

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0292-25 **Applicant:** Tulipland Potatoes Ltd

Proposal: Proposed replacement self-build dwelling

Location: Holly Tree House Fengate Moulton Chapel

Terminal Date: 24th October 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
22	Replacement Dwellings in the Countryside
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
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	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for a proposed replacement dwelling at Holly Tree House, Fengate, Moulton Chapel.

The replacement dwelling would be located on a similar footprint to the existing dwelling and would be constructed from red facing brickwork, timber effect uPVC windows and doors and a slate roof. To the ridge, it would have a total height of approximately 8100mm and 5400mm to the eaves. The total internal floor space would be 155sqm on both floors.

The proposal, as detailed above, comprises an amended scheme, following discussions between the applicant, applicants agent and Local Planning Authority.

Site Description

The application site comprises a residential dwelling, within a countryside location. The site is located outside any defined settlement boundary and is therefore in the open countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

Directly to the north of the site there is a barn, identified as 'Barn to the rear of Holly Lodge', which is a Grade II Listed Building. Despite being in a fairly rural location there are other residential properties within the immediate area; however, the site is mostly surrounding by agricultural fields.

History

H13-0215-17 - Detached Garage - Approved.

Consultation Responses

South Holland Internal Drainage Board

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

Lincolnshire County Council Highways Authority

Recommendation: No objection.

This application is for a proposed replacement dwelling which will utilise the existing access to the premises from Fen Gate. Sufficient visibility is provided at this location to allow drivers to judge if it is safe to complete the manoeuvre and enter the highway. Adequate provision for car parking and turning space can be provided within the limits of the site to enable vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

That said, the existing vehicle access is not appropriate for this or current use as it is just an unbound material and therefore, it will need to be made up to the County Councils specification within the extent of the public highway appropriate for its proposed residential use.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response regarding 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>

South Holland District Council Conservation Officer

The host structure is adjacent to the Grade II listed barn, and therefore can be considered to form a significant part of that asset's setting.

Moreover, this building retains some architectural value. Whilst it is clear it has been heavily altered over time, including with some harsh and non-sympathetic alterations, particularly in the form of cementitious coatings and various crude UPVC additions, the basic form and pattern of the building is one of a fairly traditional rural farmhouse with some interesting detail and significant potential for aesthetic improvement. Based upon P22 of the SELLP, I would therefore suggest that the extant property is of some architectural value, and it has not yet been shown that the structure is not capable of repair. Moreover, I am not satisfied that the proposed design is of a high enough quality to justify the loss of the extant structure. It is appreciated that the architect has gone to some lengths to replicate the traditional visage of the southern elevation, referencing the design of the extant. However, the remaining aspects of the other wing of the proposed structure appear relatively unsatisfying, giving the appearance of a relatively standard, somewhat slab-sided modern newbuild property.

I would suggest, given that this site is within the immediate context of a recognised heritage asset, the design should have to be much more sympathetic and in some senses outstanding in order to justify itself.

In summary, I cannot support the application as proposed. I would expect that the applicant should be required to satisfactorily justify the reasoning behind why the original structure cannot be retained, and should the applicant be able to provide such satisfactory justification, the design should be reconsidered, particularly to ensure that the north-pointing 'wing' of the building is better treated to avoid appearing overbearing and featureless, particularly when viewed from the roadside and in the context of the adjacent heritage asset.

Amendment Comments

I wish to raise no objections to this proposal.

I am satisfied that the structural engineer's report has suitably justified the argument in favour of the extant building being uneconomical and therefore unviable to retain.

The design is of a relatively unremarkable nature, and it would have been preferable to see some more detail of the original property referenced in the final design, such as the midsection crenelation. However, the design is of a nature that I do not feel that it would represent a material risk to the setting of the adjacent listed barn, either in scale or overall design.

I would, however, request that with an approval, the determination should be made conditional, pending details of external materials, windows, doors and rooflights for both the house and the car port.

Arguably in this case the proposed car port poses a greater influence on the manner in which the adjacent listed building is appreciated as it would directly feature in views of that structure as travelling northbound along Fen Gate. I am satisfied that both the design and scale would not place that at risk. However, it is imperative that control over the final materials and detailing is given to the LPA in this instance.

Lincolnshire County Council Historic Places

Thank you for consulting us on this application.

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

No comments regarding land contamination or environmental protection.

National Gas

No Observations. Please note there is an UG connection cable, please call NGED if you require help locating its location.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

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

Evaluation

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019,

forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above .

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

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

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

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

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

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

However, the site in this instance is located outside of any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP). Policy 1 states 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". Therefore, the application site in this instance is considered to be within the countryside in planning policy terms.

Policy 1 of the South East Lincolnshire Local Plan (2019) (Spatial Strategy) states that development within the countryside is limited to that where it "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". Independent dwellings within the open countryside, which do not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle.

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)".

The proposed development seeks permission for an independent dwelling and as such, does not seek permission for development outlined within the above and as such, is not considered to meet the provisions of either of these policies.

Notwithstanding the above, Policy 1 is supported by Policy 22 of South East Lincolnshire Local Plan (SELLP) 2019, which relates to Replacement Dwellings in the Countryside. This policy states that "Proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

- 1 - The residential use of the building to be replaced (the original building) has not been abandoned.
- 2 - The original building is permanent, has not become derelict and is not the result of a temporary permission.
- 3 - The original building is not of architectural or historic merit and is not capable of repair.
- 4 - The replacement building is of a high standard in terms of architectural detailing and materials of construction.
- 5 - The replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality.
- 6 - The replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

The following can be assessed in respect of the above criteria:

1 - It would appear that the dwelling is not currently occupied or lived in, with the proposal seeking to replace the dwelling. Despite this, the overall residential use of the building is not considered to have been abandoned and therefore, the proposal would comply with this criteria.

2 - The building is permanent, has not become derelict (albeit not occupied and in need of renovation) and is not the result of temporary permission. It should be noted that the building has certain damp issues; however these are not significant enough to be considered as a 'derelict'.

3 - The LPA believe the building is considered to have some historic merit due to its age, character and nearby listed building, and has potential to be classed as a non-designated heritage asset. Notwithstanding this, LCC Historic Places, who typically hold records of farmsteads that may be identified as non-designated heritage assets, have not raised concern regarding the proposal and have commented on the application stating the following: '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'.

Alongside this, SHDCs Conservation Officer stated the following for the initial plans that were submitted '*The host structure is adjacent to the Grade II listed barn, and therefore can be considered to form a significant part of that asset's setting.*

Moreover, this building retains some architectural value. Whilst it is clear it has been heavily altered over time, including with some harsh and non-sympathetic alterations, particularly in the form of cementitious coatings and various crude UPVC additions, the basic form and pattern of the building is one of a fairly traditional rural farmhouse with some interesting detail and significant potential for aesthetic improvement.

Based upon Policy 22 of the SELLP, I would therefore suggest that the extant property is of some architectural value, and it has not yet been shown that the structure is not capable of repair. Moreover, I am not satisfied that the proposed design is of a high enough quality to justify the loss of the extant structure. It is appreciated that the architect has gone to some lengths to replicate the traditional visage of the southern elevation, referencing the design of the extant. However, the remaining aspects of the other wing of the proposed structure appear relatively unsatisfying, giving the appearance of a relatively standard, somewhat slab-sided modern newbuild property.

I would suggest, given that this site is within the immediate context of a recognised heritage asset, the design should have to be much more sympathetic and in some senses outstanding in order to justify itself.

As a result of this, correspondence was held between the Agent and Case Officer to obtain

amended plans. The Conservation Officer's new comments raise no objection and now state the following *'I am satisfied that the structural engineer's report has suitably justified the argument in favour of the extant building being uneconomical and therefore unviable to retain. The design is of a relatively unremarkable nature, and it would have been preferable to see some more detail of the original property referenced in the final design, such as the midsection crenelation. However, the design is of a nature that I do not feel that it would represent a material risk to the setting of the adjacent listed barn, either in scale or overall design'*.

As such, as the design is now more suitable, it is considered that the proposal would not cause harm to the significance of the listed building nearby. Equally, this lessens the risk of replacing the dwelling which has some architectural and historic merit.

Nonetheless, the criteria of Policy 22 seeks to prevent the loss of dwellings of architectural or historic merit, unless it is not capable of repair. In this instance, the building is noted to require extensive renovation, and, based on the details provided within the submission, inclusive of the structural engineer's report, suitable justification has been made in favour of the extant building being uneconomical and therefore unviable to retain. Whilst this does not specifically meet the requirements of this criteria, when considered on balance, it is considered an appropriate route of action and is considered acceptable in this instance.

It should also be noted that the comments suggest a condition be attached to discharge the external materials, windows, doors and rooflights for the house and car port to ensure that no harm is caused to the wider area etc.

4 - The proposed replacement dwelling is considered to be of a suitable standard in terms of architectural detailing.

The proposed materials of construction include red facing brickwork, slate roof and timber effect uPVC windows and doors, which comprise fairly standard materials and could be seen on normal residential estates, in this instance, they would help create a fairly modern design and are of a suitable standard within the area. However, it should be noted that conditioned are recommended to ensure appropriate materials are used.

Due to the rurality and agricultural feel for the are, if extremely modern materials were proposed, the proposal would have the potential to be an outlier and be out of character, and therefore these materials are acceptable in this instance.

The initial design submitted was not considered to feature high architectural detailing and thus led to issues under this criterion; however correspondence between the Agent and Case Officer ensured that adequate amendments were received and were a significant improvement which enabled the development to meet Criteria 4 of Policy 22.

Overall, the wider design is considered to be of a suitable standard in terms of architectural detailing. The tumbling brickwork along the gables are a standout feature and have been mimicked from the original house to ensure that the replacement dwelling comprises some original detailing. These are included across all elevations. Whilst the design is not of a substantially high detail, it is considered to be sufficient in this instance, as to comply with the requirements of Point 4 in this instance, combined with the materials of construction.

5 - For the most part, the replacement dwelling is positioned on a similar footprint to the original house. It would extend slightly in the north east corner of the plot to fill in a gap, making more a block design. This would not be considered to cause any harm due to it being a very minor change and one that would be mostly concealed from view.

6 - The existing floor plans measure the ground floor at 123sqm and the first floor at 100sqm. The proposed replacement dwellings floor area sits at 155sqm for both the ground and first floor. This is therefore an increase of 26%, which is less than the 40% allowance within Policy 22.

In light of the above, the proposed development is in accordance with all criterion of Policy 22, with the exception of criterion 3; with the design, following amendments, being of a sufficient standard in terms of architectural detailing.

Notwithstanding this, when assessing the development, the loss of the existing dwelling which does comprise architectural and historic merit, is somewhat balanced with the justification provided with

regard to the notable restoration costs and current state of the existing dwelling. As such, whilst not being in compliance with Policy 22 in its entirety, the proposal is considered to be acceptable in principle.

Whilst a dwelling within a 'countryside' location would typically be at conflict with Policy 1, due to its location outside of the settlement boundary (unsustainable location); in this instance the proposal complies with the majority of the requirements set out within Policy 22 of the South East Lincolnshire Local Plan (2019), allowing the principle to be acceptable.

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.

Beyond this, the site also lies within close proximity to a grade II listed building, in the form of the 'Barn to the rear of Holly Lodge'. The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 215 of the National Planning Policy Framework (December 2024) in respect of less than substantial harm identifies that "Where a development proposal will lead to less than substantial

harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

Furthermore, Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework (December 2024). Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

The proposed replacement dwelling seeks to provide a siting that remains largely on the same footprint as the existing dwelling to be demolished, with a small exception of an extension to the north east corner of the plot. This ensures that the proposal would not appear significantly out of character in respect of scale or siting, or comprise overdevelopment for the plot in which it lies.

Further to this, the overall height of the proposed dwelling sits at 8100mm to the ridge, with an eaves height of 5400mm. This scale is considered to be acceptable and proportionate in relation to the area, which features both two storey dwellings and bungalows; with the existing dwelling comprising a two floor layout. Whilst it is noted that an increase, in relation to the floor space of the existing dwelling on site, has been proposed, it is considered that such an increase is suitable and the plot could accommodate the enlargement without causing any harm.

Concern could be raised regarding the siting of the car port to the front of the site; which lies within an area that would be readily visible from the highway. In addition, this built form would also be located within closer proximity to the aforementioned listed barn within the neighbouring plot; however, it should be noted that there are barns/building associated with the neighbouring farm that are set to the very front of the site with one abutting the highway directly.

Therefore, it would not necessarily appear at odds within the wider context of the site or surrounding area, and is therefore considered to be suitable in this location. As stated above, a condition will be attached to agree to the materials of the car port at a later date, to ensure no significant harm is caused from the overall design.

In respect of the material finish for the proposed development, the proposed materials for the dwelling have been stated as comprising red facing brickwork, timber effect uPVC windows and doors, and a slate roof; whilst the materials for the car port are stated as comprising a slate roof (to match), larch cladding, timber garage doors, blue brick plinth (to match) and aluminium rainwater goods.

In this regard, SHDC's Conservation Officer has been consulted on the application, due to the potential historic merit on site, in addition to the proximity to the neighbouring listed building, and has stated that *'I would, however, request that with an approval, the determination should be made conditional, pending details of external materials, windows, doors and rooflights for both the house and the car port. Arguably in this case, the proposed car port poses a greater influence on the manner in which the adjacent listed building is appreciated as it would directly feature in views of that structure as travelling northbound along Fen Gate. I am satisfied that both the design and scale would not place that at risk. However, it is imperative that control over the final materials and detailing is given to the LPA in this instance'*.

As a result of this, a condition is recommended to be attached to any decision, that seeks the submission of materials, which must be agreed in writing with the LPA, to ensure that no harm is caused to the listed building and wider area as a result.

In line with the comments raised by SHDC's Conservation officer, whilst the development would be within close proximity to the nearby grade II listed building, with the car port being sited as to be readily visible from approaches towards the site, the development is not considered to result in harm or an detrimental impact upon the setting of the listed building. Overall, the proposal is not

considered to cause harm to the significance of the neighbouring grade II listed building.

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 not give rise to harm to the significance of the nearby listed building, and would therefore be in accordance with Policies 2, 3, 29 of the South East Lincolnshire Local Plan (2019) and Section 12 and 16 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 nearest residential properties in relation to the application site is 'Pebble House', which is 92m to the north west. In the opposite direction, 'Lenmar House' is 230m to the south west. As these are the properties within closest proximity, and are still some distance away, it is considered that there should be no material overlooking or overshadowing following the construction of the replacement dwelling on this site. Furthermore, the site is very rural and the new dwelling should not appear overbearing in this instance.

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 1 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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

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

The site in this instance is in Flood Zone 1; however, it should be noted that it sits directly adjacent to areas within Flood Zone 2. Alongside this, it is also within an area of no hazard within the South Holland Strategic Flood Risk Assessment.

The proposal seeks to replace an existing dwelling, and would not increase the quantum of dwellings on site. Given that this proposal seeks a replacement dwelling, in addition to the fact that the site lies within Flood Zone 2 whereas the district has a significant proportion of land within Flood Zone 3 in any case, the proposal is considered to satisfy the sequential test.

The flood risk assessment submitted within this application states the following *'This project involves the replacement of an existing house with a new dwelling, the proposed dwelling sits on the same footprint as the original building, and where it exceeds this on the east side, it stands on a hard surfaced yard area'*. It also goes on to say *'The new dwelling is a two-storey house with all sleeping accommodation at first floor level. The Environment Agency Flood Map shows the site in flood zone 1; however, given its close proximity to flood zone 2 it is proposed to raise the ground floor level 300mm above external ground level to mitigate any future flooding risk.'*

Therefore, these are considered to be appropriate flood risk mitigation that would ensure there is no risk to the residents or the surrounding area.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the

proposal.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The existing dwelling features five bedrooms, with the proposed development seeking to reduce this number to four. As a result of this, three vehicle parking spaces would be required to accommodate the requirements of Appendix 6. The proposed car port features two spaces, as well as there being a large driveway to the front of the dwelling for additional cars or vehicles. This ensures there is adequate room for vehicles to be stored off and away from the highway.

Lincolnshire County Council Highways have been consulted on this application and raised no objection with their comments stating the following *'This application is for a proposed replacement dwelling which will utilise the existing access to the premises from Fen Gate. Sufficient visibility is provided at this location to allow drivers to judge if it is safe to complete the manoeuvre and enter the highway. Adequate provision for car parking and turning space can be provided within the limits of the site to enable vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety. That said, the existing vehicle access is not appropriate for this or current use as it is just an unbound material and therefore, it will need to be made up to the County Councils specification within the extent of the public highway appropriate for its proposed residential use'*.

An informative will be attached to the decision notice should the application be approved.

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 applicant are claiming exemption under the following

reasoning:

Referring to www.gov.uk/guidance/biodiversity-net-gain-exempt-developments we would conclude that this development is exempt on the following basis

- *There will be only one dwelling on the site*
- *The site area is less than 0.5 hectares*
- *The development will consist exclusively of a dwelling that is self-build as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015*

On the above basis it is considered that no further statement is necessary for this application.

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. Although the applicant has not yet signed up to the self-build register, they have agreed a Unilateral Undertaking which binds them into an agreement to carry out the proposal as a self-build.

Furthermore, the statement they have provided outlines the following *'The whole project of this new house is very much a self-build. To date, with regard to the drawing of the plans, Molly has had total and complete input with the architects into the design and requirements of the house as her future home'*. This clearly evidences that the dwelling would be constructed under a self-build plot and is therefore acceptable in this regard. The design to an extent is individual, it is not typical of a 'custom/self-build'.

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 in this instance represents the erection of a dwelling within the open countryside. Whilst market dwellings, within such a location, would not typically be supported by the Local Planning Authority, in this instance, the proposal comprises a replacement dwelling and as such, does not seek a net increase in the quantum of residential units on site.

In this regard, the development should satisfy the requirements of Policy 22. In this case, the criteria outlined under points 1, 2, 4, 5 and 6 are complied with. The proposal would result in the loss of an existing dwelling that can be considered to comprise a building of historic and architectural merit; albeit, not comprising a formal designation. Given that it would be possible to repair the building, albeit at some notable cost, the proposal would not therefore comply with criteria 3 of Policy 22. Notwithstanding this, the loss of the existing dwelling which does comprise architectural and historic merit, is somewhat balanced with the justification provided with regard to the notable restoration costs and current state of the existing dwelling. As such, whilst not being in compliance with Policy 22 in its entirety, the proposal is considered to be acceptable in principle.

Beyond this, the development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the remaining relevant policies and provisions of the SELLP and NPPF when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

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

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

the Act

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3, 4, 29 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), in addition to all but criterion 4 of Policy 22, along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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