

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0560-25 **Applicant:** Revd L Smith
Proposal: Change of use, conversion and extension to create a single dwelling
Location: Lutton Marsh Methodist Church Guys Head Road Lutton Marsh
Terminal Date: 1st August 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
04 Approach to Flood Risk
10 Meeting Assessed Housing Requirements
11 Distribution of New Housing
17 Providing a Mix of Housing
23 The Reuse of Buildings in the Countryside for Residential Use
28 The Natural Environment
29 The Historic Environment
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the change of use, conversion and extension to create a single dwelling at Lutton Marsh Methodist Church, Guys Head Road, Lutton Marsh.

In order to convert and change the use of the extant Methodist Church, a fairly large extension is proposed on the rear elevation projecting 6500mm and have a total length of 10500mm. The height of the extension would be 7000mm (ridge) and 4300mm (eaves).

Site Description

The site is located outside any defined settlement boundary and is therefore in the open countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is set in a predominantly rural area, surrounded by large open agricultural fields with a very small number of residential dwellings in the immediate area.

It was constructed in 1936 as a replacement for an earlier Primitive Methodist Chapel in Holbeach. The furniture from this church in Holbeach was taken and re-used for this new church. Following the opening, a service was held later that year.

History

No relevant history on site.

Consultation Responses

South Holland Internal Drainage Board

Consent may be required under Byelaw 3, not currently required under Section 23 and is not applicable under Byelaw 10.

Environment Agency

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning conditions are included.

Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment dated May 2025, ref: 'ECL1545/G R MERCHANT LTD', prepared by Ellingham Consulting Ltd and the following mitigation measures it details:

- The dwelling shall have a minimum of two storeys

These mitigation measures shall be fully implemented prior to occupation and subsequently shall be retained thereafter throughout the lifetime of the development.

Reason 1

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

Lincolnshire County Council Historic Places

Thank you for consulting us on this application.

The proposed development will comprise change of use from Lutton Marsh Methodist Church to single dwelling. This includes alterations to the interior.

It is noted that the applicant has not yet provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207).

The Methodist Church is a non-designated heritage asset included within the HER (Historic Environment record): Building record MLI127520 - Lutton Marsh Methodist Church was built at the western end of Guy's Head Road in 1936. It was constructed as a replacement for an earlier Primitive Methodist Chapel, located at Edinburgh Walk in Holbeach (see MLI127519). This new church was designed by the architect A.E. Palmer of Spalding, and was funded by the sale of the previous chapel. The pulpit, pews and furniture from the Edinburgh Walk chapel were taken to be re-used in the new church. A service to mark the opening of the new building was held on Wednesday the 28th of October 1936, following an earlier stone-laying ceremony, conducted by Sir Richard Winfrey J.P. only a few weeks prior. The building is single-storey, and constructed of red brick with a pitched slate roof.

Methodist churches like this one have been central to their communities, serving as places of worship and fostering faith, fellowship, and belonging. This chapel's significance goes beyond architecture; it reflects the important role of faith in shaping the community's spiritual and social lives.

The church holds value locally as a place of worship and for its broader heritage significance. It appears on the Ordnance Survey First Series 1:25,000 1937-1961 historical maps, highlighting its long-standing presence. Beyond worship, churches like this were community hubs, hosting important events, making them valuable heritage assets for future generations.

Recommendation:

I recommend that if permission is granted, there be a condition for a mitigation strategy to effectively deal with this site.

This will comprise a phased programme of recording including, but not limited to, a level 3 historic building recording of the Methodist Church, in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice'. This will enable the Methodist Church to be recorded prior to the change of use.

This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 200 and 211 and the South East Lincolnshire Local Plan (Policy 29).

Finally, considering the building significance, the SHDC Conservation officer must be consulted before a decision is made.

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Fourteen days' notice is required before commencement of any archaeological works.

Lincolnshire County Council Highways

ADDITIONAL INFORMATION REQUIRED

Are there any boundary treatments proposed? I need to ensure that there is no impact on the visibility from the proposed access. Please could visibility splays be provided in accordance with Manual for Streets.

National Grid

Please contact NGED if you require shrouding on the LV line in highways.

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 (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity

Evaluation

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

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

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

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.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst

protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The 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 National Planning Policy Framework, (NPPF) (December 2024) outlines, within Paragraph 61, that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 73 of the National Planning Policy Framework (December 2024) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly". This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

As the site lies outside any defined settlement boundaries and is in the open countryside we would not typically support applications for dwellings in this area - however in this instance the application must be assessed against Policy 23 of the SELLP which is for the reuse of buildings in the countryside to residential units which allow for such development. This assessment can be seen below.

Policy 23 - Reuse of Buildings in the Countryside for Residential Use

Policy 23 references proposals that are for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that they meet set requirements outlined in the policy, these are as follows:

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

It is worth noting that if permission is granted permitted development rights may be removed to allow the LPA to control future alterations or extensions that may have an impact on the appearance and character of the surrounding area. Assessment will now be carried out in regards to the acceptability of the proposal in comparison to the five points listed above.

1 - No structural survey has been provided and therefore the LPA are unable to refer back to a detailed document on this. In any case, the building is not considered to be capable of conversion without the need for significant extension and alteration as the Environment Agency have commented on the application due to the high flood risk and outlined that the dwelling must have a minimum of two storeys. Therefore, the existing church must see the addition of an extra floor to be acceptable in flood risk terms, however, the creation of an extra floor would result in a significant extension and alterations to the overall design which would mean it is not capable of conversion without the need for a significant extension and alteration. Further to this, the extension itself would

have a total floor space of 95sqm whilst the existing floor space of the church is only 70sqm, this further reiterates the point that the extension proposed is of a significant scale.

2 - Whilst the building is not of architectural merit, there is the potential for it to have some historic merit due to the age and history of the building. LCC Historic Places have commented on the application and have given a brief history of the Methodist Church since its creation. *'The Methodist Church is a non-designated heritage asset included within the HER (Historic Environment record): Lutton Marsh Methodist Church was built at the western end of Guy's Head Road in 1936. It was constructed as a replacement for an earlier Primitive Methodist Chapel, located at Edinburgh Walk in Holbeach. This new church was designed by the architect A.E. Palmer of Spalding, and was funded by the sale of the previous chapel. The pulpit, pews and furniture from the Edinburgh Walk chapel were taken to be re-used in the new church. A service to mark the opening of the new building was held on Wednesday the 28th of October 1936, following an earlier stone-laying ceremony, conducted by Sir Richard Winfrey J.P. only a few weeks prior. The building is single-storey, and constructed of red brick with a pitched slate roof.*

Methodist churches like this one have been central to their communities, serving as places of worship and fostering faith, fellowship, and belonging. This chapel's significance goes beyond architecture; it reflects the important role of faith in shaping the community's spiritual and social lives.

The church holds value locally as a place of worship and for its broader heritage significance. It appears on the Ordnance Survey First Series 1:25,000 1937-1961 historical maps, highlighting its long-standing presence. Beyond worship, churches like this were community hubs, hosting important events, making them valuable heritage assets for future generations. It is therefore considered that the building has historic merit in this instance. It is important to note that no assessment of the archaeological or heritage potential has been provided as outlined in the NPPF (Paragraph 207). It is therefore difficult to fully assess the potential. LCC Historic Places have requested a condition for mitigation strategy be included should permission be granted of which further details can be found above.

3 -Due to the fairly rural setting there are minimal dwellings in close proximity to the site. If anything, the Church appears more at odds within this location due to it being agricultural with a few dwellings scattered around. As such, if approved, the proposal would make the plot appear more suited with it now being a residential dwelling.

4 - The overall design would be somewhat similar to the appearance of the Methodist Church, it would incorporate the same roof type and similar window designs (excluding the dormers). However, the extension would be a harmful addition that is not sympathetic to the modest character and appearance of the building specifically in relation to architectural detailing.

5 - Whilst there is not necessarily anything wrong with the extant church, it is of a fairly old design and construction. A conversion could therefore lead to an enhancement and improvement of the building. Notwithstanding this, the extension is considered to be excessively large and therefore unacceptable, if it were to be approved and constructed it would dominate the existing building and take away from the setting, this therefore means the development would not lead to an enhancement of the setting and would overall cause more harm.

It is important to note that whilst two applications for similar developments have been referenced within the planning statement as justification to support this proposal, they are significantly different and therefore cannot be assessed in the same capacity. Firstly, H09-0697-24 was located inside the settlement boundaries of Holbeach Drove and featured no extension and although H08-0166-25 was located outside any defined settlement, it also did not feature an extension. Therefore, neither property were to be significantly extended which remains the main issue in this regard as the building is not capable of conversion without the need for significant extension and alterations.

Overall, the proposal therefore fails to accord to Policy 23 when viewed as a whole. It fails to accord to points 1, 4 and 5 with there not being enough information to accurately assess against point 2 due to the lack of an archaeological assessment. As a result of this, the principle is not considered to be sound as it cannot be supported under Policy 1 due to it being located in the open countryside. The application should be refused for this reason.

Layout, Design and Consideration of the Character and Appearance of the Area

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 South East Lincolnshire Local Plan (2019) 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.

The entrance lobby would lead into a large open hallway which would mostly encompass the whole existing building with the majority of internal changes being made within the rear extension. The ground floor section includes a utility, garden room and outdoor seating area as well as a garage attached to the house. On the first floor there would be two bedrooms, one shared bathroom and an open plan lounge, kitchen and dining area. The stairs would be located centrally within the hallway to provide the necessary access. The layout/floor plan is considered to be acceptable in this instance as it flows well and each room has adequate natural light throughout.

As previously stated, the extension would protrude from the rear elevation creating a total floor space of 95sqm, in comparison to the host property, this would be an increase of 35% from 70sqm. There would be an overall increase of 78.5%. Further to this, the extension would create an additional floor for habitation and would therefore sit above the existing ridge height of the church. The overall height of the extension would be 7000mm with the eaves sitting at 4300mm, in comparison to the existing church which sits at 5700mm. The extension would be around 1500mm taller whilst the eaves would only be just over 1000mm lower. As a result of this, it would not appear subservient or subordinate and is considered to be a drastic and excessive extension and increase overall. If approved, it would also take away from the existing design of the church which itself is historic. The proposed design is extremely obtrusive and offensive and is therefore at direct conflict with the SELLPs design policies and would cause impact to the overall character of the area.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on 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.

The closest residential dwelling in relation to the site is 84m to the west, this is therefore considered to be a more than adequate separation distance which ensures that there should be no material overshadowing or overlooking following the conversion of the church and construction of the extension. Despite the fairly large size of the extension, due to the minimal number of dwellings nearby and aforementioned distance, it should also not be overbearing in this instance either.

As detailed above, the scale and design of 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).

Flood Risk and Drainage

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

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)".

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 3 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.

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

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

The site is in an area defined as 'Danger for All' and an area greater than 2.0m flood depth, as such, a detailed flood risk assessment has been provided alongside consultation to the Environment Agency. Firstly, the Flood Risk Assessment outlined the following summary of risk of flooding to the site:

The probability of the development flooding from localised drainage systems are considered to be low whilst the failure of the Luton Leam Tidal Sluice could lead to an increased level of risk at the site. The probability of flooding from any Environment Agency system is less than 0.5% annually due to the flood defences which are in place. Climate change will lead to an overall increase over time, the risk from overtopping of the defences is also considered to be low. Finally, the development increases the impermeable area and therefore has the potential to increase the rate of surface water runoff from the site.

Alongside, mitigation measures have been suggested to reduce the impact from flooding. It is proposed that there should be no ground floor habitable accommodation, it is also recommended that there is 1.5m of flood resilient construction above the finished floor level. Due to the high flood risk, the Environment Agency were consulted and raised no objections providing that a condition be imposed to the decision notice should the development be approved which enforces that the dwelling shall have a minimum of two storeys and are implemented fill prior to the occupation and subsequently retained thereafter throughout the lifetime of the development. As such, despite the high risk of flooding, the mitigation measures proposed are considered to be acceptable to limit the risk of flooding on site.

Whilst the measures outlined give rise to adverse impacts in other regards as outlined above, when viewing these solely in respect of flood risk, these recommendations/mitigation measures are considered to be acceptable and suitable in flood risk terms and should ensure that residents who reside in this proposed property would be safe from flooding on site. Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

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 South East Lincolnshire Local Plan (2019), 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.

The conversion would only have enough room for one bedroom and therefore Appendix 6 cannot necessarily enforce how much off street parking is required in this instance. Notwithstanding this, the proposed site plan clearly identifies a large driveway to the south west corner of the site which has ample room for multiple vehicles whilst also allowing for vehicle to turn and exit the site in a forward gear. LCC Highways were consulted on this application and have requested additional information before being able to determine if they have no objections.

However, due to the issues raised throughout this report, the LPA do not consider the proposal to be acceptable. As such, the LPA have not sought clarification or amendment in this regard, as it was considered unreasonable for the applicant to submit amended plans, for a case in which the LPA were unable to support. In an instance whereby the LPAs decision was subject to an appeal, a condition would be requested to ensure that such details were provided, in order to resolve the issue.

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).

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.

Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats, it makes sure development has a measurably positive impact (net gain) on biodiversity. Developers must deliver a BNG of 10% on site and means a development will result in more or better quality natural habitat than there was before development. There are a list of exemptions from the need for BNG with the developer in this instance believing they are exempt for the following reason(s) -

- Small-scale self-build dwelling which is less than 0.5 hectares

It is worth noting that at this stage the Local Planning Authority have no evidence that the Applicant has signed up to this register. It is considered that if the Applicant was signed up to this register and agreed to a legal agreement the development would be exempt from the need for BNG under the

above circumstances.

Planning Balance

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

The proposal represents inappropriate development outside the defined settlement boundary. Whilst the development does not cause harm to the amenity of nearby residents, provides adequate parking, has appropriate flood risk level and meets the statutory BNG requirements; when viewed as a whole, the principle of a residential dwelling in this setting is vastly unacceptable and directly materially harms the character and appearance of the locality.

In this instance, there are material considerations that weigh against the proposal and as such, the planning balance is not in favour of the development.

Additional Considerations

Public Sector Equality Duty

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

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 4 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019). Notwithstanding this, the proposal would be at direct conflict with Policies 1, 2, 3 and 23 with these

being considered are significant factors which weight against the proposal and should result in a refusal overall.

Recommendation

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