

DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	H12-1121-25	Applicant:	Mrs J Williamson
Proposal:	Proposed Vehicular Access		
Location:	Villa Farm Lutton Garnsgate Long Sutton		
Terminal Date:	6th March 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
33	Delivering a More Sustainable Transport Network

National Guidance**National Planning Policy Framework December 2024**

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full application for a vehicular access off Lutton Garnsgate. The access would have a width of 4.95m, and would cut through an existing area of hedge.

Site Description

The site is located approximately 105m south-west of the settlement boundaries of Long Sutton. The area is rural in nature, being dominated by agricultural fields. The site is comprised of a section of hedging, between two trees subject to tree protection orders.

Relevant History

No relevant site history.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

Initial comments, date 13/01/26

Additional information required: "Visibility needs to be demonstrated in accordance with Manual for Streets. A note should be added to the proposed site plan to say that the access will be constructed to Lincolnshire County Council Specification. Construction details do not need to be agreed at this time; a separate application will be required to Lincolnshire County Council once planning permission has been granted as the vehicle crossing will require a Section 184 agreement under the Highways Act 1980."

Revised comments, following amendments, dated 06/02/26

"No objection. Proposed vehicular access - Visibility has been demonstrated in accordance with Manual for Streets for a 60mph road. In order to maintain the visibility a condition is required to keep the visibility splay clear of obstructions. The access will be constructed to Lincolnshire County Council specification as detailed on the proposed site plan. The proposal will not have an adverse impact on the public highway.

In the event that permission is to be given, the following planning conditions should be attached:

Highway Condition 13

Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 4382-25-05A dated February 2026 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre."

Revised comments, following amended visibility splays, dated 19/02/26

"No objections - Proposed vehicular access Visibility has been demonstrated in accordance with Manual for appropriate. The access will be constructed to Lincolnshire County Council specification as detailed on the proposed site plan. The proposal will not have an adverse impact on the public highway."

Tree and Conservation Officer

Initial Comments, dated 26/01/26

"As can be seen from the attached Tree Preservation Order, the proposal would appear to affect the Root Protection Area of at least one preserved tree and probably require some minor crown reduction too.

Firstly, it is strongly recommended that the access is moved to outside the Root Protection Area of any significant or protected trees.

Secondly if determined to pursue this Application as drawn; that the positions, canopy spreads and Root Protection Areas of all trees adjoining the proposed access are clearly shown to scale on a plan.

Root Protection Areas should be calculated using the method recommended in British Standard 5837:2012, Trees in relation to design, demolition and construction- Recommendations."

Revised comments, following amendments, dated 20/02/26

Most helpful to have a plan which shows the access in relation to the position of the trees the subject Lutton Tree Preservation Order No. 1 1959. The access is conveniently placed between a gap in the trees due to overhead cables but may affect the peripheries of the Root Protection Areas of the four closest trees flanking the access.

The Root Protection Areas of the closest trees to the proposed access are shown, but the limes are flanked by larger sycamore trees, which may also be affected.

The main thing is that the proposal plan clearly states 'New Access To be Of NO DIG Construction With All Materials To Be Placed Above Ground' please ensure that this is completely compatible with the other note on the plan which says 'New Field Access. To Be constructed to L.C.C. Highways Design and Specification.'

In relation to the above it is a situation that regularly repeats itself where an access potentially affecting the roots of preserved trees, cannot be correctly implemented within a restrictive Highways Specification. There may be some room for negotiation as the access is to a field and may only be required for occasional use by agricultural vehicles as opposed to a domestic driveway under constant use. I understand in such cases that there may be an opportunity to reduce the depth of the tarmac apron.

(Verges adjoining hedge line trees in an arable setting are of significance for tree roots, as often where there is not a permanent headland on the field side; the feeder roots in the top eighteen inches or so of soil are repeatedly damaged by cultivation. A permanent headland beneath any affected trees may help in time to compensate for loss or damage to surface tree roots.)

In conclusion, in this instance the access is only potentially affecting the periphery of the Root Protection Areas, the greater the area of the access which uses NO DIG Construction, the less potential damage to any tree roots.

Internal Drainage Board

"Thank you for your consultation on the above planning application. The Board has no comments to make regarding the proposed works."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

This can be summarised as:

- Asks for clarification how to view plans.

Key Planning Considerations

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.

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP 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 located outside of any defined settlement boundaries, and as such can be considered to be within the Countryside for the purposes of Policy 1. In this context, Policy 1 states "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."

The proposal would be to create an agricultural vehicle access. Seeing as the proposal would support an established agricultural use, a use which necessitates a countryside location, the proposal is considered to be in accordance with Policy 1.

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

Section 12 of the NPPF, "Achieving well-designed places", states 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 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. 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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 proposed removal of the hedges is regrettable but is not significantly detrimental to the appearance of the area. Considering these hedges are not protected, sections could reasonably be removed outside of the planning control, and in light of this fall back position, the proposal is considered acceptable. In any event, vehicular accesses are commonplace, with this typicality naturalising the proposal.

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 SELLP and Section 12 of the NPPF.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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". These safety concerns are also echoed in Policies 2, 3 and 33 of the SELLP.

Adequate visibility splays have been demonstrated, in accordance with the Manual for Streets. The proposal would therefore not pose severe or unacceptable impact upon highway safety. The access would be low trafficked, reducing the potential impacts further.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, and 33 of the SELLP, as well as Section 9 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

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

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

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

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

The proposal would impact less than 5m of linear habitat and less than 25sqm of area habitat. As

such, the proposal would be exempt from the standard biodiversity gain condition, as outlined in Schedule 7A of the Town and Country Planning Act, 1990.

Biodiversity & Ecology

Section 15 of the NPPF 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 NPPF 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".

The proposal would see the loss of a small section an existing, well-established hedgerow. Whilst this is regrettable, a comparable impact could occur through processes outside of the control of the planning regime. Moreover, the loss would not be so impactful as to have a significantly adverse biodiversity impact.

The access would be located between two trees which benefit from Tree Protection Orders (TPO). The access would be located on the cusp of both root protection areas. To ensure that the proposal would not adversely impact upon the TPO trees, a no dig construction is proposed. This is considered acceptable and would, as evidenced in the comments of the Tree and Conservation Officer, prevent harm to the TPO trees.

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 agricultural development. The development hereby proposed does not materially harm the character or appearance of the locality, would not have severe impact on highway safety or biodiversity, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 28 and 33 of the SELLP, as well as Sections 9, 12 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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