DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0193-26**	**Applicant:**	**Brooks (Spalding) Ltd**
Proposal:	Parking for Trailers - Retrospective		
Location:	West View Farm Red Cow Drove Moulton Marsh		
Terminal Date:	22nd May 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
07	Improving South East Lincolnshire's Employment Land Portfolio
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 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission to change the use of the site to allow for trailers to be parked within the site. The application is retrospective as according to the application form the use began in September 2025; however, it appears that the use began prior to use based on a review of aerial imagery of the site from previous years.

The site layout includes an area for trailer storage which is set behind a 1m high grass mound near the road frontage along Red Cow Drove where tree planting is also proposed. The area where the trailers are proposed to be stored includes compacted hardcore and road planings. 2.5m high security gates are proposed near the eastern boundary of the site and fencing is proposed near the site frontage. Planting is also proposed along the southern and western boundaries.

Site Description

The site comprises approximately. The site is located between Ourholme which is a dwelling to the west of the site, and Westview Farm which is a dwelling located to the east of the site.

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

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

There is a grade II listed building 'The Farmhouse' located approximately 60m to the east of the site.

Relevant Planning History

H13-0648-21: (Full Application) Implement Shed - refused 22 September 2021

The following applications relate to land to the east of the site:

H13-0706-09: (Full Application) Change of use from agricultural storage to commercial vehicle storage - withdrawn 10 December 2009

H13-0707-09: (Listed building consent) Demolition of outbuilding - approved 16 February 2010

H13-0224-11: (Discharge of Conditions) Details of building recording study, drawings showing historic brickwork on stable block, storage for reclaimed materials and method statement for demolition (Conditions 3, 4, 5 and 6 of H13-0707-09) - approved 15 April 2011

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below; however, the responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Highways and SUDS: No objections. Suitable and sufficient visibility and turning spaces can be accommodated within the site to allow vehicles to enter and leave in a forward gear. The number of associated vehicle movements associated with the business use does vary; however, it is considered not to be detrimental to highway capacity or safety. Therefore, it does not have an impact on the Public Highway or Surface Water Flood Risk.

Conservation Officer: There is one listed building located in close proximity to the site (The Farmhouse, Grade II). While the proposal does not result in direct physical harm to the Listed Building, some harm is identified to its setting. This arises primarily from the introduction of the 1.5-m close- boarded fence, which is out of keeping with the character of the area. The surrounding landscape is predominantly open fields with occasional areas of green vegetation providing separation, and a solid fence conflicts with this established character. In line with NPPF paragraph 208, the LPA should "avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal." To mitigate the identified harm, we recommend incorporating a 1.5m heigh hedge in front of the fence to soften its appearance. The use of vegetation as a boundary treatment is already present on either side of the site and therefore would not be out of keeping, instead continuing the existing landscape pattern. We support the proposed tree planting, which will help provide height- based mitigation for the trailers, reducing their visual impact on the wider setting. Clarification is required regarding the proposed security gates. Will these be close- boarded or of an open, see- through design? Given the character of the area, an element of visibility would be more appropriate and less visually intrusive.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): We cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): It is our understanding that the applicant's proposals will not require the disposal of foul water, therefore Byelaw 3 (treated foul water) does not apply. Should that applicant's proposals change to require the disposal of foul water from the development at any point in the future and the applicant proposes to discharge the treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: We note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply. The nearest Board arterial watercourse is known as P33 Moulton River (DRN206G3302) and is located approximately 10 metres to the north of the development, parallel to Red Cow Drove.

Environmental Protection: No comments.

Ecology Officer: No response received.

Moulton Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two representations have been received from members of the public which are summarised below:

-Strongly object to this planning application, as a neighbouring property would be adversely affected.
-Hedging around the neighbouring perimeter has been destroyed which has left gaps in the fencing.
-There is a mobile home right up against the boundary, which not only is an eyesore, but infringes on neighbouring privacy and security.
-Storing trailers on the site is a nuisance and an eyesore.
-Concerns with the levels of noise at various times of the night and day and the level of light pollution.
-The trailers have been stored without prior notice.
-There is a long-standing dispute over the access to this site which is shown in separate ownership within title deeds. The separate landowner does not give consent to access over this piece of land.
-The site plan shows a fence to be erected up to the back of neighbouring buildings; however, 1m from the building along the boundary is owned by another party. Will access be granted for repair and maintenance purposes along this boundary?

It is noted that there is a dispute regarding the ownership of some of the land within the site. During the determination of the application, the applicant's agent submitted an amended application form within which they added an additional landowner. The agent served notice on the relevant landowner on 23 April 2026. The agent then also subsequently served notice on Lincolnshire County Council's highways team on 30 April 2026. A period of re-consultation subsequently took place.

Whilst notice should have been served on all landowners prior to the submission of the application, it is considered that the relevant landowners have been notified of the planning application and a period of re-consultation has taken place. As such, the landowners have been given the opportunity to comment on the proposals during the determination of the application.

Land ownership is not a material consideration; however, it is nonetheless important to ensure that notice has been served on the relevant landowners and that the submitted application form is correct. Whilst the onus is on the applicant and the applicant's agent to ensure that this is correct, the LPA has allowed the submission of an amended application form and for a period of re-consultation in this case to ensure that the relevant landowners have been given an opportunity to review the proposals.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

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

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Visual and Heritage Impact;
-Impact on Residential Amenity;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

In this case, the site lies outside any defined settlement boundary and evidently lies within the countryside. Policy 1 states that development in the countryside will be permitted that is necessary to such a location/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of its economic, community or environmental benefits.

Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio) is also considered to be relevant in this case. Policy 7 allocates 126.9 hectares of employment land within the district. It is considered that the extent of allocated employment land exceeds the projected need over the plan period in the district to provide choice, enable sustainable growth and flexibility. Notwithstanding this, there is provision to support employment uses outside allocated sites where it can be justified. For example, Policy 7 sets out the following:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

Although the site currently features some areas of hardstanding, the application is retrospective and the land within the site was previously undeveloped. As such, it is necessary to consider the proposals against the above referenced criteria.

Firstly, it is necessary to consider whether "it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is

unsuitable". The submitted planning statement contains the following section entitled 'Options Investigated':

"Brooks (Spalding) Ltd have explored obtaining another site within the local area however they have met several obstacles in following this option-
-Many sites are far too large for our needs or outside of our budget.
-Many can only be purchased together with the erection of a large building.
-Selling agents are reluctant to talk to Brooks or answer enquiries.
-Covenants on sites restricting them from the use of transport.
-Purchasing another site would increase the amount of movement of trailers between sites."

Whilst this indicates that there might be some issues with finding a suitable alternative site, it is not considered that sufficient information has been submitted to clearly show if an alternative site could be used instead. For example, there is no specific evidence of sites that have been investigated and discounted, only relatively vague statements about general difficulties. Therefore, it has not been clearly demonstrated why the trailer storage site could not be located elsewhere, in a more sustainable location and it is considered that the proposal conflicts with the qualifying component of Policy 7.

Within a recent appeal decision dated 05 May 2026 (PINS ref: 6005509) for a similar proposal for a builders yard within the countryside, a planning inspector took a similar approach in terms of Policy 7. For example, the inspector concluded that insufficient information had been provided to demonstrate if alternative sites had been considered and insufficient information was provided to demonstrate the necessity of the proposals within a countryside location (Paragraph 12 of the appeal decision) .

Notwithstanding the assessment that the proposal conflicts with the qualifying component of Policy 7, for completeness the proposals are assessed against criteria a to go below.

a. the development does not conflict with neighbouring land uses

In terms of part a, the site is mostly surrounded by agricultural land; however, there is a dwelling to the west and a dwelling and agricultural buildings to the east of the site. The proposal is for the storage of trailers within the site. The transportation of trailers to and from the site could cause some disturbance to the two nearest dwellings. For example, through an increase in comings and goings; however, it is not considered that the impact of this would be adverse. Once parked on site, the trailers would not generate significant levels of noise. The applicant's agent has clarified that no generators will be required as trailers will be empty within the site and have their own independent fridge units on the front of the trailers. These units are only run during normal working hours for a short time if a repair has been completed on a particular trailer or run for up to 5 minutes before, they are hired out. The land to the east of the site appears to be used as an agricultural yar. As such, it is considered that the development would not conflict with neighbouring land uses in accordance with part a.

b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context

In terms of parts b and c, although no buildings are proposed to facilitate the development, the storage of trailers within the site will inevitably change the character and appearance of the area to a degree. There are already agricultural buildings to the east of the site and a dwelling with its associated curtilage to the west, thereby creating a degree of enclosure around the site. Nonetheless, the most open views of the site are from the north and south of the site. Planting is proposed around most of the edges of the site including trees that are proposed to be 1.5m high. This planting would help to soften views of the site when viewed from the surrounding area to a degree; however as the trailers are likely to be 4m tall on average, clearly the trailers would still be visible and they would have a detrimental impact on the character of the area if permitted on a permanent basis. The proposed land take is sizeable, representing a significant expansion into the countryside. As such, it is considered that the proposed development would have an adverse impact on the character and appearance of the area and the design is not responsive to the local context, thereby conflicting with parts b and c.

d. there will be no significant adverse impact on the local highway network

In terms of part d, Lincolnshire County Council's highways team have acknowledged that the

number of associated vehicle movements associated with the business use varies; however, it is considered not to be detrimental to highway capacity or safety. Therefore, it is considered that the proposal would not have a significant adverse impact on the local highway network in accordance with part d.

e. there will be no significant adverse impact upon the viability of delivering any allocated employment site

In terms of part e, the allocated employment sites identified within Policy 7 include a mixture of B1, B2 and B8 uses. The proposed use is for the storage of trailers and this falls under Use Class B8. Most of the allocated sites are associated with existing businesses or are part of existing industrial estates. It is not clear if there is a particular demand for trailer storage sites within the allocated employment sites. By allowing proposals outside the allocated employment sites this can undermine the viability of allocated sites by reducing the demand for land within the allocated sites. Whilst there might be some conflict with part e, it is not considered that this conflict would have a significant adverse impact.

f. proposals maximising opportunities for modal shift away from the private car are demonstrated

In terms of part f, the site is located within the countryside and whilst the A17 is approximately 700m to the south-west of the site, the site can only be accessed via private vehicles as there are no public transport links to the. Notwithstanding this, the proposal seeks to support a business that stores and hires trailers and as such, inevitably there will be a need for vehicles to drive to and from the site. Therefore, even if the proposed use was within a sustainable settlement, there would nonetheless be a requirement for vehicles to travel to and from the site thereby limiting opportunities to have a reduced reliance on private vehicles.

g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

In terms of part g, as set out previously, according to the submitted Planning Statement the site is used by Brooks (Spalding) Ltd. According to the submission, the company have been operating at West View Farm (to the west of the site) since 2009. It is unclear what is meant by this as the land to the west of the site appears to be an agricultural yard and there is no planning permission for this land to be used for storing trailers.

According to the submitted statement, Brooks (Spalding) Ltd now has a fleet of over 120 trailers and 2 tractor units. The company hires out refrigerated trailers to local hauliers and farmers, who in turn support the local food preparation and agricultural industry, by both the distribution and chilled storage of local produce. The company employs 5 full-time employees and 1 part-time employee.

The number of trailers that are required to be stored on site varies dependent upon the seasons and market conditions. According to the submission, market conditions in the food industry result in varied demand for trailers throughout the year, increasing and reducing based on various factors.

As set out previously, the applicant considers that there are difficulties associated with finding alternative sites; however, limited supporting evidence has been provided to support this. It is unclear why the proposal could not be located elsewhere and it is also unclear why the trailers need to be stored within this particular location. The applicant's ownership of the land is not sufficient reason in itself to justify the proposals. As such, it is not considered that the proposal accords with part g.

Therefore, it has not been demonstrated that there are no other suitable sites capable of accommodating the proposals and even if this was demonstrated, the proposals would nonetheless conflict with parts b, c and g of Policy 7.

In terms of Policy 1, it is not considered that there would be any particular community benefits associated with the proposals. Some environmental benefits could be provided such as additional planting within the site; however, this is only afforded limited weight. The main benefits would be economic, by supporting a local company with its operations and expansion. This is afforded limited weight in the planning balance due to the lack of information that has been provided to demonstrate these benefits and why the proposals could not be accommodated within a more sustainable location instead.

Therefore, it is considered that the proposals would conflict with Policies 1 and 7 of the Local Plan and the principle of development is not supported in this instance.

Impact on Heritage Assets

There is a grade II listed building 'The Farmhouse' located approximately 60m to the east of the site.

Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 207 sets out that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 207 sets out that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy 29 of the Local Plan sets out that proposal should conserve and enhance the character and appearance of designated and non-designated heritage assets.

The LPA's conservation officer has set out that there would be some harm to the setting of the grade II listed farmhouse as a result of the proposals. The officer considers that this harm arises primarily from the introduction of a 1.5m close- boarded fence, which is out of keeping with the character of the area. The surrounding landscape is predominantly open fields with occasional areas of green vegetation providing separation, and a solid fence conflicts with this established character. In line with Paragraph 208 of the NPPF, the LPA should "avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal". To mitigate the identified harm, the officer recommended incorporating a 1.5m high hedge in front of the fence to soften its appearance. The use of vegetation as a boundary treatment is already present on either side of the site and therefore would not be out of keeping, instead continuing the existing landscape pattern. The officer supports the proposed tree planting, which will help provide height- based mitigation for the trailers, reducing their visual impact on the wider setting. Although the conservation officer's comments have been shared with the applicant's agent and an amended site plan has been provided, the amended plan does not include a hedgerow along the site frontage, only what appears to be tree planting.

The conservation officer also asked for clarification regarding the proposed security gates as an element of visibility is considered more appropriate and less visually intrusive. It has been clarified that the gates are proposed to feature hit and miss railings. Further details of the fencing and gates could be secured via a planning condition. With the inclusion of such a condition and a condition requiring a hedgerow to be planted along the site frontage, it is considered that the proposal could have an acceptable impact on the nearby listed building, in accordance with Policy 29 of the Local Plan and Section 16 of the NPPF.

Design, Layout and Impact on the Character and Appearance of the Area

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

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

Previously the site was undeveloped flat land. There are some trees located along the western boundary of the site; however, there is no planting along the southern and northern boundaries of the site. As such, it is considered that the site had a relatively open character prior to when the trailers were first installed within the site without planning permission.

The proposal would result in the storage of commercial containers within the site. The exact number of trailers is unconfirmed. Assuming that an average trailer is 14m long and 2.5m wide, it is

considered that the site could accommodate up to 70 trailers.

An average trailer is approximately 4m high. Whilst some planting is proposed around the site, the trailers would nonetheless be visible from the surrounding area. There are no public footpaths or public roads to the south of the site, only agricultural land. The site is partly visible from a distance from the A17 which is to the west of the site. The trailers would be visible from West Cow Drove, though some planting is proposed along the site frontage to soften views of the site. This planting would take time to become established.

As set out previously, there is an existing agricultural yard to the east of the site which includes two relatively large agricultural buildings. Beyond this there is the previously referenced grade II listed farmhouse and an area of trees. It is considered that there is a degree of enclosure around the site from the east of the west due to the existing development that is located on either side of the site. Nonetheless, the proposal has extended into open countryside, thereby eroding the openness of the land.

The storage of trailers has fundamentally altered the open character of the site, altering the formerly rural character of the site to a commercial and industrial character. It is considered that the proposal has resulted in visual harm to the character and appearance of the area. The harm might be justified in the overall planning balance if there was a clear need for the development within the location; however, as set out above it is not considered that the principle of development is acceptable in this instance.

Impact on Residential Amenity

Paragraph 135 of the NPPF 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.

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

The transportation of trailers to and from the site could cause some disturbance to the two nearest dwellings as a result of an increase in vehicle movements and noise that might be generated from attaching and detaching trailers from vehicles. It is unclear how many vehicles are expected to enter and leave the site per day, and it is also unclear how many trailers are likely to be parked within the site. As such, it is difficult to fully assess the impact of the proposals.

Once parked on site, the trailers would not generate significant levels of noise. For example, the applicant's agent has clarified that no generators will be required as trailers will be empty within the site and have their own independent fridge units on the front of the trailers. According to the applicant's agent, these units are only run during normal working hours for a short time if a repair has been completed on a particular trailer or run for up to 5 minutes before they are hired out.

The council's environmental protection team have not raised objections to the proposals in terms of noise generation and it is considered that on balance, the proposals would have an acceptable impact on the amenity of the nearest dwellings.

One of the public representations has cited concerns with the proposed siting of a mobile home within the site. This has been queried with the applicant's agent, and it has been clarified that the mobile home is not occupied and that it is temporarily being stored within the site and that this should be removed within the next few weeks. The proposal is for the storage of trailers rather than for any other items of structures and as such, even if approval is granted, mobile homes would not be permitted to be stored on site.

In terms of the impact of the proposals on the amenity of the nearest dwellings, the proposed development would accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

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

The existing vehicular access from Red Cow Drove is proposed to be used. Lincolnshire County Council's highways team have not raised objections to the proposed access or the proposed parking arrangements. Therefore, the proposal is considered to have an acceptable impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

It is noted within one of the public representations that there is a dispute regarding the ownership of the site access. These concerns are noted; however, land ownership is not a material planning consideration and as set out previously, it is considered that notice has been served on the relevant landowners.

Flood Risk

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

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

As the proposal is for a change of use of the land, it is not necessary to apply the sequential test to the proposals in flood risk terms. Furthermore, it is considered that the proposal would comprise a 'less vulnerable' use as defined by Annex 3 of the NPPF and as such, it is also not necessary for the development to pass the exception test.

No permanent buildings are proposed; however, the site is proposed to be surfaced with compacted hardcore and road planings. It is unclear if the surfacing would be permeable or impermeable. Further details of the drainage strategy could be secured via a planning condition.

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 is accompanied by a BNG Assessment which concludes that a net gain of 10.35% can be achieved on site. Further details of this would need to be secured via a pre-commencement condition.

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.

Modest weight is given to the potential economic benefits of the proposal including the employment that is provided by the business that operates from the site; however, the proposal represents inappropriate, unsustainable development in the countryside. Harm has been caused to the character and appearance of the area as a result of the proposals and the harm is not considered to be sufficiently justified in this instance. Wherefore, whilst modest weight is given in favour of the development in terms of the economic benefits that could be provided from employment opportunities, this does not outweigh the harm caused and direct conflict identified with the spatial strategy.

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

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary

to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is contrary to Policies 1, 2, 3, and 7 of the South-East Lincolnshire Local Plan, along with the identified sections contained within the NPPF.

Recommendation

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