

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0597-25 **Applicant:** Mr & Mrs M Beba
Proposal: Replacement dwelling to create Self-Build Dwelling
Location: Broadwater House Hallgate Moulton
Terminal Date: 1st December 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
22	Replacement Dwellings in the Countryside
28	The Natural Environment

National Guidance

National Planning Policy Framework December 2024

Section 2: Achieving Sustainable Development
Section 5: Delivering a Sufficient Supply of Housing
Section 9: Promoting sustainable transport
Section 12: Achieving Well-designed Places
Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15: Conserving and Enhancing the Natural Environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought to demolish the existing detached two storey dwelling and construct a two storey replacement property. The existing access will be retained to serve the development.

The description of the development has been amended during the consideration of the application following the applicant's confirmation that the proposal is for a self-build dwelling. The applicant has confirmed their willingness to enter into a Unilateral Undertaking with the Council in this regard.

Site Description

The application relates to a detached two storey property located in countryside with access taken from Hallgate, Moulton Chapel. The site is screened from the highway with high hedging and planting. An agricultural building, within the applicant's ownership, is located to the immediate north of the site.

History

No recent or relevant planning history.

Consultation Responses

Responses Received (consultation period between 7th July 2025 to 28th July 2025)

Moulton Parish Council

No response received.

Historic Environment Officer

The proposal is unlikely to have an impact on significant archaeological remains. Consequently no further archaeological input is necessary for this application.

Highway and Lead Local Flood Authority

Have no objection.

Environmental Protection Officer

No comment regarding land contamination or environmental protection.

Public Representation

The 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.

Planning Considerations

The main issues and considerations in this case are:

Principle of Development and Sustainability.

Effect upon the Character and Appearance of the Area.
Flood Risk Considerations.
Biodiversity Net Gain.
Other Matters.

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.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

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 and is not the result of temporary permission. The proposal therefore meets criterion 2.

3 - The existing building, whilst not unattractive, is of no architectural or historic merit. Comparable developments can be seen throughout the wider district, and therefore, no cultural or architectural weight can be attached. The proposal therefore meets criterion 3.

4 - The proposal is not necessarily of the highest quality of architectural detailing. Nevertheless, it would represent a betterment over the existing building, and to this end, would meet the aims of this criterion.

5 - The placement of the building would be comparable to its existing footprint, bar an extension at the front of the dwelling. This alteration to the footprint would not significantly alter the character of the plot and would help to ensure greater symmetry of design.

6 - The proposal would increase the floor area by 35%, below the 40% threshold referenced in this part.

Effect upon the Character and Appearance of the Area

The Framework advises, at paragraph 131, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy 2 of the SELLP 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 of the SELLP states that development should create distinctive places with the use of high quality and inclusive design, making innovative uses of local traditional styles and materials, and create a sense of place by complementing and enhancing non-designated heritage assets.

Policy 22 of the SELLP sets out that replacement dwellings in the countryside will be permitted subject to six criteria. One of the criteria listed under the policy concerns the size of the replacement building and requires this not to exceed the floor area of the original dwelling by more than 40%. There are also criteria requiring the original building not have been abandoned, that the original building is not of architectural or historic merit and that the replacement building is positioned on a similar footprint.

The existing dwelling is two storeys of brick construction with a projecting gable to the front elevation. The building is of little architectural merit, set back from the highway with little visibility from public vantage points. The proposal seeks its replacement with a two storey brick dwelling of a simple farmhouse design with a single storey side extension replacing an existing single storey structure. The dwelling will be located on the footprint of the existing building and the floor plans indicate there will be an increase in floor area of 35%.

The proposal accords with the criteria required under the terms of Policy 22 and given the siting and scale of the proposed dwelling the development will not cause detriment to the character and appearance of the wider countryside.

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 located over 200m from the site. This isolation ensures no significant impact.

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).

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.

Ample space has been maintained for on site parking, in accordance with Appendix 6. The development would utilise an existing access, ensuring there would be no impact upon visibility and no worsening effect here.

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).

Flood Risk Considerations

Paragraph 170 of the Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Further stating, where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 173 states a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding, with the aim of steering new development to areas with the lowest risk of flooding from any source.

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.

A Site Specific Flood Risk Assessment has been submitted as part of the application. Table 3 of the PPG sets out Flood Risk Vulnerability and flood zone compatibility. The site is within flood zone 3 and the development is 'more vulnerable' therefore it is necessary to complete the Sequential Test and Exception Test.

In terms of the Sequential Test, the FRA advises the site is already occupied by a dwelling and in this regard it is sequentially preferable to construct a self-build dwelling on a previously developed site than seek to develop a greenfield site. Whilst the site is located in countryside, given that it is occupied by a dwelling which it is proposed to replace it is agreed that the Sequential Test is met.

In respect of the Exception Test, it is necessary to demonstrate that the development will provide wider sustainability benefits that outweigh flood risk and the development will be safe for its lifetime without increasing the flood risk elsewhere.

It is advised that the new dwelling will be constructed to the current building regulations requirements which would result in improved energy efficiency and sustainability benefits. In addition the FRA recommends mitigation measures to reduce the risk of flooding and ensure the development is safe for its lifetime, these can be appropriately conditioned. In this regard it is considered the Exception Test is passed.

The FRA advises the probability of flooding associated with blockages in the South Holland IDB drainage system is low due to the maintenance standards achieved and managed by the IDB. Failure of Little Holland Pumping Station would lead to an increased level of risk in the IDB catchment. Further stating, through the operation and maintenance of the pumping stations and the channel system the Board seek to maintain a general standard capable to providing flood protection to agricultural land and developed areas of 1 in 20 years and 1 in 100 years, respectively. The risk associated with flood events that exceed the standard of protection provided is lowered due to the South Holland IDB main drains incorporating freeboard. This freeboard provides storage during the exceedance events. The flood level in the River Welland at Fosdyke during the 0.5% annual probability (1 in 200 chance each year) event inclusive of climate change to 2069 is estimated to be 6.41m AOD. The minimum defence level of the River Welland embankments is 7.0m AOD. The FRA therefore concludes the site is not at risk for the design life of the development (i.e., 100 years).

The South East Lincolnshire SFRA includes maps demonstrating the impact of climate change in 2116. The Residual Peak Depth maps within the SFRA indicate the maximum flood depths associated with a breach of the tidal defences. These show that when the climate change allowances are applied to the combination of a 1% annual probability (1 in 100 chance each year) fluvial event and a 0.5% annual probability (1 in 200 chance each year) tidal event the site is not at risk.

The proposal will therefore be made safe for the lifetime of the development and not increase the risk of flooding elsewhere and as such accords with Policies 2,3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (2024) in this regard.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is required under a statutory framework introduced under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) and 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.

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.

The proposal seeks the construction of a self-build dwelling on a site less than 0.5 hectares in size, the applicant has entered into a Unilateral Undertaking with the Council confirming the development as a self-build construction. It is considered the development meets the requirements of exempt development and is not required to provide biodiversity net gain.

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 seeks the replacement of an existing dwelling in a countryside location. The size, scale and design of the development will not cause detriment to the character and appearance of the area nor the level of amenity currently afforded to the occupants of nearby residential properties. There are no implications for highway safety and the development will be made safe for its lifetime without increasing the risk of flooding elsewhere.

The proposal accords with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) 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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 22 and 28 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (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.

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.

Recommendation

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