

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-1156-25 **Applicant:** Mr L Burton
Proposal: Demolition of barns and erection of self build dwelling
Location: Barns To Rear Of 60 South Drove Lutton Marsh
Terminal Date: 20th February 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
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	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the demolition of barns and the erection of a self-build dwelling to the rear of 60 South Drove, Lutton Marsh.

The proposed dwelling would have a total height of 8500mm with various lower heights which create elements of subservience. A single storey section sits at around 4500mm. It would have a total length of 24000mm and a width of 9200mm which creates internal floor space of 181sqm on the ground floor and 121sqm on the first floor.

It would be constructed from reclaimed facing brickwork, larch timber weatherboarding in a natural colour. The roof would be constructed from reclaimed slate roofing tiles and Marley Lincoln rustic red pantiles. The windows and doors would be constructed cream uPVC and cream timber/aluminium respectively.

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

H12-0957-25 - Conversion of barns to single dwelling - Approved

Consultation Responses

South Holland Internal Drainage Board

Byelaw 3 - Consent may be required

Section 23, Land Drainage Act 1991 - Consent not currently required

Byelaw 10 - Not Applicable

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 December 2025, ref: 'ECL1122-2/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
- Demountable defences shall be included to 0.6m above the finished floor level
- Flood resilience measures shall be incorporated to 0.7m above the finished floor level

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

Recommendation: 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 demolition of barns and erection of self build dwelling. The dimensions of the shared drive are suitable. The access will need upgrading to Lincolnshire County Council specification. The building is set back 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>.

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Lincolnshire County Council Historic Places

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

South Holland District Council Environmental Protection Officer

I request a screening assessment form to be completed and submitted with photographs for this location. This is available at: <https://www.sholland.gov.uk/article/11653/Planningapplication-consultations>.

After discussion it was determined that a Screening Assessment is not required due to one being carried out on the previous application. Condition will be attached to the decision notice to be discharged pre-commencement.

Ecologist

Summary: There has been sufficient evidence provided to determine this application. A Bat EPS license will need to be secured pre-commencement and further survey work may be required pre-commencement if the development work commences after May 2026 (2 years after the phase 2 surveys).

Documents reviewed:

- Ecology and BNG report.
- Preliminary Bat Roost Assessment (PRA) and Barn Owl Presence / Absence Survey (from H12-0957-24).
- Phase 2 Bat Surveys (from H12-0957-24).

Comments

Ecological Considerations:

- The applicant has provided thorough ecological documentation therefore in my judgement providing sufficient ecological data to determine this application.
- We support all mitigation and enhancement recommendations provided in the 'Preliminary Bat Roost Assessment (PRA) and Barn Owl Presence / Absence Survey' (section 5) and the 'Phase 2 Bat Surveys' (section 6) and request they be set as a condition at discharge.

Bat Survey Findings

- The bat survey methods and reporting were robust and align with good practice guidelines. The report concludes that at least 2 species of bat utilize building 1 for day roosting (Soprano Pipistrelle and Common Pipistrelle), and that there was a night roost located in building 1 for Brown Long Eared bats.
- Bats are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and under Schedules 5 & 6 of the Wildlife and Countryside Act 1981 (as amended). Thus, the demolition works will require a submission for a European Protected Species license from Natural England supported by a bat mitigation strategy. Further, LPAs have a duty to engage with

the directives, and it is our opinion that this proposal will successfully meet the 3 tests (1. Over-riding public interest, 2. No satisfactory alternatives, 3. Positive conservation outcome) provided that the recommendations and mitigation actions below are adhered to.

- We request that a total of 2 integrated universal nest bricks (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) are incorporated into the external fabric of one or both buildings. These should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, and grouped colonially where possible, in accordance with best-practice guidance such as British Standard BS 42021:2022. The bricks must be installed during the construction phase and retained thereafter for the lifetime of the development.

BNG Comments and Notes to applicant

- BNG exempt - self build

Conclusion: There has been sufficient evidence provided to determine this application. A bat EPS license will need to be secured pre-commencement and further survey work may be required pre-commencement. Please get in touch if you have any further questions.

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.

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 lies 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 principle of residential development, in the form of a single dwelling, has already been established through a previous extant permission. H12-0957-24 sought to convert the existing barn to form a single residential dwelling and was subsequently assessed and approved under Policy 23 of the SELLP. This policy relates to the reuse of buildings in the countryside to residential units.

The assessment concluded that the proposal was considered to be acceptable against Policy 23 of the SELLP with it meeting the majority of the criteria. As such, the conversion of the barn to a single dwelling was considered to be acceptable in principle.

Notwithstanding this, the proposal in this instance seeks to demolish this existing structure to erect a new self-build dwelling in its place. Whilst the principle could therefore be considered as already being established, the proposal could no longer be supported against Policy 23 and would fail to meet Policy 1 due to it fundamentally proposing a new dwelling in the open countryside. However, in a similar aspect to Class Q permissions, a betterment argument could be brought forward in order to establish the acceptability of this scheme. This will be discussed in turn.

Principle of Development - Custom and Self Build

Pertinent to housing need is Section 2 of the Self and Custom Housebuilding Act, 2015, which

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

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

"In this Act "self-build and custom housebuilding" means the building or completion by:

- (a) individuals,
 - (b) associations of individuals, or
 - (c) persons working with or for individuals or associations of individuals,
- of houses to be occupied as homes by those individuals."

It should be noted here that, the proposal has been specifically identified as a custom/self-build, with a Unilateral Undertaking being agreed in a similar light to what was agreed under the previous permission.

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

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

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

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

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

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

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

Whilst the SELLP does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17

provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the SELLP states:

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

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

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

This approach has been confirmed within Appeals APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted.

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

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

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

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

Principle of Development - Class Q Fallback

Further to the above assessment of the principle of development, a significant consideration for this proposal relates to the 'fallback'. It is important to note, that whilst there is a barn to the rear of 60 South Drove that is subject to approval under Policy 23 of the South East Lincolnshire Local Plan, the proposal seeks to demolish this existing barn and replace it with a completely new structure and as such, is not strictly the same siting of the beneficiary of such permission.

Specifically relating to 'Class Q development and its subsequent fallback, the Court of Appeal case, 'Mansell vs Tonbridge and Malling Borough Council (2017)' provides a significant benchmark and consideration. This case concerned the grant of permission for a four dwelling scheme on land which was presently occupied by a single bungalow and agricultural buildings. The council in this case, granted permission forming the view that a fallback position was present given that the agricultural buildings 'could' be subject to a prior approval under Class Q, which 'could' have

provided a resultant development of the same quantum of residential dwellings (three dwellings via Class Q and the retention of the existing bungalow).

This case, which was quashed by the High Court, was subsequently 'reinstated' through the Court of Appeal. With the Court of Appeal establishing through this case that where there is demonstrably a 'realistic prospect' of a 'permitted development' scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority.

In respect of a 'realistic prospect', this case highlighted that that of 'Sullivan L.J.'s judgment', in that "a 'real' prospect is the antithesis of one that is 'merely theoretical' (paragraph 20). The basic principle is that 'for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice' (paragraph 21)". This went on to detail that "when the court is considering whether a decision-maker has properly identified a 'real prospect' of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO".

As such, "in some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand". However, in the case of 'Mansell vs Tonbridge and Malling Borough Council', it was stated that to not consider the fallback of Class Q (even if there is not evidence of a specific proposal under Class Q), would "have been a failure to have regard to a material consideration, and thus an error of law". This clearly demonstrates the need to assess and review the fallback position in respect of Class Q development.

In any event, the court decision also reiterated that "They should remember too that the making of planning policy is not an end in itself, but a means to achieving reasonably predictable decision-making, consistent with the aims of the policy-maker. Though the interpretation of planning policy is, ultimately, a matter for the court, planning policies do not normally require intricate discussion of their meaning".

It stands to reason that, where the alternative new-build proposal offers either an enhancement to the setting, a reduction in density or betterment in overall development, when compared to the fallback, the development could (and perhaps should) be allowed to proceed.

Whilst Class Q permission has not been granted on site, permission was granted under Policy 23 which assesses the conversion of agricultural buildings to be used as residential dwellings. As such, it is considered that the betterment argument can still be applied in this regard, allowing the application to be assessed as a betterment dwelling should the appropriate scheme be brought forward; equally, the parameters of a 'fallback position' must also be considered.

The design proposed in this instance is considered to be a significant improvement to what could be achieved under the somewhat strict requirements of Policy 23. It would present a substantial improvement in relation to architectural detailing and materials of construction which are the most direct routes to achieving betterment schemes. Whilst the same materials are proposed, the materials paired with a new design and layout create a much more improved structure, the materials and the design are therefore considered to tie into the agricultural feel and history of the area but also provide an overall improvement and subsequent betterment for the proposed dwelling.

As the application can be assessed as a betterment scheme, a similar aspect to Class Q fallback can be applied. As such, although the proposal would be contrary to Policy 1 of the SELLP, there is clear justification and case law which supports a new dwelling in this location, as a betterment scheme.

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 proposed design would have a total height of around 8500mm and 5600mm to the eaves with the attached garage having a height of around 4500mm. There are staggered heights throughout the scheme to allow for subservience. The dwelling would have a total length of 24000mm and a width of 9200mm with a total internal floor space of roughly 181sqm and 121sqm on the ground and first floor. Whilst the scale of the proposal is fairly large, and is larger than the dwellings nearby, the resultant impact upon the character and appearance of the area is lessened due to it being a reduced scheme in comparison to the existing barn and given the sites ample separation from the highway. This ensures that the actual built is not viewed as a dominant or oppressive feature upon the landscape.

As outlined above, the proposed dwelling would be constructed from brickwork which has been reclaimed from the existing barn, the walls would also feature larch timber weatherboarding in a natural colour. The larch timber weatherboarding would only be featured on the single storey side section with the rest of the dwelling being constructed from the aforementioned reclaimed brickwork. Furthermore, the roof would be made from reclaimed slate roofing tiles and Marley Lincoln rustic red pantiles, again, these would be featured on the main roof and single storey side section respectively. Finally, the windows would be constructed from cream uPVC and the doors would be made from cream timber/aluminium. These materials are practically identical to the scheme which was previously approved, further to this, the materials would not cause an unacceptable level of harm to the area and would allow for a more modern design on site which would further reinforce the argument of a betterment scheme being presented. In any case, the proposed dwelling is set to the rear of the site and is therefore mostly concealed from view along South Drove.

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 proposed dwelling therefore being considered to be acceptable. Alongside this, there are various design features across all elevations which tie into the agricultural feel of the site to enhance the

design and betterment aspect. Architectural detailing has been added along the eaves as well as arches being included above the doors and windows to give more of an agricultural barn vibe. Both side elevations also include anchor plates towards the top of the elevations which are typical features on rural buildings such as agricultural barns.

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.

The orientation of the proposal is such, when coupled with reduced scale, much of the same justification can be applied as to the acceptability of the proposal from a residential amenity stand point.

The distances to the surrounding neighbouring properties ensure that 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 SFRA shows that peak flood depth at the site is between 1m and 2m and lies within an area of 'Danger for Most'. Whilst this would mean that alternative sites must be assessed in respect of the sequential test; which given the countryside location is unlikely to be adequately demonstrated to evidence that the sequential test is passed, the site is subject to a conversion to a residential use and as such, provides a fallback position.

With this in mind, irrespective of the above, the proposal is considered acceptable in this regard, subject to the appropriate mitigation and assessment of flood risk.

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

December 2025, ref: 'ECL1122-2/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
- Demountable defences shall be included to 0.6m above the finished floor level
- Flood resilience measures shall be incorporated to 0.7m above the finished floor level

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.

Similar to the previously approved scheme, there would be a total of four bedrooms within the proposed dwelling. As such, a total of three parking spaces are required to ensure the scheme is in line with Appendix 6 of the Local Plan. The site plan shows a large gravelled area to the east and west of the dwelling which provide adequate room for vehicle parking spaces. The gravel also allows for manoeuvrability and to ensure vehicles can exit the site in a forward gear.

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

Beyond this, 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.

It should be noted that the 'Preliminary Bat Roost Assessment & Barn Owl Presence/Absence Survey' is the same document which was submitted and assessed under the previous application. No new assessment needs to be carried out in relation to this to ensure the acceptability of the document.

The Phase 2 Bat Survey has been updated and is a new document from 19/12/25. The survey outlines that the proposed development will result in the destruction of roosts for two common pipistrelle, one soprano pipistrelle, one brown long eared roosts and one pipistrelle species. It then goes on to say that if works are commenced before May 2026 then the 2024 surveys should remain valid, however, if the works that impact on the bats are not commenced before the end of April 2026, updated surveys will be required in summer 2026. The applicant are advised to apply for the relevant licenses to allow for the works to be carried out in the appropriate manner. Furthermore, the mitigation measures outlined within this document should be met to further alleviate the potential harm to the bats.

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 ecological enhancement, including that impacting upon 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 comprises development outside the defined settlement boundary and proposes a single, new built, residential dwelling. In this regard, the proposal is at direct conflict with Policy 1 of the South East Lincolnshire Local Plan (2019)

As detailed, the proposal is at conflict with Policy 1 of the South East Lincolnshire Local Plan (2019). However, whilst a Class Q approval has not been granted, it is considered case law comprising 'fallbacks' and 'betterments' can still be applied due to the scheme receiving permission under Policy 23 and could potentially also receive permission under Class Q should it be sought. The Court of Appeal case, 'Mansell vs Tonbridge and Malling Borough Council (2017)' affords a notable and subsequent fallback position. Therefore, for the most part, with clear justification that the proposal provides a 'betterment' dwelling, a scheme could be acceptable.

For the reasons outlined within the report above, it is considered that the resultant scheme would provide a betterment in respect of the design and style of the resultant dwelling.

In assessing other material planning matters, the development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking.

In all other regards, beyond the siting of the dwelling, the proposal conforms with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024).

In this instance, there are no material considerations that weigh against the proposal and as such, whilst standalone market dwellings would not be supported within such a countryside location, the planning balance is in favour of the development, given the fallback position, in this instance.

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 2, 3, 4, 28 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).

Although the proposal conflicts with Policy 1, a justification has been made through the scheme being a clear betterment dwelling in comparison to the previously approved proposal which was assessed under Policy 23, and is therefore considered to be acceptable.

Recommendation

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