DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0395-26**	**Applicant:**	**Mr & Mrs P Breach**
Proposal:	Proposed Self Build Dwelling		
Location:	Land Between The Retreat And 7a Pipwell Gate Moulton Seas End		
Terminal Date:	23rd June 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
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

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	2
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks outline planning permission for the erection of a self-build dwelling. All matters are reserved except for the access, which is proposed to be taken from Pipwell Gate to the south of the site.

Site Description

The application site comprises land on the eastern edge of Moulton Seas End. The site includes an existing private driveway called Pipwell Place and land to the north of 7a Pipwell Gate and to the south of The Retreat, both of which are dwellings.

The site is outside, though adjacent to, the settlement boundary of Moulton Seas End, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps. A small part of the site access is within Flood Zone 2.

Planning History

H13-0610-16: (Outline Application) Residential development - refused 19 September 2016 - appeal dismissed 28 March 2017

The following application overlaps with the red line boundary; however, the applications relate to land to the south of the dwelling that is proposed within the current application:

H13-1137-17: (Full Application) Residential development - bungalow (re-submission following refusal of H13-0610-16) - approved 26 February 2018

H13-0044-19: (Discharge of Conditions) Details of access (Condition 4 of H13-1137-17) - approved 11 March 2019

H13-0551-19: (Full Application) Erection of detached dwelling - approved 22 July 2019

The following application relates to land within the site; however, the approved bungalow that is referenced is located at The Retreat, which is to the north of the site:

H13-1225-88: (Full Application) 3 bedroom bungalow and nursery - approved 27 October 1988

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS: What is the width of the access/track? For a shared drive it needs to be a minimum of 4.1m for the first 10m and thereafter 3.7m. If 3.7m cannot be achieved, then they will need to provide a passing place.

Ecology Officer: We request that a total of 1 integrated universal nest brick (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) in incorporated into the external fabric of the proposed building. This should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, in accordance with best-practice guidance such as British Standard BS 42021:2022. We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) is added to the dwelling. In both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site and the bricks must be installed during the construction phase and retained thereafter for the lifetime of the development. These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14. BNG exempt - Self Build Development.

Environmental Protection: No comments regarding land contamination.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, 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): I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge 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: I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern 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).

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

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, one representation has been received from a member of the public.

The response sets out concerns with the visual impact of the proposals which would "materially negatively impact the appearance of the village", additional noise and traffic and the potential removal of the trees which could reduce the level of privacy between neighbouring properties.

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;
-Self and Custom Build Housing;
-Impact on the Character and Appearance of the Area;
-Impact on Residential Amenity;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and for decision taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance7 provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Footnote 8 clarifies that this "includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing

sites".

According to South Holland District Council's (SHDC) 5-Year Housing Land Supply Assessment (5YHLS) (June 2025), SHDC can demonstrate 5.5 years of housing land supply. Furthermore, SHDC have scored at least 162% for the Housing Delivery Test over the last three years (Paragraph 1.4 of the 5YHLS Assessment).

In accordance with Paragraph 232 of the NPPF, it is not necessary to apply the tilted balance in favour of sustainable development in the determination of the current application.

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.

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".

The site lies outside any defined settlement and is, therefore, within the countryside in planning policy terms. Part D of Policy 1 sets out that within the countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Within the Inspector Report associated with Appeal APP/A2525/W/25/3362446, the Inspector stated: "There is no clause within the LP (Local Plan) which indicates that the defined settlement boundaries should be reconsidered in the event development is permitted outside of their limits". To this end, the decisions by the Planning Inspectorate have been clear that there is no policy need to reconsider settlement boundaries, in light of development within the intervening years since the Local Plan's creation.

Within the Reasoned Justification section of Policy 1, Paragraphs 3.2.15, 3.2.16 and 3.2.17 broadly outline when a proposal may be considered "necessary to such a location". These include, but are not limited to: applications relating to agriculture and forestry, appropriate tourism uses, reuse or replacement of an existing asset, housing for Gypsy, Traveller and Travelling Showpeople accommodation or to meet the specific housing needs of a settlement. This final point is in relation to rural exception sites, which this application is not seeking.

The Inspector's comments within APP/A2525/W/22/3313330, APP/A2525/W/24/3343297, APP/A2525/W/25/3362446, APP/A2525/W/25/3364588 and 6001518, amongst other appeals, have also been used to consolidate this interpretation of Policy 1. Paragraph 21 of the Inspector's Report for APP/A2525/W/22/3313330 outlines that the South East Lincolnshire Local Plan, 2019, "advocates containment within settlement boundaries other than in selected cases". Furthermore, Paragraph 8 of appeal decision APP/A2525/W/25/3364588 sets out the following at Paragraph 8:

"The proposed development is in clear conflict with Policy 1 of the Local Plan, as it lies outside the defined settlement boundary. Although its proximity to the settlement edge, the enclosing effect of existing vegetation and surrounding development, and the designation of Holbeach as a location suitable for directed growth may offer some justification, along with limited short-term economic benefits, these factors do not outweigh the fundamental policy conflict".

These appeal cases outline that the benefits to the area must go beyond what would be typically expected for an in-settlement development of the same nature.

In terms of the requirements of Policy 1, it is not considered that it has been demonstrated that the

proposal is necessary for the location.

It is also necessary to consider whether the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits that would arise from the proposals. These matters are considered below:

-*Economic*: In economic terms, the construction of a dwelling could provide some short terms benefits in terms of employment for construction workers. Such are limited and, in addition, are not benefits beyond those that could be attributed to development within more sustainable and appropriate locations. Economic benefits beyond this are not evident.

-*Community*: In community terms, a single dwelling would provide a minor contribution to the district's housing supply, albeit in the least sustainable location for development within South Holland; comprising the Countryside. The proposal is for a self-build dwelling, which make a contribution to the area's housing supply; albeit, the Council can demonstrate a sufficient supply in this regard, and the proposal does not demonstrate that such a provision could not be achieved in a more appropriate location, that accords with the aims of the spatial strategy. No affordable housing is proposed as the development would not meet the affordable housing threshold. The proposal does not offer any notable community benefits.

-*Environmental*: In environmental terms, the proposal would not provide a net gain in biodiversity as the applicant considers that the proposal would be exempt as the dwelling is for a self-build dwelling. Beyond this, the development of a residential dwelling on otherwise undeveloped land, has an evident detrimental environmental impact.

Therefore, the development would not result in economic, community or environmental benefits that weigh sufficiently in favour of the development.

The proposal does not highlight any benefits that would not otherwise be attributed or equally achieved by the large majority of other residential schemes of a similar nature, within a settlement boundary and therefore, in accordance with the aims of the spatial strategy.

Paragraph 84 of the NPPF is also considered to be relevant as this sets out that planning decision should avoid the development of isolated homes in the countryside unless one of more of the relevant criteria apply. For example, if the proposal is to meet the essential need for a rural worker. It is not considered that the proposal meets any of the criteria, nor has any case been demonstrated in this regard.

The planning history of the site has been taken into account as previous planning applications form a material consideration. It is noted that full planning permission was granted for a bungalow on land to the south under application H13-1137-17 on 26 February 2018. It appears that this permission was not implemented as full planning permission for a bungalow was subsequently granted under application H13-0551-19 on 22 July 2019. It appears that the 2019 permission was implemented as the layout matches with the existing layout within the site. When application H13-1137-17 was determined in 2018, the LPA was unable to demonstrate a 5YHLS and as such, the tilted balance in favour of sustainable development was engaged. Therefore, it was considered that the planning balance was in favour of the proposals. As set out previously, the LPA is currently able to demonstrate a 5YHLS.

The site is within the countryside in planning policy terms and the proposal would result in unsustainable development, having regard to its countryside location. Significant harm would be caused as a result, as conflict would arise with Policies 1 and 11 of the Local Plan, which seek to direct housing development in accordance with the settlement hierarchy, concentrating on the most sustainable settlements to enable access to everyday facilities and services. Therefore, the principle of development is not supported in this case and the proposal is not considered to be acceptable in principle.

Self and Custom Build Housing

The description of development specifies that the dwelling is a 'self-build' dwelling. In addition, the Biodiversity Net Gain Statement identifies an exemption, as a result of the proposal comprising a self-build dwelling. These are the only references to the proposal comprising a self-build dwelling, and no further evidence or detail has been provided alongside this application.

The submission has not been accompanied by any form of supporting statement to outline how the proposal comprises a self-build dwelling, nor does the submission provide further information as to the self-build register, the Council's current supply in this regard, nor whether the applicants are on the self-build register themselves. In addition, the submission has not been accompanied by any form of a of legal agreement, such as a Unilateral Undertaking, to secure the proposal as such.

In this regard, appeal decision 6002149 which was issued on 13th March 2026, was clear in that self-build dwellings must be secured via legal agreement, as the only appropriate means to do such in these instances outside of settlement boundaries, with conditions not being a sufficient tool. Under paragraph 26 of this appeal decision, the inspector stated that they were "not persuaded that planning conditions relating to self-build would meet the rests set out within paragraph 57 of the Framework. A more appropriate mechanism to secure the dwelling as a self-build would be through a s106 planning obligation or unilateral undertaking".

Pertinent to housing need is Section 2 of the Self and Custom Housebuilding Act, 2015, which states that: "an authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period." To this end, and as reaffirmed within Footnote 28 of the NPPF, the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

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

"In this Act "self-build and custom housebuilding" means the building or completion by:
(a)individuals,
(b)associations of individuals, or
(c)persons working with or for individuals or associations of individuals,
of houses to be occupied as homes by those individuals."

It is acknowledged that the Self-build and Custom Housebuilding Act 2015 places a duty on all Local Planning Authorities to grant enough suitable permissions on serviced plots to meet the need set out in the self-build register, for each year, within a 3 year reporting period. In short, a sufficient number of serviceable plots must be approved for the relevant base period, and as such during the period of Oct 2025 to Oct 2026 sufficient approvals must be secured based upon the base period of Oct 2022 to Oct 2023. Self and custom build housing is defined as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can either be market or affordable housing.

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

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

The latest figures published in January 2026 shows that between the 31 October 2022 and the 30 October 2025, South Holland District Council received 34 applicants for entry onto its register. "In response to this demand, the Council has granted permission for 50 dwellings that comprise 34 self and custom build dwellings supported by a unilateral undertaking or a biodiversity net gain exemption plus 16 others where the applicant evidence on planning applications, condition discharge, modifications and Building Regulation applications indicate a person rather than a building company during this period". Furthermore, in light of the breakdown for each relevant base period, and given the period between 2022 and 2023 resulted in 0 requests to join the register, the LPA are sufficiently meeting the required demand for the current base period.

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

years.

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

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

Whilst the SELLP does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17 provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the SELLP states:

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

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

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

This approach has been confirmed within Appeals APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted. No such justification or search for sites has been presented to the Council at this time.

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

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

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

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

the Spatial Strategies of the SELLP'.

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.

At this stage, the proposed scale, appearance, layout and landscaping details of the proposal are unknown. As such, it is difficult to assess the visual impact of the proposals. Notwithstanding this, the application is accompanied by an indicative site layout plan which shows how a dwelling could be positioned within the site.

Pipwell Place is a cul-de-sac and there is screening near the western boundary of the site including mature trees, fencing, a hedgerow and there are outbuildings to the west of the site. The site is set back from Pipwell Gate and the proposed dwelling is likely to be at least 120m from the road frontage. There are 3 dwellings located between the area where the dwelling is proposed and the road frontage, meaning that the dwelling is unlikely to be visible from the street scene. There are no public footpaths to the east of the site and as such, it is unlikely that the dwelling would be highly visible from the surrounding area due to the degree of screening around the site.

The indicative layout shows how the dwelling could be set back from the shared private driveway of Pipwell Place at a similar distance as the dwelling to the south of the site (7a Pipwell Gate).

As set out previously, an application for residential development was previously refused on 19 September 2016 under application H13-0610-16. An appeal was subsequently submitted and was dismissed, partly on the grounds that the development would have represented an unacceptable form on backland development. Although the application was in outline form, the application included an indicative layout for 5 dwellings within the site and it was concluded that this represented an overdevelopment of the site that would "significantly erode the rural feeling which currently pervades the area" (Paragraph 11 of appeal decision 3164199).

Whilst the current proposal would add to the backland development within the area, it is considered that the current proposal represents a more suitable form of backland development than the proposals that were considered under application H13-0610-16. For example, the proposed plot size would be relatively spacious and would not be considered to be overly cramped.

Therefore, whilst the site layout remains unconfirmed at this stage, it is considered that the site has the capacity to accommodate a suitably designed dwelling that could have an acceptable impact on the character and appearance of the area.

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

Based on the indicative layout, it is considered likely that a dwelling within the site could include sufficient internal living space and outdoor amenity space. Similarly, it is likely that there would be sufficient separation distances between the proposed dwelling and the nearest dwellings to the site to prevent an unacceptable degree of overlooking or overbearing. The full impact of the proposals

could only be confirmed at the detailed design stage; however, it is considered that the site has the capacity to accommodate a suitable design in amenity terms.

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 of the Local Plan 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.

Lincolnshire County Council's Highways Team have queried the width of the access and have set out that for a shared drive, the access should be 4.1m wide for the first 10m and thereafter 3.7m. If 3.7m cannot be achieved, then a passing place should be provided.

It appears that the site measures 3.3m in width for most of the access. The access is not 4.1m wide for the first 10m. The widening of the site access could be secured via a planning condition as it is considered that there is room within the red line boundary for this. The widening of the access near the site entrance would be considered appropriate to ensure there is room for vehicles to pass one another and not have to wait on Pipwell Gate.

A passing place could also be secured via a planning condition; however, it is recognised that the access would only be used by up to 3 dwellings. As such, there is unlikely to be a significant number of vehicles using the access and the likelihood of two vehicles needing to pass one another is relatively low.

Therefore, it is considered that the proposal would have acceptable impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF. Notwithstanding this, any reserved matters application would need to be accompanied by a suitably detailed access plan showing relevant visibility splays.

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.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The site lies within Flood Zone 3, as identified within the Environment Agency's Flood Maps. Policy 4 of the Local Plan sets out that development in Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. Therefore, the proposal needs to pass the sequential and exception tests in accordance with Section 14 of the NPPF.

The application is accompanied by a Flood Risk Assessment (FRA), within which section 3.3 sets out how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

A settlement-wide search of Moulton Seas End is required; however, the submitted FRA does not contain a site search exercise. The FRA only sets out the following:

"Large parts of the South Holland district between the River Welland and River Nene lie within Flood Zone 3. As such, opportunities to undertake the development at an alternative site with a lower flood risk are limited.

The SFRA states that as it is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the present day 1% annual probability fluvial and 0.5% annual probability tidal event. The site therefore has a low probability of flooding and is considered to pass the Sequential Test."

Notwithstanding the lack of information in the submitted FRA, it is recognised that only very small parts of Moulton Seas End are within lower risk flood ones and these areas appear to already be developed. As such, it is considered that the sequential test is passed in this instance.

In terms of the exception test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

In terms of part a, sustainability benefits can be broad and there is no specific list of benefits outlined within planning policy or guidance. The NPPG sets out some examples of sustainability benefits such as the re-use of previously developed land and the provision of sustainable drainage systems.

In this case, the proposal would provide a dwelling which would provide a moderate contribution to the district's housing land supply which can be considered as a benefit. According to the application form, the proposed means of surface water drainage is via a soakaway which can be regarded as a sustainable drainage system. Further details of the proposed drainage strategy would need to be secured as it is unclear if soakaways are feasible. A sustainable drainage strategy would be encouraged, and an alternative drainage strategy would only be permitted if it was demonstrated that a sustainable drainage strategy was infeasible. For example, if the ground conditions were not suitable for soakaway infiltration.

In terms of part b, the submitted FRA sets out that although the site is within Flood Zone 3, the probability of the development flooding from localised drainage systems is low. 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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of

the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is within a 'Danger for Some' hazard rating area. The submitted Flood Risk Assessment recommends that the finished floor levels of the dwelling should be set at 0.5m above the surrounding ground level. As such, the proposed mitigation measures are considered to be suitable as they would accord with the recommendations within the SFRA.

It is considered that an appropriate level of flood risk mitigation is proposed, and the development would remain safe from current and future surface water flood risk for the lifetime of the development. As such, it is considered that the development passes the exception test.

Overall, it is considered that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

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.

As the proposal is for a self-build dwelling, the applicant considers that the proposal is exempt from BNG. The application is in outline form only and as such, future applicants / occupants of the dwelling could potentially have an input into the detailed design of the dwelling. It is considered that the proposal could be considered as a self-build dwelling; albeit, no detail of the design phase nor how the proposal strictly accords with the self-build requirements, has been set out. The LPA requires applicants to prepare a unilateral undertaken agreement to ensure that proposals are built and retained as self-build dwellings in order to meet the requirements of the exemption. The application has not been accompanied by a unilateral undertaken agreement.

The ecology officer has also recommended that one integrated nest brick for birds and one integrated bat box should be provided within the development to provide habitat in accordance with Policy 28 of the Local Plan. These measures could be secured via a planning 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.

The proposed development would result in the provision of housing within the countryside, within the least sustainable location for development within the area's settlement hierarchy, as identified by Policy 1 of the Local Plan. The 'tilted balance' in favour of sustainable development is not engaged at the present time, as the LPA can demonstrate a 5 year housing land supply. The limited benefits

that would be provided by the proposals do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

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

The proposal is considered to conflict with Policies 1, 2 and 3 of the Local Plan and the provisions of the NPPF when viewed as a whole. These are 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 refused under delegated authority.