

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0957-24 **Applicant:** Mr L Burton
Proposal: Conversion of barns to single dwelling
Location: Rear Of 60 South Drove Lutton Marsh Spalding
Terminal Date: 15th May 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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic 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 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the conversion of a barn to a single dwelling at the rear of 60 South Drove, Lutton Marsh.

Site Description

The site is located outside any defined settlement boundary and is therefore within the open countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The barn is set to the rear of 60, 61 and 61a South Drove, these properties are a small cluster of residential houses within a fairly rural setting.

History

H12-1186-03 - Change of use of existing farm buildings into business (B1) use - Approved

H12-1092-14 - Proposed extensions, renovations and alterations - Approved

Consultation Responses

South Holland Internal Drainage Board

Consent may be required under Byelaw 3, is 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 condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment dated October 2023, ref: 'ECL1122/SEVEN22 Architecture Ltd', prepared by Ellingham Consulting Ltd and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 1.0 metre above the surrounding ground levels
- The dwelling shall have a minimum 2 storeys
- Flood resistance and resilience measures shall be provided as stated

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

Reason

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 Highways Authority

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The application is for the conversion of barns to a single dwelling. The dimensions demonstrated are suitable for a shared private drive. The access will be upgraded to Lincolnshire County Council Specification. The building is well away from the public highway. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Informatives

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

South Holland District Council Environmental Protection - Noise and Odour

No observations.

South Holland District Council Environmental Protection - Contamination

I request a screening assessment form be completed for this application (including photographs). The screening assessment form can be found at:
<https://www.sholland.gov.uk/article/11653/Planning-application-consultations>.

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.

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.

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within 'Minor Service Centres', development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) goes on to detail 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".

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.

The application site in this instance is outside any defined settlement boundary, and therefore lies within a countryside location, as detailed by Policy 1. Taking this further, Policy 1 details that, "in 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 context of this, the principle of new residential development, which does not necessitate such a location, within this location is considered to be inappropriate, when viewed in broad principle.

However, in this instance the proposal seeks the conversion of an existing built form, in the form of an existing barn, to form a single residential dwelling. As such, the application must be assessed against Policy 23 of the SELLP, supporting Policy 1, which relates to the reuse of buildings in the countryside to residential units. This assessment can be seen below.

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

Policy 23 references that proposals 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

The Policy goes on to express that 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.

In respect of the proposals acceptability and compliance with the criteria of policy 23, the following can be concluded:

1 - There has been a structural survey submitted within this application, this goes on to conclude that *'The existing buildings that form the range of barns are in a reasonable structural condition considering their age and previous use. The building is long-standing and there was no evidence that the building is currently accommodating any significant structural defects that compromises its overall structural stability as a whole. Given the large footprint and extent of original fabric on display, the proportion requiring strengthening adaptation and repair as part of a conversion process is likely to be far less onerous than those experienced in previous conversions.'*

Furthermore, they go on to say that having considered the existing structural arrangement, they are satisfied that the existing building is deemed structurally stable and appears capable of conversion without the need for significant extension, alteration or rebuilding of elements.

To discuss this in more detail, Section 4.0 of the Structural Appraisal Report is further assessed. It states that *'Due to its exposure and recent lack of maintenance, there has been some deterioration and partial collapse of the roof structure... however the supporting walls appear to have been robust against this action and remain structurally sound. The basic, rectangular shape and solid wall construction results in it being a reasonably robust structure which can be seen to have performed well under loading during its lifetime'*. There is considered to be no immediate structural intervention required at this stage to the building in order to prepare the structure for accommodating any conversion scheme. Finally, the building has suffered from a degree of minor movement; however, there is no evidence that this is related to foundation movement. The existing foundations will also be shallow but this is typical of this style and age of the building. There has been a partial collapse

of the traditionally constructed roof structure; however, the remainder of the roof structures remain in-situ and have been protected.

To conclude, the existing buildings that form the range of barns, are in a reasonable structural condition, the building is long standing and there was no evidence that the building is currently accommodating any significant structural defects that comprises its overall stability. Due to the large footprint, the sections that do require strengthening adaptation and repair would be far less onerous than in other conversions. Overall, they are satisfied that the existing building is deemed structurally stable and appears capable of conversion without the need for significant extension, alteration or rebuilding.

2 - Whilst the building is not necessarily of specific or unique architectural or historic merit, due to its appearance resembling a standard barn design, the conversion would make a positive contribution to the character and landscape due to its revamp/reuse. Due to its somewhat continuing dilapidated state, the proposed plans illustrate an enhancement, improving the character and landscape.

3 - The area is predominantly rural in setting, as such, there are very few dwellings along this section of South Drove. Whilst the barn conversion would not necessarily be in keeping with its surroundings, in respect of its resultant use, it would not create any adverse harm, given it would be significantly set back from the highway, largely concealing from views; whilst also ensuring that the character of the built form and surroundings are respected, given its conversion and retention of its original built form.

4 - In a similar light to the above, the design is fairly sympathetic to the character and appearance, retaining the predominate nature of the existing barn. In any case, due to it being set back and concealed, this would not give rise to a materially harmful impact to the area in this instance.

5 - Due to the extant state of the barn, as it appears to be suffering from somewhat continued decline, any development would most likely provide an enhancement to the immediate setting of the building.

Overall, the proposal is considered to be acceptable when viewed in respect of Policy 23 of the South East Lincolnshire Local Plan. As such, the conversion of the existing barn to form a single residential dwelling is considered to be acceptable in principle.

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 existing barn is made from facing brickwork, timber boarding and black profiled metal sheeting, with a slate and profiled metal roof, softwood windows and timber doors. The proposal looks to use facing brickwork to match the host built form where required, as well as featuring cedar timber weatherboarding in a natural colour. The roof would be slate tiles and Marley Lincoln pantiles in rustic red, the windows would be uPVC in cream and finally the doors will be timber painted. Whilst there would be a difference in materials, it is not considered to be such that would cause an unacceptable level of harm; it would create a modern and suitable design. In any case, due to its location to the rear of the site and given its distance from the highway, it is mostly concealed from public view.

Furthermore, the overall footprint of the barn would not be greatly altered following the conversion, due its notable size as existing. This allows for works to be carried out to incorporate multiple new rooms and form a modern design. The design of the roof, in terms of types, angles and shape, remain in keeping to the existing barn, whilst the required changes seek to provide an enhancement, rather than result in a rebuild. This allows the property to keep its original form and preserves its existing character, and design in some respects.

The materials, as listed above, would alter the barn in some instances; however, this does not cause any material harm and allows the new single dwelling to appear modern and acceptable in terms of its design; allowing for its usability and enhanced capability for people to reside in. Various changes have been proposed across each elevation including new windows (walls and roof) and material changes, these are considered to be suitable and appropriate with the design of the barn conversion therefore being considered to be acceptable.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not 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.

Due to the distances to the surrounding neighbouring properties, there would be minimal impact on residential amenity. To the north west, there is a distance of around 20m to No. 61 and a distance of around 50m to the north east, to No. 60. Further west No. 61a is around 60m away. There are no other properties to either the west or south as this remains undeveloped farm land, it is safe to assume this land would remain undeveloped due to its location within the open countryside. As a result of this, there would be no overlooking or overshadowing nor would the conversion create an overbearing impact making it acceptable on this basis.

Naturally, after the initial construction, minimal additional noise pollution would be caused as a result of the development and the neighbour should not be greatly harmed through an increase in noise.

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 main sources of flooding outlined within the Flood Risk Assessment are drainage network, surface water, fluvial, tidal, reservoir and groundwater. The risk of surface water flooding is considered to be very low and there is no evidence to suggest the site is at risk of groundwater or

fluvial flooding. The probability of flooding from localised drainage systems is low and the probability of flooding from any EA system is less than 0.5% annually because of the standards of the existing flood defences. The SFRA shows that peak flood depth at the site is between 1m and 2m and based upon EA LiDAR data is estimated to be 1.4m.

From this, the following mitigation measures have been presented within the FRA, these are as follows:

- The floor level of the dwelling is 1.0m above surrounding ground levels
- There is 0.6m of flood resistant construction above finished floor level; and
- There is 0.7m of flood resilient construction above finished floor level

Due to the high flood risk on site, the Environment Agency have been consulted and gave the recommendation that the proposed development will only meet the NPPFs requirements if the following condition is included -

The development shall be carried out in accordance with the submitted flood risk assessment dated October 2023, ref: 'ECL1122/SEVEN22 Architecture Ltd', prepared by Ellingham Consulting Ltd and the following mitigation measures it details:

- *Finished floor levels shall be set no lower than 1.0 metre above the surrounding ground levels*
- *The dwelling shall have a minimum 2 storeys*
- *Flood resistance and resilience measures shall be provided as stated*

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

Reason: 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

As such, by including this condition, the development would be safe and any residents would not be materially impacted through flooding.

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.

There would be a total of three bedrooms within the converted barn, resulting in a need to provide a minimum of two car parking spaces, in line with Appendix 6. The site plan shows a large gravel area to the west of the property with two clear identified spaces to the north. The gravel itself allows for extra parking and manoeuvrability, whereas the spaces themselves clearly state where the vehicles will most likely be parked.

Access shall be shared with No. 60. The submitted site plan illustrates that the minimum width of the driveway is no less than 3.7m. Lincolnshire County Council Highways initially requested

additional information, before raising no objections; stating 'The dimensions demonstrated are suitable for a shared private drive. The access will be upgraded to Lincolnshire County Council Specification. The building is well away from the public highway. The proposal will not have an adverse impact on the public highway'.

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.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. The BNG Statement outlines that 'The applicant is registered on the South Holland District Council Custom and Self-Build register. This proposal is a self-build project for the applicant and is therefore exempt from the Biodiversity Net Gain criteria'. Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion by - individuals, associations of individuals or persons working with or for individuals or associations of individuals. It does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.

The BNG Statement clearly outlines that the applicant is registered on the Self-Build register and it would be a self-build project for them to carry out. It is therefore considered to meet the definition and requirement of a self-build/custom house build and will be exempt from the need for 10% BNG. The aforementioned Self-build and Custom Housebuilding Act 2015 further states that authorities must keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authorities area for their own self-build and custom housebuilding and they must publicise a its register under this section - the LPA in this instance therefore require the application to join the register and will tie them into a legal agreement ensuring that the property remains a self-build/ custom house build to remain exempt from the need for biodiversity.

Biodiversity & Ecology

Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:

"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

The following documentation has been provided within this application:

- Preliminary Bat Roost Assessment and Barn Owl Presence/Absence Survey (Prepared by Allied Ecology)
- P2024-91 R2 Phase 2 Bat Surveys (Prepared by Philip Parker Associates Ltd)

The Ecology and BNG Exemption Statement outlines that mitigation and licensing will be carried out as defined in the bat survey report. Eight bat roost roof tiles and three roosts mounted on a pole are to be provided. Furthermore, due to the decline in many bird species the proposal includes habitats for swifts in the form of built-in boxes whilst built in nests will be placed in pairs approximately 1 metre apart as located on the proposed site plan drawing 079 P01.

Within the Allied Ecology report section 5.5 states that where planning permission is required as part of the proposals, this assessment will be expected/required by the LPA in advance of them determining the application and cannot be conditioned. This is to ensure that the documents are accurate and acceptable and that no changes in habitation would happen later down the line which meant conditions could not be discharged. Notwithstanding this, 6.2 outlined that in building B1 the bat roosting potential category is assessed to be 'high' with the presence of an active bat roost being confirmed, a Roost Characterisation Survey would be required. Buildings B2 and B3 have a bat roosting potential of negligible and there is no evidence of barn owl presence during the survey. Finally, no evidence of nesting behaviour by barn owls was noted either.

Within the Phase 2 report, section 6.0 identifies that the mitigation in the following sections is taken from the original PEA report and has been adapted as appropriate to the results of the Phase 2 Surveys. 6.2 goes on to say that 'The proposed strategy is to mitigate the impacts of any development on the various species as set out above: In addition, proposals are also put forward to enhance biodiversity of the site via the development. The delivery of biodiversity enhancement of development sites is promoted by National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006'. Table 7 also sets out 'Guidelines for proportionate mitigation. To encourage the development to be carried out in accordance with these documents as well as the Wildlife and Countryside Act, 1981, conditions/informatives will be attached to the decision notice. Condition for swift bricks will also be attached to this.

When taking the above into account, whilst the development in this instance may be exempt from the mandatory 10% net gain, it would remain appropriate, given the context of Section 15 of the National Planning Policy Framework (December 2024) and requirements of Policy 28 of the South East Lincolnshire Local Plan (2019), that conditions are attached, requiring a level of Biodiversity and ecological enhancement, including that impacting upon small species.

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 appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is 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 1, 2, 3, 4, 23, 28, 29 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). There are no 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 approved under Delegated Authority.