a tangible or significant benefit to the community, particularly given that it has not been illustrated that their needs could not be met elsewhere.

- Environmental - The nearest services and facilities to meet the needs of occupants are in Long Sutton. The applicants accept that there would be reliance on the car to access amenities. It is understood that locating the residential use adjacent to where the applicants business is, would reduce travel, but that business in itself is not one that warrants a countryside location and therefore should not be reason of itself to locate further unwarranted development in the countryside. Moreover, there would be no ecological or biodiversity gains emerging from a dwelling here.

It should also be noted that the any benefits attributed with regard to the dwelling, given that the necessity with regard to the business has not been adequately demonstrated, would not go beyond those that would be attributed to residential development within other, more sustainable locations that would be in accordance with the aims of the spatial strategy.

As such, the proposal does not provide or demonstrate an adequate contribution to the sustainable needs of the area.

As a result, the development would conflict with the spatial strategy for the area set out in Policies 1 of the Local Plan and does not accord with any of the exceptions to the restriction of development in the open countryside, being at conflict with various criteria of Policy 23 of the Local Plan. It would also conflict with the National Planning Policy Framework paras 82, 83 and 84 in so far as the proposal would not support the objectives of sustainable development within rural communities.

The proposal is therefore considered to be unacceptable in principle, being at conflict with Policy 1, 17 and 23 of the South east Lincolnshire Local Plan (2019).

Layout, Design, Character and Appearance of the Area and Residential Amenity

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.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December

2024) and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Furthermore, Policy 23 of the SELLP provides for the reuse of buildings in the countryside for residential purposes. As detailed above, this policy sets out specific set criteria that a proposal must comply with, in order to be considered acceptable. In this regard, all criteria outlined under Policy 23 must be met.

The building needs to be structurally sound and capable of conversion without the need for significant changes; must be of architectural or historic merit, or provides for a positive contribution to the landscape; be in keeping with its surroundings; any alterations should be sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and the development should lead to an enhancement of the immediate setting of the building.

Whilst an assessment of these matters have been detailed above, in considering the acceptability of the proposal in principle, it is noted that a number of this criteria has a direct relation with the assessment of the proposals impact upon the character and appearance of the area.

It is acknowledged that the building is existing, having been a lawful storage building, and the application is for a change of use. Therefore, it could be argued that there would be a neutral impact on character and appearance of the area. However, the change of use to residential purposes is pertinent to the assessment, what might be acceptable as an ancillary storage shed is not necessarily acceptable as a new dwelling within the countryside.

The existing building is rudimentary in appearance and does not read as a residential unit by way of its appearance. The structure, taken with those existing within this site, fail to positively contribute to the character of the area.

Beyond this, Paragraph 5.9.3 of the Reasoned Justification for Policy 17 states: "the Local Planning Authorities will advise developers to, at least, meet the minimum space standards in national guidance". These space standards are the Nationally Described Space Standards, published March 2015.

For a 1 bedroom, 2 person dwelling (which the supporting statement has outlined would be the case, with the building seeking to occupy the applicant and their wife), a minimum floor space of 50sqm would be required.

The resultant development would provide approximately 48sqm of internal gross floor space, and the submitted layout plan fails to demonstrate the provision of a bedroom within the proposal, illustrating a kitchen, bathroom, living space and storage space only. On this basis, the proposal falls short of the space standards and would fail to provide the minimum accommodation considered appropriate for such a residential unit.

In addition, the nationally described space standards also requires that:

- "c. in order to provide 1 bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide"
- "e. 1 double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide"

As detailed above, the submitted plans fail to illustrate the provision of any bedrooms solely illustrating a kitchen, bathroom, living space and storage space. Given this, the proposal fails to evidence that this requirement, of minimum bedroom sizes, is met.

Moreover, the existing building, which is not to be altered in overall scale as part of the change of use, comprises a height of approximately 2.4-2.5m when measured in respect of the submitted drawings. Criteria i. within Part 10 (Technical Requirements) of the nationally described space standards, is clear that the minimum floor to ceiling height must be 2.3m, for at least 75% of the Gross Internal Area.

The proposal site lies within Flood Zone 3 and within a hazard classification of 'Danger for Some', with a peak flood depth of 0.25m (further discussion of flood risk matters is addressed within the relevant section below). Notwithstanding the submitted Flood Risk Assessment stating that the floor level of the development has been raised to a minimum of 400mm above existing ground level, neither the submitted plans nor the photographs demonstrate or evidence this to be the case.

In light of this, in order to ensure appropriate mitigation in this regard, the finished floor level would be required to be increased a minimum of 300mm. As such, given that the maximum height of the existing building lies at 2.4-2.5m, it has not been evidenced that level of works that would be required to achieve the necessary flood mitigation to ensure that the scheme exceeds the flood depths and therefore is safe for its lifetime, which is addressed further below, could be achieved without the resultant floor to ceiling height falling below the 2.3 metres required under the nationally described space standards.

By extension, whilst not proposed in this instance, this aforementioned requirement may result in the need to enlarge the existing building which would comprise adaptation of the building, which may exceed the threshold of Policy 23(1).

Irrespective of this, it cannot be said that the requirements of the space standards have been met, and therefore, there would be conflict with Policy 17 of the SELLP.

In light of the above, the proposal affords insufficient internal living space, and fails to provide adequate internal accommodation as set out within the nationally described space standards. The development cannot be said to comply with the aim of the creation of high quality, beautiful and sustainable buildings. It is not of a high design quality, nor does the development create a place that is safe, accessible, promotes health and well-being, nor does it provide a high standard of amenity for users. There is no bedroom, the site lies within a quasi commercial site, and the building is not one of any architectural or historic value nor does the proposal enhance its surroundings.

As such, the proposed development would fail to provide an adequate standard of residential accommodation for the occupants, and would fail to ensure that the character and appearance of the area is not detrimentally impacted; therefore the proposal would be at conflict with Policy 2, 3, 17 and 23 of the South East Lincolnshire Local Plan (2019) and or Section 12 of the National Planning Policy Framework.

Impact on Neighbouring Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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.

Given the separation distances, lack of additional built form beyond that existing and the surrounding character, the proposal is not considered to give rise to an unacceptable impact upon the amenities of neighbouring occupiers. As detailed above, the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

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 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. 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.

Further, Policy 36, to be read in conjunction with Appendix 6, of the SELLP, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Sustainable development considerations are not met and there is little choice of travel modes. Nevertheless, the proposal provides for a satisfactory and safe access and adequate parking within the site and no objections have been put forward by the Local Highway Authority.

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).

Flooding Considerations

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".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

Paragraph 176 of the National Planning Policy Framework (December 2024) details that "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63. This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park.

As such and notwithstanding the comments raised within the site-specific flood risk assessment, when reading this paragraph of the NPPF in isolation, it appears evident that given that the proposal comprises a change of use of an existing building, the sequential test is not required.

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.

The site lies within Flood Zone 3a of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

Sequential and Exceptions Test

The application for the brick and block shed - a replacement of a timber shed - was not subject to a Flood Risk Assessment. No doubt, if it had been an application for a new residential unit, an assessment against the sequential test and if necessary an exception test would have been required. The application for a mobile home on the site - considered at the same time as the shed, was refused on appeal partly because no sequential test had been carried out.

Although the NPPF para 176 states that a sequential test is not necessary for *some* types of minor development, changes of use - except changes of use to a caravan, camping or chalet site, it is not clear on whether this was with the intention for the sequential test to be necessary for the change of use of a shed to a residential home, which is a 'More Vulnerable' use.

Whilst the Local Planning Authority have given reference and concluded this matter in line with the aforementioned paragraph 176, the submitted Flood Risk Assessment, provided by the applicant, suggests that the sequential test is required, stating under 3.4 that "The sequential test and exception test will require to be applied..."

Should a sequential have been required, the submitted flood risk assessment fails to provide an appropriate assessment of alternative sites and as such, would have failed the sequential test. The submitted Flood Risk Assessment states that the development passes the sequential test because the River Welland and River Nene have defences that provide protection during the 0.5% probability event and therefore the actual risk of flooding is low. However, no evidence of a search for alternative sites was undertaken.

The Flood Risk Assessment states that the proposed development helps meet the target of an increase in 10,000 homes as set in the local plan and that the development would be safe and risks managed and consequently it meets the Exception Test of having wider sustainability benefits.

The Flood Risk Assessment concluded that the development is not in functional floodplain, the site is liable of between 0.00 and 0.25 depth of flooding if the River Nene tidal defences fail and that the development floor level has been raised a minimum of 400 mm above existing ground level with rainwater discharged to soakaways.

Whilst the application may be for a residential unit, this would not, of itself meet the test of having wider sustainability benefits to the community outweighing the flood risk. The proposal, to introduce a residential dwelling within an area of flood risk, outside of the defined settlement boundaries and therefore contrary to the spatial strategy, would not be considered to offer a sustainable benefit that outweighs the flood risk.

The FRA also states that the development flood level has been raised a minimum of 400mm above existing ground level; however, neither the submitted plans or photographs demonstrate that this is the case. As such, the building would not be safe for its lifetime taking account of the vulnerability of its users. Even in such instance that the internal finished floor level had been increased, this would pose additional concern with regard to residential amenity as detailed above.

Consideration of Flood Risk

Notwithstanding this, nor the applicants consideration that the sequential test was required, the application must still be accompanied by a site-specific flood risk assessment and must demonstrate that the proposal would be acceptable in flood risk terms, in regard to presenting a risk to human life and/or property should a flood event occur, with a safe place of refuge and appropriate mitigation.

The submitted Flood Risk Assessment (FRA) states that 'the site is currently part of a residential curtilage'. This is incorrect and factually inaccurate, as the application site, even when considering the entirety of the wider site, is segregated from the residential unit in respect of physical separation and ownership. As such, the site has no lawful residential use.

Paragraph 181 of the NPPF details that "Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan".

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps for Planning, within an area classified within the South East Lincolnshire Strategic Flood Risk Assessment as "danger for some".

The Strategic Flood Risk Assessment identifies that the site lies within an area classified as 'Danger for Some'. As such, given that the Local Planning Authority do not agree with the conclusions drawn that the proposal necessitates this location, it is considered that the proposal fails to provide an assessment of any alternative sites, nor assesses the potential for alternative sites that may be at a lesser risk of flooding.

In this regard, the proposal fails to adequately demonstrate that the proposed use, in this application, cannot be accommodated in more appropriate town centre, edge of centre or in settlement locations, which are more sustainable locations for such use, nor evidences that the development could not be accommodated within areas of lowest flood risk. As such, the proposal fails to demonstrate that the suitability of the site in that regard. The Local Planning Authority are aware of areas within the District, including within settlement boundaries, that comprise Flood Zones 1 and 2, and are aware of areas within Flood Zone 3, with a hazard classification of 'no hazard'; each comprising a flood risk that is lower than that of the application site.

Furthermore, the Environment Agency consultation response highlights that the development falls within the standing advice matrix cell E7 which is 'Danger to SOME (Hazard Rating 0.75 - 1.25)' with the use moving from less vulnerable to more vulnerable, and as such some mitigation is required.

In respect of flood mitigation, as required by Policy 4 of the SELLP, Section 14 of the NPPF and as set out by the Environment Agency, insufficient information has been provided in regard to flood resilient measures to demonstrate that the development is safe for its lifetime, and the application has not been supported by adequate information as to how residents would be safe in the scenario of a future flood event.

The proposal site lies within Flood Zone 3 and within a hazard classification of 'Danger for Some', with a peak flood depth of 0.25m. Notwithstanding the submitted Flood Risk Assessment stating that the floor level of the development has been raised to a minimum of 400mm above existing ground level, neither the submitted plans nor the photographs demonstrate or evidence this to be the case. As such, it has not been evidenced that level of works that would be required to achieve the necessary flood mitigation to ensure that the scheme exceeds the flood depths and therefore is safe for its lifetime, have been incorporated. As detailed above, such an increase (whether already carried out but not evidenced, or in need of being carried out at this stage) would result in adverse impacts with regard to adequate residential accommodation and amenity.

It is on this basis that the proposal fails to adequately demonstrate that the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; nor have safe access and escape routes been adequately demonstrated, as part of an agreed emergency plan; contrary to the requirements

of paragraph 181 of the NPPF.

As such, the proposal may presenting a risk to human life and/or property should a flood event occur, with no demonstrable (or potential for) a safe place of refuge should such an event take place.

Moreover, Policy 4 of the South East Lincolnshire Local Plan (2019), states that a "Change of use that would result in self-contained ground floor residential accommodation in areas of hazard rating 'danger for some', danger for most' and 'danger for all' will not be supported." As such, it is considered that, due to the flood risk on the site and the lack of suitable adaptation proposed, the occupants of the resultant dwelling would be at an undue risk of the impacts of flooding.

As such, the proposal is considered to result in the provision of self-contained ground floor residential accommodation in an unsuitable hazard rating area, and the proposal fails to demonstrate or offer suitable adaptation to ensure the development is safe for its lifetime, or prevent risk to human life and/or property should a flood event occur.

The proposal is not considered to provide suitable benefits which would outweigh the flood risk.

Therefore the proposal is contrary to the provisions of Section 14 of the National Planning Policy Framework (December 2024), and Policy 4 of the South East Lincolnshire Local Plan (2019).

Surface Water and Foul Water Drainage

The shed sits on hardstanding and has already been in existence for some time. It is not anticipated that there would be any greater level of surface water run off. No details have been provided in relation to foul water, but it is assumed that the site is already served by a sewage treatment system, the details of which could be sought and secured via a condition in such instance where the application were to be approved.

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.

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.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements on the basis that it is development below the threshold

having less than 25 square metres (5m by 5m) of on-site habitat or 5 metres of on-site linear habitats such as hedgerows.

Personal Circumstances

The personal circumstances of the applicants provided are that they have health issues and there is a necessity to live next to their business to provide added security.

The application is accompanied by a series of medical documents, but the details of these are not explained in any accompanying letter from a medical practitioner and it would be inappropriate for the planning authority to attempt to interpret these. Some conditions are well known but there is no advice provided as to why the accommodation provided as part of this application would be suitable and/or better than could be provided elsewhere. As such limited weight can be attached to the physical and mental needs of the applicants.

In terms of affordability, this is understood, but of itself is not an exceptional argument or circumstance and provision is made for this by social housing in more suitable locations.

Finally there are some benefits of living adjacent to the firearms business of the applicants to provide greater security and to reduce the need to travel. These matters have been addressed within the principle section of this report.

Moreover, whilst the business has been in situ for sometime, it is not a business that genuinely needs to be in a countryside location and therefore by extension it would be inappropriate to use that business to provide for a residential use which would also constitute unwarranted development in the countryside.

Overall, as detailed within the principle section above, these matters are not considered to hold such weight as to outweigh the clear policy conflict.

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.

Whilst some weight can be afforded to the benefits of reusing an existing building on a site, already linked to the applicant's business, such weight needs to be balance against the presumption against development in the countryside.

The proposal does not meet the criteria for exceptions; this is not location dependent development, nor is it re-use of a building of any architectural or historic merit. The site's location is distant from nearby service centres and facilities meaning greater reliance on the private car. Limited weight can be given to the personal circumstances of the applicants as medical history has not been supported by any recommendations of a medical practitioner.

Furthermore, the site lies within Flood Zone 3. The Flood Risk Assessment appears flawed in what development it is assessing, does not provide for an appropriate or adequate evidence with regard to the site comprising an area of lowest flood risk, and the submitted FRA fails to evidence or sufficiently provide detail regarding the 'lowest areas of flood risk within the site' as required by para 181 of the NPPF; nor does it evidence that the resultant dwelling would be safe for its lifetime or provide appropriate flood resistant and resilient measures.

It is evident that the proposal is at conflict with numerous local and national policies, and the benefits identified are limited and hold very limited weight in this instance. As such, the planning balance is not in support of this proposal.

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

The development would conflict with the spatial strategy contained within Policy 1 of the South East Lincolnshire Local Plan (2019), and does not accord with any of the exceptions to the restriction of development in the open countryside. In this regard, the proposal fails to comply with criteria 1, 2, 3 and 5 of Policy 23 of the South East Lincolnshire Local Plan (2019).

Furthermore, the proposal does not accord with the aim of creating high quality, beautiful and sustainable buildings, retain a building of architectural or historic value or result in the enhancement of the character of the area, nor enhances the surrounding setting. The proposal offers inadequate residential accommodation, through the lack of appropriate accommodation, and falls short of the national described space standards.

As such, the proposal is at direct conflict with the aims spatial strategy and is at conflict with Policy 1 and 23 of the South East Lincolnshire Local Plan (2019). The proposal is also contrary to Policies 2, 3 and 17 of the South East Lincolnshire Local Plan, and Section 12 of the the National Planning Policy Framework (December 2024).

Moreover, the site lies in Flood Zone 3, and lies within an area classified within the South East Lincolnshire Strategic Flood Risk Assessment as "danger for some". The proposal would fail to adequately pass the sequential test if appropriately required to do so, and in any event, with regard to Paragraph 181 of the NPPF, the proposal fails to demonstrate that the development is located within an area of lowest flood risk, fails to demonstrate that the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; nor does it demonstrate that safe access and escape routes have been included, as part of an agreed emergency plan.

In addition, the proposal comprises a "Change of use that would result in self-contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported."

As such, it is considered that, due to the flood risk on the site and the lack of suitable adaptation

proposed, the occupants of the resultant dwelling would be at an undue risk of the impacts of flooding. As such, the proposal is considered to be contrary to the provisions of Section 14 of the National Planning Policy Framework (December 2024), and Policy 4 of the South East Lincolnshire Local Plan (2019).

Recommendation

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