DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0781-26**	**Applicant:**	**Brooks (Spalding) Ltd**
Proposal:	Parking for trailers - Retrospective - re-submission of H13-0193-26		
Location:	West View Farm Red Cow Drove Moulton Marsh		
Terminal Date:	12th October 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
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 August 2026

Section 3 - Decision-making policies (DM1 - 10)
Section 4 - Achieving sustainable development (S1 - S6)
Section 7 - Building a strong, effective economy (E1 - 4)
Section 12 - Making effective use of land (L1 - 3)
Section 14 - Achieving well-designed places (DP1 - 4)
Section 15 - Promoting sustainable transport (TR1 - 8)
Section 17 - Pollution, public protection and security (P1 - 6)
Section 18 - Managing flood risk and coastal change (F1 - 9)
Section 19 - Conserving and enhancing the natural environment (N1 - 9)
Section 20 - Conserving and enhancing the historic environment (HE1 - 10)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Description of Proposal

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

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

Site Description

The site comprises approximately 0.5 hectares of land. The site is located between Ourholme which is a dwelling to the west of the site, and Westview Farm which is a dwelling located to the east of the site. Other than the nearby dwellings, the site is mostly surrounded by agricultural land. The site is located approximately 730m to the west of the A17.

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

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

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

Relevant Planning History

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

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

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

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

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

H13-0193-26: (Full Application) Parking for Trailers - Retrospective - refused 21st May 2026

Consultation Responses

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

Lincolnshire County Council - Highways and SUDS:

The proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Environment Agency:

This proposal comes under cell D4 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice.

Lincolnshire County Council - Historic Environment:

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

Conservation Officer:

There is one listed building located in close proximity to the site (The Farmhouse, Grade II). While the proposal does not result in direct physical harm to the Listed Building, some harm is identified to its setting. This arises primarily from the introduction of the 1.5m close boarded fence, which is out of keeping with the character of the area. The surrounding landscape is predominantly open fields with occasional areas of green vegetation providing separation, and a solid fence conflicts with this established character. In line with NPPF paragraph HE4.1.b, proposals should seek to "Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance." This includes any contribution made by the heritage assets setting. To mitigate the identified harm, we recommend incorporating a 1.5m heigh hedge in front of the fence to soften its appearance. The use of vegetation as a boundary treatment is already present on either side of the site and therefore would not be out of keeping, instead continuing the existing landscape pattern. We support the proposed tree planting, which will help provide height- based mitigation for the trailers, reducing their visual impact on the wider setting.

Environmental Protection:

We have received no complaints regarding this current use of this site and therefore no comments to make.

Ecology Officer:

We have no significant concerns regarding the ecological impacts of this proposal. We recommend that the applicant remains ecologically mindful, and that all works cease if there is any risk of impacting nesting birds or protected species, with advice sought from a suitably qualified ecologist.

Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 10.35% in Habitat units.

We shall require a detailed HMMP to be provided pre-commencement to support the discharge of the BNG condition if this application was to be approved. We shall also require a finalised metric and Biodiversity Gain Plan to be provided pre-commencement.

South Holland Internal Drainage Board:

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

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

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

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply. The nearest Board arterial watercourse is known as P33 Moulton River (DRN206G3302) and is located approximately 10 metres to the north of the development, parallel to Red Cow Drove. The Board maintains this watercourse under its statutory function and vegetation maintenance is undertaken in accordance with environmental considerations foremost. Fly-tipped garden waste can obstruct or cause damage to the Board's machinery. The applicant should be reminded that Byelaw 7 prohibits the fly-tipping of garden waste into watercourses for this reason.

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, no representations were received from members of the public.

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, August 2026 (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, Layout and Impact on the Character and Appearance of the Area;
-Impact on Heritage Assets;
-Impact on Residential Amenity;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

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

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

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

Policy S5 of the NPPF sets out that only certain forms of development should be approved outside settlements including the identified types of development (parts a to j). It is not considered that the development falls under any of the policy categories.

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

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

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

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

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

The submitted Planning Design & Access Statement sets out that Brooks Spalding Ltd hires out refrigerated trailers to local hauliers and farmers, who in turn support the local food preparation and agricultural industry, by both the distribution and chilled storage of local produce. The company employs 5 full-time employees and 1 part-time employee.

According to the submitted information, Brooks Spalding Ltd have been operating at West View Farm since 2009; however, as set out previously no planning applications have been granted approval for the use of the site as a trailer storage or distribution site. An application was submitted to change the use from agricultural storage to commercial vehicle storage under application H13-0706-09; however, this application was withdrawn on 10th December 2009.

Notwithstanding the previous planning history of the site, Brooks (Spalding) Ltd is operating from the site and now has a fleet of over 120 trailers and 2 tractor units. The number of trailers that are required to be stored on site varies dependent upon the seasons and market conditions. According to the submission, market conditions in the food industry result in varied demand for trailers throughout the year, increasing and reducing based on various factors.

As set out previously, a similar application was previously refused for the development on 21st May 2026 (application H13-0193-26). It was considered that insufficient information was provided to justify the proposals in relation to Policy 7. As such, further information has been provided with the current application to try to overcome the previous reason for refusal. For example, the current application is accompanied by a Justification Statement which seeks to explain why the business is necessary for the location and why there are no suitable alternative sites. The Justification Statement is much more detailed than the previous submission and the submitted information has been taken into account.

As part of the determination of the previous application (H13-0193-26) some references were made to engagement with estate agents and how responses from estate agents set out that there was a lack of suitable alternative sites. Therefore, it is recognised that the applicant had attempted to consider alternative locations previously. As part of the current application, the Justification Statement includes evidence of a site search area which includes land throughout South Holland. The Statement identifies certain criteria that the alternative site would need to meet. For example, there would need to be space for at least 20 trailers, including circulation space.

According to the Justification Statement, initially 71 properties were identified, and this was subsequently narrowed down to 38 properties which have been reviewed. Some of sites includes previously developed land and other sites appear to include greenfield. The Justification Statement includes a summary of the site and how it has been considered as an alternative location. The suitability of the site have been considered by the applicant and the Local Planning Authority considers that an appropriate search has taken place, albeit recognises that more search property websites could have been explored.

The Justification Statement summaries the sites; however, they have been deemed as unsuitable to accommodate the proposals instead of the application site for a variety of reasons. The LPA considers that many of the reasons given are valid. For example, it is agreed that some of the sites were likely too small to accommodate the minimum number of trailers (20 trailers) with circulation space. Some of the sites featured warehouses with limited external storage space and other sites were designated for specific employment uses as the Food Enterprise Zone in Holbeach. It is agreed that such sites would not be sequentially preferable. Some of the sites were located in principally residential areas, thereby reducing their suitability. Some of the sites identified were residential plots and as such, it is unclear why these sites were considered. Notwithstanding this, it is considered that alternative sites have been considered; however, it is accepted that there is likely to be a lack of previously developed land where the open storage of trailers could take place.

The specific requirements and nature of the business have been taken into account. For example,

the business requires a higher proportion of open storage land rather than warehouse storage. This is likely to limit opportunities for finding alternative sites.

According to the Justification Statement, the applicant has also been in contact with commercial estate agents; however, no further sites have been identified as suitable. Therefore, it is considered that based on the individual circumstances of the business and the evidence of a site search, there is not likely to be previously developed land that is available. As such, this part of Policy 7 has been addressed; however, the development also needs to be assessed against criteria a to g of the policy, as set out below.

a. the development does not conflict with neighbouring land uses

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

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

In terms of parts b and c, although no buildings are proposed to facilitate the development, the storage of trailers within the site will inevitably change the character and appearance of the area to a degree. Notwithstanding this, there are already agricultural buildings to the east of the site and a dwelling with its associated curtilage to the west, thereby creating a degree of enclosure around the site. The most open views of the site are from the north and south of the site. Planting is proposed around most of the edges of the site including trees that are proposed to be 1.5m high. This planting would not screen views of the trailers entirely as the trailers are likely to be 4m tall; however, it is considered that the planting would help to soften views of the site when viewed from the surrounding area. The proposed land take is sizeable, representing a significant expansion into the countryside. Nonetheless, with the proposed landscaping and planting and given the pre-existing site context, it is not considered that the proposed use would have an adverse impact on the character and appearance of the area, thereby according with parts b and c.

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

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

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

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

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

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

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

As set out previously, it is recognised that there are limited opportunities for an open storage business such as a trailer storage business within the district. The Justification Statement also sets out other reasons why the applicant considers that the proposed use needs to be in its current location. For example, the Justification Statement sets out that the majority of clients are located in the Spalding Area (50%). Other clients are based in the Holbeach Area (30%), Skegness (15%) and Wisbech (5%). Therefore, the applicant considers that the site's location, including its proximity to the A17 is crucial to its ongoing operations to retain and expand its customer base.

The statement also refers to the need for the business to be located within a close commuting distance of its employees; however, limited information has been provided to expand upon this. As such, this is afforded limited weight.

The Justification Statement sets out that there is a need for the trailer storage area to be located where there is an establishing trailer servicing company. The submission sets out that the business has been operating since 2009 and it is presumed that this refers to the servicing aspect of the business. As set out previously, no planning applications have previously been approved to confirm the use of the site as a trailer storage site or as a trailer servicing site. Therefore, there is insufficient evidence available to assess a fallback position in this case.

Notwithstanding this, it is considered that the storage of refrigerated trailers is necessary to support local hauliers and farmers. According to South Holland District Council's website (The local Economy) 50% of jobs in South Holland are directly linked to the Agri-Food value chain, food manufacturing is 13 times more significant as an employer in the district than the national average, and transport and storage is twice the national average in terms of employment. It has already been established that there appears to be no alternative sites featuring previously developed land that could accommodate the proposals instead. Therefore, it is considered that there is a need for the business in this instance, thereby according with part g.

Returning to the requirements of Policy 1, it is not considered that there would be any particular community benefits associated with the proposals. Some environmental benefits could be provided such as additional planting within the site which can be afforded some weight. The main benefits would be economic, by supporting a local company with its operations and expansion which provides employment for 5 full-time employees and 1 part-time employee. Whilst the economic benefits were previously afforded limited weight due to the lack of information that was provided, it is now considered that the proposals have been more comprehensively justified and as such, substantial weight is attached to the economic benefits of the proposal. This is largely because the NPPF has been revised since the previous application was determined and Policy E2 of the NPPF now requires substantial weight to be given to the "economic benefits of proposals for commercial development which allow businesses to invest, expand and / or adapt".

Therefore, it is considered that the proposals would accord with Policies 1 and 7 of the Local Plan and Policy E2 of the NPPF. Therefore, the principle of development is considered to be acceptable on balance in this instance.

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

Policy DP3 (Key principles for well-designed places) of the NPPF states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

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 of the Local Plan accords with the provisions of Section 14 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

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

The proposal would result in the storage of commercial containers within the site. The exact number of trailers is unconfirmed.

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

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

The storage of trailers has fundamentally altered the open character of the site, altering the formerly rural character of the site to a commercial and industrial character. Whilst it is considered that the proposal has resulted in visual harm to the character and appearance of the area, some mitigation is offered in terms of landscaping and planting and given the pre-existing site context, it is not considered that the proposed use would have an adverse impact on the character and appearance of the area.

Impact on Heritage Assets

Section 20 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage. For example, Policy HE5 (Assessing effects on heritage assets) requires proposals affecting heritage assets to be accompanied by an assessment of the significant of the assets affected.

Policy HE5 (Assessing effects on heritage assets) sets out that development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance.

Policy HE6 (Proposals affecting designated heritage assets) of the NPPF sets out that when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

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

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

The LPA's conservation officer has set out that there would be some harm to the setting of the grade II listed farmhouse as a result of the proposals. The officer considers that this harm arises

primarily from the introduction of a 1.5m close-boarded fence, which is out of keeping with the character of the area. The surrounding landscape is predominantly open fields with occasional areas of green vegetation providing separation, and a solid fence conflicts with this established character.

Policy HE4 sets out that proposals which would affect the significance of heritage assets should seek to "avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve their significance". This includes any contribution made by the heritage assets setting.

In this case, to mitigate the identified harm, the conservation officer has recommended incorporating a 1.5m high hedge in front of the fence to soften its appearance. The use of vegetation as a boundary treatment is already present on either side of the site and as such, this would not be out of keeping with the existing character of the site. The conservation officer supports the proposed tree planting, which they consider would help provide height-based mitigation for the trailers, reducing their visual impact on the wider setting of the listed building.

Therefore, it is considered that the proposal would have an acceptable impact on the nearby listed building, in accordance with Policy 29 of the Local Plan and Section 20 of the NPPF.

Impact on Residential Amenity

Policy P3 (Living conditions and pollution) of the NPPF sets out that development should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution. The policy also sets out that proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.

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

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

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

The council's environmental protection team have not raised objections to the proposals in terms of noise generation and it is considered that on balance, the proposals would have an acceptable impact on the amenity of the nearest dwellings. Notwithstanding this, it is considered that it would be appropriate to limit the operating hours of the use and the independent fridge units in the interests of protecting the amenity of the nearest dwellings. For example, although public representations have not been received during the determination of the current application, concerns were raised during the determination of the previous application. If left unrestricted the use could result in lorries driving to and from the site throughout the night and there is a dwelling adjacent to the site. The submitted documents set out that the typical working hours of the business are between 8am to 6pm. The opening days are not specified; however, it would be considered appropriate to limit the days from Monday to Saturday.

Therefore, in terms of the impact of the proposals on the amenity of the nearest dwellings, the proposed development would accord with Policy P3 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Policy TR6 (Assessing transport impacts) of the NPPF sets out that development proposals should

only be refused on highways grounds if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement.

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 existing vehicular access from Red Cow Drove is proposed to be used. Lincolnshire County Council's highways team have not raised objections to the proposed access or the proposed parking arrangements. Therefore, the proposal is considered to have an acceptable impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 15 of the NPPF.

Flood Risk

Section 18 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 is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

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

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

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

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

Planning Balance

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

It is considered that the current submission is accompanied by enough information to show that there are no available alternative sites featuring previously developed land that could accommodate the proposals instead. Therefore, it is considered that the proposals accord with Policy 7 of the Plan.

Furthermore, significant weight is given to the economic benefits of the proposal including the employment that is provided by the business that operates from the site, in accordance with Policy E2 of the NPPF. The economic benefits also enable the proposals to accord with Policy 1 of the Local Plan.

The storage of trailers has fundamentally altered the open character of the site, altering the formerly rural character of the site to a commercial and industrial character. Whilst it is considered that the proposal has resulted in visual harm to the character and appearance of the area, some mitigation is offered in terms of landscaping and planting and given the pre-existing site context, it is not considered that the proposed use would have an adverse impact on the character and appearance of the area. Overall, it is considered that the visual harm would be outweighed by the economic benefits of the proposals, which are required to be given substantial weight in accordance with Policy E2 of the NPPF.

The proposal is considered to be acceptable in terms of other material considerations including its impact on a nearby heritage asset (The Farmhouse), the local highway network and in terms of flood risk and biodiversity.

In this case, it is considered that there are factors that weigh substantially in favour of the development 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, 7, 28, 29, 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.