DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-0038-26**	**Applicant:**	**Mr & Mrs K Hargreaves**
Proposal:	Proposed Self-Build 3 Bedroom Dwelling		
Location:	Land Adjacent To 2 Ivy Cottages Lutton Gowts Lutton		
Terminal Date:	17th 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
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 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	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	1	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	3	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks outline planning permission for the erection of a self-build 3-bedroom dwelling. All matters are reserved except for the proposed access which is proposed to be taken from Lutton Gowts to the east of the site. Although all matters are reserved, the indicative plans show a detached two-storey dwelling within the site set behind a front driveway area.

Site Description

The application site comprises land between Harthill (to the north) and Ivy Cottages (to the south). 2 Ivy Cottages is located partly within the site. According to the application form, the site is used as a domestic driveway and as garden land for 2 Ivy Cottages.

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

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

Planning History

The following application was submitted on land at the rear of 2 Ivy Cottages:

H12-1101-89: (Outline Application) Single dwelling with detached garage - refused in October 1989.

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Environmental Protection - Contamination: No comments regarding land contamination.

Environmental Protection: I would recommend working hours conditions for the use of heavy machinery and power tools of 08:00-18:00 Monday-Friday, 08:00-13:00 Saturday only in order to protect amenity of nearby residents

Environment Agency: This proposal comes under cell D8 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.

Lincolnshire County Council - Highways and SUDS: There is sufficient space for parking within the site. The existing access will need upgrading to Lincolnshire County Council specification. 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. Informatives 03 and 08 are recommended.

Ecology Officer: This application will require a Preliminary Bat Roost Assessment to be provided pre-determination due to the potential roosting habitat of the medium sized ivy covered tree to be removed for the development.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply. The nearest Board arterial watercourse (DRN201G0801 - K08 Fleet) is located approximate 30 metres to the west of the site boundary.

Lutton Parish Council: 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 8 representations have been received from members of the public. The following summarises the key matters raised within the responses:

-The proposal would harm the residential amenity of Harthill (a neighbouring dwelling to the north) through a loss of light to a side door and the rear garden of the property.

-The proposed dwelling would be two storeys in height and would be positioned very close to the neighbouring boundary with Harthill. The height and closeness of the building would create a strong sense of enclosure and would adversely affect outlook from the side of Harthill.

-The submitted drawings are described as indicative and do not clearly confirm key information such as the building height, ground levels and the exact relationship between the building and the site boundary. Without this information, it is not possible to properly assess the scale, massing, or full impact of the development on neighbouring properties.

-The proposal represents overdevelopment and would have a negative impact on the character and appearance of the area.

-The proposal would contribute to noise pollution.

-The comments from the Drainage Board indicate that the viability of infiltration drainage has not been established, and that the disposal of treated foul water has not been clearly defined. This uncertainty raises concern that the development may alter existing drainage patterns, increase surface water runoff and affect neighbouring land.

-The application site lies within Flood Zone 3, an area of high probability of flooding. The submitted Flood Risk Assessment acknowledges residual flood risks and the increase in impermeable surface associated with the development. In such circumstances, careful consideration is required to ensure the proposal would not increase flood risk elsewhere or adversely affect neighbouring properties.

-The Council's ecologist has suggested that a Preliminary Bat Roost Assessment may be required due to the removal of a tree with potential ecological value. This indicates that the environmental impacts of the development may not yet be fully assessed and that the application may be premature in its current form.

-The development would result in highway safety issues due to a lack of visibility along Lutton Gowts and insufficient parking spaces are proposed.

-Construction and delivery vehicles will need to park somewhere, and it is likely that they will frequently need to park on the main road. This would potentially mean a substantial amount of disruption during the building phase. Parked vehicles could certainly present an additional hazard.

-1 Ivy Cottage have access rights through the rear garden/proposed site. These plans would affect that.

-The red line boundary appears to encroach on land outside the applicant's ownership.

As set out above, queries were raised within one of the public representations regarding the red line boundary that was shown within the submission. The response set out that the red line boundary included land outside the applicant's ownership. This was queried with the applicant's agent and they responded by provide an updating location plan showing a reduced red line boundary area that they claim now only covers land within the applicant's ownership. Whilst these details should have been checked prior to submission and the red line boundary should have been accurate, the amended red line boundary has been accepted in this instance as it appears to be accurate based on a title plan that the applicant's agent has also sent through. Land ownership is not a material planning consideration and the neighbouring property has received notification of the proposals and has been given the opportunity to comment on the proposals. Therefore, the application has been determined based on the revised red line boundary which covers a small area of land.

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 Amenity Impact;
-Highway Safety and Parking;
-Flood Risk; and
-Ecological Impact and Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and for decision taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance7 provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Footnote 8 clarifies that this "includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

According to South Holland District Council's (SHDC) 5-Year Housing Land Supply Assessment (5YHLS) (June 2025), SHDC can demonstrate 5.5 years of housing land supply. Furthermore, SHDC have scored at least 162% for the Housing Delivery Test over the last three years (Paragraph 1.4 of the 5YHLS Assessment). In accordance with Paragraph 232 of the NPPF, it is not necessary to apply the tilted balance in favour of sustainable development in the determination of the current application.

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 outside any defined settlement boundary, located approximately 500m to the south-east of the village of Lutton. Therefore, the site is within the countryside in planning policy terms.

Part D of Policy 1 sets out 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.

In terms of the requirements of Policy 1, it is necessary to consider whether the proposals are necessary for the location. The application is not accompanied by a Planning Statement or a Design Statement and as such, no reference is made to Policy 1 within the submitted documents. As such, there is no explanation as to why the proposed dwelling could not be accommodated elsewhere in the district in accordance with the spatial strategy. As such, it is not considered that the proposal is necessary for the location.

It is also necessary to consider whether the proposals meet the sustainable development needs of the area in terms of economic, community or environmental benefits that would arise from the proposals. These matters are considered below:

-*Economic*: In economic terms, the construction of a dwelling could provide some short terms benefits in terms of employment for construction workers. Such benefits are limited and, in addition, are not benefits beyond those that could be attributed to development within more sustainable and appropriate locations. Given the site's rural location, there would be limited other economic benefits as there do not appear to be businesses within walking distances that future occupants could potentially support.
-*Community*: In community terms, a single dwelling would provide a minor contribution to the district's housing supply, albeit in the least sustainable location for development within South Holland; comprising the Countryside. The proposal is for a self-build dwelling, which make an important contribution to the area's housing supply. No affordable housing is proposed as the development would not meet the affordable housing threshold.
-*Environmental*: In environmental terms, the proposal would not provide a net gain in biodiversity as the applicant considers that the proposal would be exempt as the dwelling is for a self-build dwelling. Beyond this, the development of a residential dwelling, on otherwise undeveloped land, has an evident detrimental environmental impact.

Therefore, the development would therefore not result in economic, community or environmental benefits that weigh in favour of the development.

Due to the lack of footpaths to the site and the lack of public transport links, future occupants would likely be reliant on the use of a private vehicles to access keys services and facilities, resulting in an unsustainable form of development.

Paragraph 84 of the NPPF is also considered to be relevant as this sets out that planning decision should avoid the development of isolated homes in the countryside unless one of more of the relevant criteria apply. For example, if the proposal is to meet the essential need for a rural worker. It is not considered that the proposal meets any of the criteria, nor has any case been demonstrated in this regard.

The site is within the countryside in planning policy terms and the proposals would result in unsustainable development, having regard to its countryside location. Significant harm would be caused as a result, as conflict would arise with Policies 1 and 11 of the Local Plan, which seek to direct housing development in accordance with the settlement hierarchy, concentrating on the most sustainable settlements to enable access to everyday facilities and services. Therefore, the principle of development is not supported in this case.

Self and Custom Build

The description of development specifies that the dwelling is a 'self-build' dwelling. In addition, the Biodiversity Net Gain Statement identifies an exemption, as a result of the proposal comprising a self-build dwelling. These are the only references to the proposal comprising a self-build dwelling.

The submission has not been accompanied by any form of supporting statement to outline how the proposal comprises a self-build dwelling, nor does the submission provide further information as to the self-build register, the Council's current supply in this regard, nor whether the applicants are on the self-build register themselves. In addition, the submission has not been accompanied by any

form of a of legal agreement, such as a Unilateral Undertaking, to secure the proposal as such.

Pertinent to housing need is Section 2 of the Self and Custom Housebuilding Act, 2015, which states that: "an authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period." To this end, and as reaffirmed within Footnote 28 of the NPPF, the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. The definition contained within the Act is as follows:

"In this Act "self-build and custom housebuilding" means the building or completion by:
(a)individuals,
(b)associations of individuals, or
(c)persons working with or for individuals or associations of individuals,
of houses to be occupied as homes by those individuals."

In this case, South Holland District Council have published a position in respect of the Self and Custom Build Register, which has subsequently been updated further in January 2026.

It is acknowledged that the Self-build and Custom Housebuilding Act 2015 places a duty on all Local Planning Authorities to grant enough suitable permissions on serviced plots to meet the need set out in the self-build register, for each year, within a 3 year reporting period. Self and custom build housing is defined as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can either be market or affordable housing.

The aforementioned Act requires that all authorities must have granted sufficient planning consents for enough serviced plots, which are suitable for self and custom build to meet the demand for the period. In this regard, demand is measured by the number of people joining the Council's Self and Custom Build Housing Register.

The latest figures published in January 2026 shows that between the 31 October 2022 and the 30 October 2025, South Holland District Council received 34 applicants for entry onto its register. "In response to this demand, the Council has granted permission for 50 dwellings that comprise 34 self and custom build dwellings supported by a unilateral undertaking or a biodiversity net gain exemption plus 16 others where the applicant evidence on planning applications, condition discharge, modifications and Building Regulation applications indicate a person rather than a building company during this period".

The Council has therefore, met and exceeded the requirements of the legislation by having granted sufficient Self and Custom Build permissions to meet the registered demand. Therefore, the Council has currently fulfilled its requirements, in meeting the registered demand for the preceding three years.

However, it is acknowledged that demand has substantially increased in recent years, primarily due to the exemption for Self and Custom Build Developments from Biodiversity Net Gain requirements. There is, therefore, a requirement to demonstrate an equivalent increase in the number of Self and Custom Build permissions granted. The Council has three years in order to grant enough permissions to meet this demand in order to comply with this duty, which it is presently achieving.

Whilst the requirement for providing Self and Custom Build housing is acknowledged, such developments must be in accordance with the policies set out within the SELLP as a whole. The requirement to provide Self and Custom Build development does not attract such overriding weight, that is should outweigh the fundamental spatial planning policies within the SELLP which directs suitable locations for residential development through its spatial strategies.

Whilst the SELLP does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17 provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the SELLP states:

"Within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met."

Policy 17 expands upon this briefly, outlining that the "Local Plan will also seek to meet the housing needs of custom and self-builders as they may come forward." Paragraph 5.9.4 of the reasoned justification for this policy reiterates that "opportunities for infill development within Settlement Boundaries can also meet the known interest registered by self and custom house builders".

In other words, proposals for self-build dwellings should be consistent with the Development Plan as a whole and appropriately located within settlement boundaries.

This approach has been confirmed within Appeals APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted. No such justification or search for sites has been presented to the Council at this time.

The Council is supportive of Self and Custom Build housing, and will continue to meet the required number of granted planning approvals to comply with the Self and Custom Housebuilding Act 2015. Furthermore, the Council does consider that weight should be afforded to Self or Custom Build proposals in line with National requirements. The Council will not however, support Self and Custom Build housing where it fundamentally conflicts with the Locational Strategy or other policies within the SELLP.

Whilst South Holland District Council will need to grant sufficient suitable developments in order to meet the uplift in Self and Custom Build demand, it has three years in which to do so. As such there is no compelling need at this time to grant Self or Custom build developments which would otherwise conflict with the SELLP. The requirement to meet demand for Self and Custom Build housing does not overcome the current planning applications fundamental policy conflict with the SELLP, and therefore the proposal is not considered to be acceptable in principle.

As the Council has currently exceeded its requirements in relation to Self and Custom Build, the weight afforded to this in the determination of this current planning application alone is insufficient to warrant a departure from the SELLP in this instance. Whilst weight is rightly afforded to the Self and Custom Build nature of the proposal, in light of the above, it is considered that only limited weight should be attached to this matter in the determination of this planning application owing to the proposals lack of compliance with the SELLP.

Furthermore, it is considered that the limited benefits of one single Self and Custom Build dwelling in this specific location (particularly given the Council is able to demonstrate it is meeting the requirements of the Self and Custom Housebuilding Act 2015) is not considered to overcome the fundamental policy conflict, and does not attract sufficient weight to outweigh the proposals clear lack of compliance with the Development Plan in the planning balance, or justify a departure from the Spatial Strategies of the SELLP'.

Visual and Amenity Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 also 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.

Policy 2 of the Local Plan 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.

Policy 3 accords with the provisions of Section 12 of the NPPF, 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.

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

At this stage the proposed scale, appearance and layout of the dwelling is unknown. As such, it is difficult to fully assess the visual impact of the proposals. Notwithstanding this, the indicative plans show a two-storey dwelling set back from the road frontage further forward than the nearest dwelling to the north (Harthill). No indicative street scene plans have been provided to compared how a dwelling could potentially look within the street scene. However, Harthill comprises a semi-detached dwelling with a frontage dormer window and the site partly includes 2 Ivy Cottage which is a semi-detached dwelling located closer to the road frontage. By contrast, the proposed dwelling would be detached. The indicative plans show a dwelling that bears limited resemblance to the nearest dwellings; however, it is acknowledged that the street scene varies as there is a mixture of dwelling types within the area, set back from the road frontage at various distances.

The site currently forms a gap in the built development within the street scene, forming part of the garden and driveway for 2 Ivy Cottage. The proposals would result in the subdivision of the plot, reducing the amount of external amenity space that is available for 2 Ivy Cottage.

Whilst the indicative layout is only indicative, it is likely that any dwelling would need to be positioned as shown, close to the northern boundary of the site in order to leave room for the subdivided garden space for 2 Ivy Cottage. The indicative site layout shows an irregularly shaped parcel of land for the remaining garden space; however, there would still be approximately 150sqm of garden space available for 2 Ivy Cottage. The indicative layout also shows that the proposed new dwelling could also be provided with a rear garden measuring approximately 90sqm. As such, the size of the proposed gardens could be adequate; however, it is considered that the indicative layout is relatively cramped compared to the surrounding plot layouts.

The proposal would also require the removal of a mature tree within the garden which would harm the character and appearance of the area. Whilst the tree could be removed without planning permission, it is unclear at this stage if a suitable scheme of landscaping could be accommodated within the site, both to mitigate for the loss of the mature tree and to have an acceptable impact on the street scene.

Whilst the front of the site is currently used for car parking for 2 Ivy Cottages, most of the nearest dwellings feature front driveways and landscaped front garden. This is with the exception of 1 and 2 Ivy Cottages which are positioned close to the road frontage. The existing parking arrangements are informal, whereas the proposals could result in a site frontage that is dominated by car parking and little else. This contributes to a sense of overdevelopment that would result from the proposals.

There are various windows on the northern side elevation of 2 Ivy Cottage which face towards the proposed front driveway area of the site. These windows are unlikely to face directly towards any habitable rooms within the proposed dwelling based on the indicative plans. The relationship between the dwelling is unknown at this stage due to the outline nature of the proposals; however, the indicative plans at least show that the two dwellings would not overlook one another to an unacceptable degree.

There are no first-floor side windows on southern side elevation of Harthill which is to the north of the site; however, there is a doorway on this elevation and occupants have raised concerns with the proposals due to the loss of light that would result to this doorway. The indicative plans show that there would not be an unacceptable degree of overlooking as habitable windows between the dwellings would not directly face each other.

The dwelling is shown to be only 1m from the boundary with Harthill. This would likely block light to the doorway on the side elevation of Harthill; however, this does not necessarily mean that the impact would be adverse as there are other windows that allow light into the dwelling and the doorway is likely only a secondary opening. Furthermore, the dwelling could potentially be located slightly further away from the boundary to reduce its impact on Harthill. The dwelling is not shown to project further backwards than Harthill, which would reduce the degree of shadowing of the garden space and rear elevation of Harthill.

Although approval is not currently sought for the proposed layout or scale of the dwelling, any

dwelling within the site would likely need to feature 2 storeys to contain 3 bedrooms, and would need to be relatively close to the northern boundary to leave sufficient room for the garden of 2 Ivy Cottage. The height of the dwelling would need to be carefully considered but it is considered that the site has the capacity to accommodate a dwelling that does not result in an unacceptable degree of overshadowing of Harthill.

It is considered that would be sufficient room for internal living space. For example, the indicative floor plans show that the dwelling could accommodate approxaimtely 120sqm of internal floorspace which would far exceed the nationally described space standard.

It is considered that the site has the capacity to accommodate a suitably sized dwelling with adequate garden space for both the dwelling and 2 Ivy Cottages. However, it is considered that the proposals represent overdevelopment of the site due to the proposed sub-division of the garden of 2 Ivy Cottages which would leave a cramped garden space compared to many of the nearest dwellings. As such, it is considered that the proposals would harm the character and appearance of the area, thereby conflicting with Policies 2 and 3 of the Local Plan, and Section 12 of the NPPF.

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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The existing access from Lutton Gowts to the east of the site is proposed to be used and a shared driveway is proposed. Lincolnshire County Council's highways and sustainable drainage have reviewed the proposals and have confirmed they have no objections. The team consider that the access would require upgrading to ensure there is suitable surfacing of the access. Further details of this could be secured at the reserved matters stage. Therefore, the proposal would be acceptable in terms of highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps. Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. Therefore, the development is required to pass the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area.

Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

In this case, it is recognised that the vast majority of the surrounding area around Lutton Gowts, Lutton and Long Sutton is located within Flood Zone 3. As such, there is limited scope to enable the development of the proposed dwelling within a lower risk flood zone area. Whilst the NPPG sets out that the search area should not extend beyond an individual village and its immediate neighbouring settlements, the site is not located within a defined settlement or village. As such, it is considered that a site search exercise should have been undertaken. Notwithstanding this, the site is not within a hazard area, as identified within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). As such, the site is sequentially preferable to higher risk hazard areas. Therefore, in this instance, it is considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

In terms of part a, the NPPF does not specify what is considered to comprise a wider sustainability benefit; however, the NPPG provides some additional guidance as follows (Paragraph 036 Reference ID: 7-036-20220825):

"Examples of wider sustainability benefits to the community could include:

The re-use of suitable brownfield land as part of a local regeneration scheme;

An overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure;

The provision of multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding National Planning Policy Framework policy requirements for Sustainable Drainage Systems;

Identified sustainability benefits need to be balanced against any associated flood risks, informed by the site-specific flood risk assessment. The impacts of flood risk on social, economic and environmental factors should be considered. Where wider sustainability benefits are absent or where they are outweighed by flood risk, the Exception Test has not been satisfied and the site allocation in the plan should not be made or planning permission should be refused."

In this case, the proposal would not result in the re-use of brownfield land as part of a local regeneration scheme, nor would the proposal contribute to flood risk management infrastructure. The submitted application form indicates that surface water is proposed to be discharged via a soakaway. The feasibility of this has not been demonstrated at this stage; however, if this is feasible then this would help to provide sustainability benefits and reduce the flood risk impact of the proposals. Further details of the drainage strategy could be secured via a planning condition. It is not considered that there are any particular sustainability benefits associated with the proposal. In contrast, the proposal would result in the provision of a dwelling within an area which is not considered to be sustainable. As such, it is considered that the proposal does not accord with part a

of the exception test.

In terms of part b, the flood risk mitigation measures set out within the FRA accord with the recommendations of the SFRA. Therefore, it is considered that the development could be made safe for its lifetime in flood risk terms. Furthermore, as the surface water runoff from the development is proposed to be managed via a soakaway, the proposal is not likely to increase flood risk elsewhere.

Therefore, it is considered that the proposed development does not accord with Part 2 of Policy 4 of the Local Plan or Paragraph 178 of the NPPF as it has not been demonstrated that the proposal would provide sustainability benefits that outweigh the flood risk that is posed by the development.

Ecological Impact and 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.

As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

The application form indicates that the proposed dwelling is self-build and is therefore exempt from the requirement to provide BNG. The local authority agrees with this given that the proposal is for outline permission for one dwelling only and as such, there scope for any future occupant to input into the design of the development. The LPA requires applicants to prepare a unilateral undertaken agreement to ensure that proposals are built and retained as self-build dwellings in order to meet the requirements of the exemption. The application has not been accompanied by a unilateral undertaken agreement.

The LPA's ecology officer requested a preliminary bat roost assessment. As assessment has been provided during the determination of the application concluding that there is negligible potential for bats within the site. As such, it is not considered necessary for any further surveys to be provided, nor is it considered that there might be any other protected species within the site.

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 would result in the provision of housing within the countryside, within the least sustainable location for development within the area's settlement hierarchy, as identified by

Policy 1 of the Local Plan. The 'tilted balance' in favour of sustainable development is not engaged at the present time, as the LPA can demonstrate a 5 year housing land supply. The limited benefits that would be provided by the proposals do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

The development would harm the character and appearance of the site and the locality as a result of an overdevelopment of the site, resulting in cramped plot layouts that do not add positively to the street scene. Therefore, the development would not accord with Policies 1, 2 and 3 of the Local Plan and the provisions of the NPPF when viewed as a whole.

Furthermore, it is considered that the proposed development does not accord with Part 2 of Policy 4 of the Local Plan or Paragraph 178 of the NPPF as it has not been demonstrated that the proposal would provide sustainability benefits that outweigh the flood risk that is posed by the development.

There are significant materials considerations that weigh against the proposal and as such, the planning balance is against the development.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

The proposal is considered to conflict with Policies 1, 2, 3 and 4 of the Local Plan and the provisions of the NPPF when viewed as a whole. These are significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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