

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0772-25 **Applicant:** Mr R Fountain
Proposal: Conversion of existing garage to annexe
Location: 21 High Road Moulton Spalding
Terminal Date: 14th 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
30 Pollution
33 Delivering a More Sustainable Transport Network
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

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	1	0	0	0

RESIDENTS	0	1	0	0
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CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for the conversion of a garage into a residential annexe. Although no extensions are proposed to facilitate the conversion, various external alterations are proposed such as the insertion of windows and doors on the elevations of the building.

Site Description

The site comprises land at 21 High Road, Moulton, which includes a detached bungalow set within a spacious plot. The garage building is located to the rear and side of the bungalow and features a gable end roof form with rendered facades. The garage is visible from the street scene on High Road.

The site is situated outside the settlement boundaries of Moulton and Weston, as identified by Policy 1 in the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

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

Relevant Planning History

H13-1600-04: (Full Application) Extensions to bungalow and detached double garage - refused 07 March 2005

H13-0888-05: (Full Application) Extensions to bungalow and detached double garage - approved 15 August 2005

H13-1316-07: (Full Application) Proposed single-storey rear extension to existing dwelling - approved 15 November 2007

Consultation Responses

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

Lincolnshire County Council - Highways and SUDS: No objections. The proposal is for Conversion of existing garage to annexe, where sufficient parking can still be accommodated within the development site and therefore, it does not have an impact on the Public Highway or Surface Water Flood Risk.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): I cannot see that the applicant has identified a drainage strategy for the site within their application and we therefore recommend a drainage strategy is provided for this application. Due to the works being a conversion of the existing garage, it is assumed that the applicant will likely use the existing drainage arrangements. If our assumption is correct, we recommend that you satisfy yourselves that the existing drainage system is in good condition, appropriately sized for the development and therefore are able to adequately drain the building, as per current building regulations. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to

2l/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 an existing septic tank, as shown in the drawing Floor Plan - Existing & Proposed Drawing No. 01A (G. R. Merchant Ltd., June 2025), however I cannot see that the applicant has indicated how they intend to dispose of this foul water once it has been treated. We recommend that you satisfy yourselves that the existing treatment system is in good condition, appropriately sized for the development and therefore are able to adequately dispose of foul water, as per current building regulations. 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 Board arterial watercourse (DRN197P5601 - F56 Ramper Road Dyke) adjacent to the southern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the 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: I note that the applicant intends to convert the existing garage (utilising the same footprint) to create an annexe as shown in the drawing Floor Plan - Existing & Proposed Drawing No. 01A (G. R. Merchant Ltd., June 2025). Due to there being two measurements included on the plan but no indication which of these has been taken from the edge of the watercourse, it is unclear how far the proposed annex will be positioned from the edge of aforementioned open Board arterial watercourse. Please note, any works proposed within 9 metres of arterial drainage and flood risk management infrastructure (including Board maintained watercourses and pumping stations) requires the Board's prior written consent under Byelaw 10. An application submitted under Byelaw 10 may be refused if Page 3 South Holland Drainage Board the proposal does not meet the requirements stipulated within the Board's Planning and Byelaw Strategy. Therefore, until further information is submitted which confirms that the new annex will not be positioned within 9metres of the Board's arterial watercourse, the Board objects to this proposal. In light of our objection, we would welcome the opportunity to conduct a site visit with the applicant to measure the distance of the existing garage from the edge of the watercourse. Please see the supplementary information overleaf for further detail on the Board's policy and consenting process. If, following review of our comments and supporting policy documents linked below, you wish to discuss any of the requirements I have raised, please contact the Board using the details at the head of this letter.

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 letter of representation has been received. The response has been submitted on behalf of the National Annexe Planning Consultancy which is based on Cirencester. The response sets out support in principle for the annexe and the following points are raised:

- The proposed conversion will create ancillary accommodation that remains clearly subordinate to the main dwelling, supporting multigenerational living and offering a sustainable response to local housing and care needs. Such developments are in line with national policy objectives to optimise land use and reduce the need for large-scale new build housing.
- When appropriately conditioned, annexes like this remain ancillary in use and do not result in the creation of a separate planning unit. We note the importance of ensuring the annexe is not used as a separate dwelling and recommend that any approval is conditioned accordingly. Consideration should be given to the scale, layout, and access arrangements to ensure the annexe remains

integrated with the main residence and does not risk future separation. These are standard planning safeguards and are easily addressed through the imposition of suitable conditions.

- South Holland District Council is encouraged to consider the positive impact of supportive annexe policies in future iterations of the local plan.

- Internationally, jurisdictions such as Ireland and California have demonstrated that ancillary accommodation can play a vital role in relieving housing pressures and supporting family cohesion.

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;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity Net Gain; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

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

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

The site is outside any defined settlement boundary and is, therefore, within the countryside in planning policy terms. 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. Therefore, Policy 1 seeks to limit development in the open countryside, subject to exceptions which can include householder developments. It is noted that the site is within the curtilage of an existing dwelling. The use of part of a dwelling as an annexe can be considered as permitted development, depending on the circumstances.

There are no specific policies within the Local Plan or within the NPPF which set out how proposals for annexes should be determined. This is likely because there are permitted development rights allow for the use of ancillary buildings as annexes. This represents a potential fallback position in this case. Notwithstanding this, proposals for annexes are expected to be of a size and scale

reflecting their ancillary function. In most instances, annexes should demonstrate dependency on the relevant host dwelling in some degree. For example, through physical linkage, close siting, the provision of limited accommodation, the sharing of curtilage and facilities, and the ability to be used as part of the main dwelling at a later date. Case law has established that the provision of facilities for independent living would not necessarily result in the creation of a separation planning unit from the host dwelling. This is a matter of fact and degree.

In this case, the annexe is proposed to be located within an existing domestic garage building which is located approximately 6.5m to the rear and side of the dwelling. It is unclear who intends to occupy the building, though it is presumed that the annexe would be occupied by relatives of the host dwelling. The submission does not confirm this, however, the occupation of the annexe could be controlled via a condition. The annexe would be relatively large given that the building would contain two bedrooms, a bathroom and a large lounge area. The plans do not refer to a kitchen area and as such, it is presumed that occupants of the annexe would have some reliance on the host dwelling to use their kitchen facilities.

In this case, the annexe would be accessed from the parking area at the front of the site and the annexe would share garden space with the host dwelling. Whilst the annexe would replicate some the facilities within the host dwelling and the annexe would be relatively large, the annexe would be within an existing ancillary building. As such, the annexe would remain subservient to the host dwelling and a planning condition can be included to limit the occupation of the annexe to ensure that it remains part of the planning unit. Therefore, the principle of development is acceptable and the proposal is considered to accord with Policy 1 of the Local Plan.

Design and Visual Impact

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 proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan 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.

Whilst no extensions are proposed to facilitate the conversion, various external changes are proposed such as the insertion of windows and doors. The visual impact of the changes is considered to be acceptable. For example, the main change that would be visible from the street scene is on the northern elevation of the building where two front doors are proposed. The existing garage door openings would remain in place and overall, the visual impact of this change is acceptable. As such, the proposal is considered to accord with Paragraph 135 of the NPPF and Policies 2 and 3 of the Local Plan.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

As set out previously, it is considered that future occupants would be provided with sufficient internal living space within the annexe.

There are no dwellings to the rear or to the west of the site. The nearest dwelling is 25 High Road, which is located to the east of the site. 34 and 36 High Road are located to the north-east of the site on the opposite side of High Road and as such, the proposed conversion is unlikely to affect the amenity of these dwellings.

In terms of the potential impact on 25 High Road, two new windows and a door are proposed on the

eastern side elevation of the building. There is approximately 7m between the western elevation and site boundary with 25 High Road. These windows would not face directly onto any habitable windows within 25 High Road. Furthermore, boundary treatments between the properties are likely to provide a degree of screening. As such, the impact of the proposals on the amenity of occupants of 25 High Road is considered to be acceptable.

The proposed development would not result in significant detrimental impact on the amenity of future occupants or the neighbouring properties. Therefore, the development would accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

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

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

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

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, 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.

No changes are proposed to the vehicular access to the site. Sufficient room would be retained within the site for parking and turning. It is noted that Lincolnshire County Council's Highways Team have not raised any objections to the proposals. Therefore, the proposed development would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

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 such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (BNG)(10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% BNG requirements as the proposal is considered to fall within the de minimis exemption.

Flood Risk

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

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps. Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

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 not identified within a hazard rating area. As such, no specific mitigation is recommended within the SFRA.

Paragraph 176 of the NPPF sets out that applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test. Proposals should still meet the requirements for site-specific flood risk assessments set out in footnote 63.

The application is accompanied by a Flood Risk Assessment, within which it is recommended that the floor level of the annexe is raised 0.3m above the surrounding ground level. Although not specifically required by the SFRA, this is considered to be an appropriate level of flood risk mitigation. Therefore, it is considered that in terms of flood risk, the proposed development accords with Policy 4 of the Local Plan and the Paragraph 178 of the NPPF.

It is noted that South Holland Internal Drainage Board have objected to the proposal as the Board are unclear whether the building is within 9m of a Board maintained watercourse (Ramper Road Dyke) which is located to the south of the site. The Board objects in principle to proposals within 9m of their assets as this can prevent access to maintenance purposes. As the building is already in place and no extensions are proposed, it is not considered that the proposals would worsen the existing circumstances in terms of maintenance access.

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 development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby residents. The proposal would have an acceptable impact in terms of highway safety and flood risk. The proposal accords with the Local Plan and the 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 accord with Policies 1, 2, 3, 4, 30 and 36 of the Local Plan, along with the identified sections contained within the NPPF. 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.