

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0810-25 **Applicant:** Mr A Woods
Proposal: Proposed Dwelling
Location: Rear Of 18 High Street Moulton Spalding
Terminal Date: 3rd November 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
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 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	1	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Full application seeking permission for the erection of a single detached dwelling to the rear of 18 High Street, Moulton. The proposed dwelling would be in an unorthodox "T" shape. This gives three widths (going from east to west) of 3.4m, 7.8m and 6.55m. The total length of the building would be 16.35m. The height to the eaves would be 4.45m. The ridge height of the dwelling would vary between the eastern and western section, sitting at 6.4m and 7.65m. The following materials are proposed:

- Traditional brick and stone, 65mm Old Athorne facing bricks (red) - walls
- Passaro Spanish natural slates - tiles
- Anthracite grey UPVC - doors and windows.

Site Description

The site is within the settlement boundary of Moulton, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located centrally within the settlement, between the All Saint's Church (Grade I listed) and Moulton Mill (Grade I listed).

The site also lies within Moulton Conservation Area and displays a strong relationship with the garden and rear of the Grade II listed 20 Mulberry House.

Relevant History

H13-0982-20 - Full - Demolition of existing disused commercial premises and erection of 3 cottage style terrace units. Refused 11/11/21.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Internal Drainage Board

Outline that land drainage consent may be required if water is to be discharged into an IDB asset.

Highway and Lead Local Flood Authority

"No objection - Proposed Dwelling - The site is used for parking for Moulton Butchers, and the access also serves three dwellings. The removal of the parking for the butchers replaced by a dwelling will not represent any increase in vehicle movements. The Parking justification is accepted; Moulton High Street is a wide road with ample space not to be concerned with two vehicles occasionally having to park on the road. Two parking spaces for a three-bed dwelling is adequate. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

Proceed to recommend the following informative condition:

"Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>."

Historic England

"Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>."

Environmental Protection

"I request a standard land contamination condition be applied at this location."

Historic Places Team

"It is noted that the applicant has provided a detailed and comprehensive assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207). The submitted desk-based heritage impact assessment study confirms that the site lies within an area of high medieval and post-medieval archaeological potential and acknowledges the potential impact of the development on any preserved below-ground archaeological remains.

The proposed development comprises 'Proposed Dwelling.' The proposed development groundworks and any temporary works associated with the development (including landscaping, drainage connections and BNG planting) will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). There is archaeological potential, and we do not possess evidence that previous limited development activity truncated possible present heritage assets.

I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation.

This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

This should be secured by South Holland District Council's standard conditions AR01, 02, 03, 05 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29)."

Cllr Thomas Sneath

Objection:

"1. Harm to the Setting and Structural Integrity of Moulton Mill (Grade I Listed)

- The application site lies immediately adjacent to Moulton Mill, a Grade I listed heritage asset of national importance.
- The mill is well documented to have no formal foundations, leaving it uniquely vulnerable to disturbance from excavation, vibration, and changes to ground or water conditions.
- Any building works, particularly excavation for new foundations, drainage, or services, risk destabilising the mill and causing irreversible harm.

Relevant Policies and Law:

- SELLP Policy 3 (Design of New Development): Requires development to be of high quality, respectful of its surroundings, and sensitive to context. This application fails that test.
- SELLP Policy 29 (Historic Environment): Seeks to conserve and enhance the historic environment. Development that causes harm to a heritage asset or its setting will not be supported.
- Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1): Places a statutory duty on the Council to pay "special regard to the desirability of preserving the building or its setting." This proposal would do the opposite.
- NPPF Paragraphs 199-202: Require that great weight be given to the conservation of heritage assets. Harm can only be justified where it is outweighed by public benefit. No such public benefit exists here.

This application therefore directly contravenes local policy, national policy, and statutory duty.

2. Overdevelopment and Inappropriate "Backland" Plot

- The proposal represents backland development in a constrained location not suited to residential use.
- The plot is cramped, provides little usable amenity space, and has no established relationship with the High Street frontage.
- This form of piecemeal infill threatens the established character and pattern of development in the village.

Relevant Policies:

- SELLP Policy 2 (Development Management): Development must be appropriate to the location, scale, and character of the area. This scheme is not.
- SELLP Policy 3 (Design): Development must integrate positively with its surroundings. A house at the rear of an existing property does not respect the local character.

3. Access, Parking, and Highway Safety

- High Street, Moulton already suffers from parking pressure and congestion.
- The application provides no clear demonstration of safe vehicular access or sufficient off-street parking.
- This raises concerns for highway safety, emergency vehicle access, and further strain on on-street parking in the centre of the village.

Relevant Policy:

- SELLP Policy 36 (Parking): Requires adequate parking provision for new development. This application fails to meet that requirement.

4. Loss of Neighbouring Amenity

- The proposed dwelling would cause loss of light, overlooking, and loss of privacy for existing homes whose gardens back onto the site.
- The scale and siting would create an overbearing impact on neighbouring occupiers.

Relevant Policies:

- SELLP Policy 2 (Development Management): Requires new development to protect the amenity of neighbouring residents.
- SELLP Policy 3 (Design): Calls for a positive relationship with surrounding properties.

5. Drainage and Flood Risk

- The application provides no clear flood risk assessment or drainage strategy.
- Given Moulton's location in an area historically prone to drainage issues, any additional hard surfacing risks exacerbating surface water runoff and flooding.

Relevant Policy:

- SELLP Policy 4 (Flood Risk): Requires development to demonstrate that it will not increase flood risk elsewhere.

6. Cumulative Impact and Precedent

- Approving this application would set a dangerous precedent for backland development behind High Street properties.
- This could lead to further inappropriate infill, gradually eroding the character of Moulton and placing unacceptable strain on heritage, infrastructure, and residential amenity.

Conclusion:

In summary, this application:

- Threatens the structural stability and setting of a Grade I listed building (Moulton Mill).
- Fails to respect local character, scale, and design principles.
- Provides inadequate access, parking, and amenity provision.
- Raises serious concerns around drainage and flood risk.
- Is contrary to both the South East Lincolnshire Local Plan and the National Planning Policy Framework.

There are no planning conditions that could render this proposal acceptable."

Conservation Officer

It is important to recognise that this site is perhaps one of the most sensitive historic environment settings within South Holland, despite its relatively obscure location, situated behind the primary street frontage. This is because the site sits within extremely close proximity to the Moulton Mill - a Grade I listed building. It is also situated within the Moulton Conservation Area, albeit in a backland position.

In the setting of Listed Buildings, the South East Lincolnshire Local Plan (2019) confirms under Policy 29A(3);

"Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

Moreover, Policy 29B concerns development within conservation areas, and states:

"Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should: 4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment; 5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;"

As the application is presented in its current form, I am not confident that the proposal represents a built form that either preserves or better reveals the significance of the adjacent Grade I listed building. It is appreciated and understood that some lower-quality historic development exists within close proximity to the proposal site. However, this should not be taken as justification for further inappropriate development, especially given the uniquely close proximity that this specific site is within to the Grade I listed windmill. Moreover, by failing to respect access to views of such important assets, and presenting an inappropriate design, I hold that the application does not satisfy the requirements of Policy 29B above.

Furthermore, the site, as extant, partially features some inappropriate commercial development that this application seeks to remove, and in that way, the proposal could, in theory, be considered a marginal 'betterment' but only in the strictest sense. It should not be taken that the proposed removal of structures, considered harmful to the setting, to justify the introduction of other structures that are not fully appropriate to the setting.

The proposed design is by no means a poor quality scheme; however, I do not believe that the design as proposed is appropriate to this setting, for a number of reasons:

1. Whilst it is appreciated that a significant portion of the proposal is 1.5 storeys in height, there remains a significant portion of the proposal which is full scale 2 storey development, towards the western end of the site, which is arguably the portion of the site which would most require a reduced built form and scale to minimise effects upon the views towards and out of the windmill. This is particularly the case as the site is not only adjacent to the Grade I windmill, but also sits directly between the mill and the nearby Grade I All Saints Church.

2. The plans thus far provided are quite significantly devoid of fine detail, making a full and proper assessment of the final design difficult. Such plans are not uncommon, however, in such a highly sensitive heritage setting, the LPA should be able to reasonably expect a high level of fine detail in plans to be able to make a reasoned justification. Those details should be inclusive of fine details of all architectural features, including brick bond, and full external materials and fenestration details. Given the sensitivity of the setting, I hold that these details should be provided prior to determination, rather than dealt with by condition, as these matters will have a huge and fundamental impact upon the way in which any development on site would impact upon the setting.

3. In line with the above point, I am not satisfied that the plans and design thus far presented are appropriate to the setting. Given the high sensitivity of the location, in the setting of multiple grade I listed buildings, including directly adjacent to the extremely important Grade I mill, it would be expected that the proposed design would be truly outstanding, and complementary to the immediate setting. Proposed design is by no means low-quality, but is apropos of nothing in terms of referential or sympathetic design, and effectively gives the appearance of a relatively standard conservation area styled new build with references to Georgian design, but ultimately relatively bland and modern in appearance. This is especially the case given the lack of any fine architectural detail included within the plans as referred to in point 2 above. A sensitive and well thought-out scheme in this setting would go to substantial lengths to either compliment the existing built form using innovative design, or to achieve high levels of sympathy with the setting using design much more referential to the local setting. All cases must, indeed, be considered of their own merits, but an example of a more appropriately thought-out scheme in this setting was the design under the previously refused proposal on this site (ref: H13-0982-20), which presented a series of extremely well designed, modest 1.5 storey millers cottage-style modest properties, minimising the visual impact upon the setting whilst utilising attractive and traditional, referential design.

With the above in mind, with particular reference to points 1 and 3 of the above, I hold that harm to the historic environment has been identified as part of this proposed scheme.

Para. 212 of the NPPF (2024) confirms: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

This also de facto infers it is possible to classify forms of harm to the historic environment into 3 separate classes, those being; 'substantial harm', 'total loss' or 'less than substantial harm'.

Para 213 goes on to confirm: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

Moreover, Para. 215 then states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

As mentioned, harm has been identified in this case. Harm is identified to both the adjacent grade I listed building's setting and the wider conservation area setting. In this case, the harm is identified as being 'less than substantial harm'. This is because 'Substantial Harm' is a high-test, and, as explained by Para. 018 of the PPG "in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

The proposal does not seriously affect any single 'key' element of the specific significance of any nearby asset, and thus a 'significant harm' designation is not justified. Nonetheless, the proposal would be harmful to the general character of the assets (in this case, the nearby Grade I listed buildings and the wider conservation area).

In line with Para 213, a clear and convincing justification is therefore required for this work. The applicant suggests that the proposed justification is on the basis of the existing living space being insufficient for modern day living. However, this is a subjective matter and does not represent suitable justification for the degree of harm risked by this proposal. Moreover, as the proposal is for the erection of a private dwelling, no public benefit is identified in this proposal against which to weigh the identified harm. The proposal therefore also fails to meet the requirements of Para. 215 of the NPPF.

I would therefore recommend that the proposed designs at this stage be considered inappropriate to the setting, and if an amendment that offers a substantial redesign, inclusive of much more detailed plans and supporting information cannot be secured, that the proposal should be refused on the grounds of harm to the historic environment.

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 objection has been received.

This can be summarised as:

- Proposed dwelling is ill suited to the area.
- The scheme is worse than the proposal refused under H13-0982-20.

Key Planning Considerations

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.

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.

Principle of Development

Spatial Strategy and Housing Need

Policy 1 of the South East Lincolnshire Local Plan (2019) 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 within the settlement of Moulton, which is classed as a sub-regional centre within Policy

1. As such, development will be permitted that supports Moulton's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within minor service centres will normally be limited to allocated and committed sites and infill.

The National Planning Policy Framework (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. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."

Paragraph 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. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area (..) and are often built-out relatively quickly"). This paragraph 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.

The proposal site does not represent infill within the traditional definition of the term. However, development has been located historically on all four sides of the plot, meaning that the development would broadly be in keeping with the historic building patterns of the area.

The proposal is for a self-build dwelling. This matter is discussed in greater detail in the following section; however, pertinent to housing need here, is Section 2 of the Self and Custom Housebuilding Act, 2015, which states that: "an authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period." To this end, and as reaffirmed within Footnote 28 of the National Planning Policy Framework (December 2024), the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

Self and Custom Building Housing

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

"In this Act 'self-build and custom housebuilding' means the building or completion by -

- (a) individuals,
- (b) associations of individuals, or
- (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals."

Whilst it would appear that the applicant has had a significant role in the designing of the scheme, as they are the architect submitting the proposal, confirmation of the self/custom build nature of the scheme should be secured via a relevant legal agreement in the event permission is to be granted, in accordance with the Local Planning Authority's standard procedure. It is noted that whilst the Local Planning Authority would be able to progress into such a process for an agreement, with the agreement of the applicant, a draft legal agreement has not been forthcoming as part of the application submission.

Whilst the South East Lincolnshire Local Plan (2019) does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17 provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the South East Lincolnshire Local Plan (2019) states:

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

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

On the basis of this, applications for self build dwellings which are consistent with the spatial strategy of the South East Lincolnshire Local Plan (2019) should be given weight in their favour.

Previously Developed Land

Section 11 of the National Planning Policy Framework (December 2024) "making effective use of land" concerns the location of urban development. Paragraph 124 of Section 11 states:

"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."

Paragraph 125(c) expands upon this stating:

"planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused".

Annex 2 of the National Planning Policy Framework (December 2024) provides a definition for brownfield land and previously developed land (which share a definition), which is as follows:

"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

On this basis, the proposal is considered to conform to the definition of previously developed land, as it would involve the redevelopment of an existing area of development. As such, substantial weight is given in favour of the proposal.

Summary

The proposal involves the redevelopment of previously developed land, which, whilst not necessarily infill in the traditional sense, would be consistent with the prevailing build pattern of the area, where backland development is already established. The proposal is for a self-build dwelling, which, combined with the brownfield nature of the site, carries significant weight in favour of the proposal.

As such, the proposal is considered to be acceptable in principle.

Layout, Design, Scale and Consideration of the Character of the Area and Heritage and Conservation

Section 12 of the National Planning Policy Framework (December 2024), "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area

(including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) 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. Furthermore, Policy 3 of the South East Lincolnshire Local Plan (2019) requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The site is largely obscured from the public realm. The access sees limited traffic, and what views are possible from the public realm would be largely limited by the surrounding dwellings. Views into the site would therefore principally arrive from the south, by Moulton Mill.

The proposed dwelling is somewhat reminiscent of development within the wider area; however, it fails to reflect existing architectural precedents within the immediate setting. Whilst the aim of a Conservation Area is not to create a design orthodoxy, there is a clearly preferred style within this portion of the High Street, which more modern developments have sought to pastiche. The proposal appears to be more contemporary in its design approach, despite a few nods to the Conservation Area, and therefore would juxtapose with the immediate prevailing character.

Within the plot itself, the dwelling appears contrived and awkward. It is overly large within such a constrained plot, resulting in an appearance of overdevelopment. The differentiation in roof heights, whilst limiting the visibility of the dwelling, add to this sense of awkwardness.

The elevation facing the Mill lacks sufficient detailing. Windows and dormers add some interest, yet not adequately sufficient. The result is a bland appearance which fails to add architectural interest to the area.

Heritage Policy Context

The site lies within Moulton Conservation Area and lies within close proximity to a number of listed buildings and structures; including:

- All Saint's Church (Grade I listed)
- Moulton Mill (Grade I listed)
- 20 Mulberry House (Grade II listed)
- Lynchgate at All Saint's Church (Grade II listed).

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The National Planning Policy Framework (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising

that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

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

Paragraph 220 expands upon this, in relation to Conservation Areas, stating:

"Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole"

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework (December 2024). Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets. Policy 29 is broken into five interrelated sections, with parts A, and B relevant here.

Policy 29A, relating to listed buildings, states: "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

Policy 29B, relating to conservation areas, states: "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;"

To this end, all proposals in the Conservation Area or which affect listed buildings should preserve or enhance their settings.

Heritage Assessment

The site is within Moulton Conservation Area, although is not visible from main thoroughfares through the village. Nevertheless, the proposal would impact upon the Conservation Area.

The site would also be highly visible from the Grade I listed Moulton Mill, particularly from views at a higher level within the building or its viewing platforms. Likewise, the site displays a strong relationship with the rear of the Grade II listed 20 Mulberry House and its garden.

The aim of the Conservation Area is not to establish a design orthodoxy, but to retain a settings' features of historic importance. Therefore, proposals should, as outlined above in the context portion of this section, respect these historic features, by preserving or enhancing them and new development proposals should be sensitively and appropriately integrated into these settings.

The proposed design fails to properly respect the historic character of the Conservation Area, whilst also impacting upon the views into and from two listed buildings. The design submitted, whilst not necessarily of a poor quality, fails to integrate with the ethos and preferences of the area, in particular the adjacent Mill. In failing to reflect the design preferences of the area, the proposal does

not fully integrate itself with the setting, appearing as an anachronistic development out of place in this locale. A lack of detailing has been provided in the design, resulting in a relatively ordinary development within an area that necessitates high quality development.

The anachronistic nature of the design is further demonstrated in the choice of materials. These are relatively typical materials of modern developments, and therefore, would conflict with the established material choices within the area. Grey UPVC in particular would not be a vernacular in a Conservation Area setting or in the setting of a Grade I listed building.

Whilst it is clear that efforts have been made to reduce the height of the dwelling as much as possible, its two storey nature would result in it impeding upon views between the Grade I listed church and Grade I listed Mill. The linkage between the two, particularly when viewed outwards from the Mill's upper levels, would be harmed as a result of this development.

The above factors combine to result in a development which appears unsympathetic to this setting. As a result, the proposal fails to conserve or enhance the setting of the Conservation Area or the nearby listed buildings. This point has been reaffirmed by the comments of the Conservation Officer, who has strongly opposed the proposal on the grounds of an insensitive design, which lacks proper detailing.

On this basis, and as also stated by the Conservation Officer, less than substantial harm has been identified, in line with Paragraphs 212 and 220 of the National Planning Policy Framework (December 2024). This identified harm would be to both, the Conservation Area and Moulton Mill. In these circumstances, Paragraph 215 is relevant, which states:

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

The proposal represents new development which would not impact upon the viable use of an asset. Therefore, the proposal should be assessed against the public benefits from this proposal.

The benefits have been outlined within this report. There are clear merits to this proposal, in terms of its contribution to self-build needs and the redevelopment of previously developed land. Nevertheless, the public benefits arising from a single dwelling, which itself would comprise a personal residence, would not outweigh the identified harm to the historic environment.

On this basis, the proposal is contrary to Policy 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (December 2024).

Heritage and Character Conclusion

To summarise the above, the proposal is considered to constitute an unacceptable design which would negatively impact upon the character of the area and the historic environment. The overall scale, inclusive of inappropriate design features and lack of detailing displayed, would all result in a dwelling which would appear incongruous in its setting. This in turn would cause less than substantial harm to the Conservation Area and the setting of the Grade I listed Moulton Mill.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character and appearance of the area, resulting in harm to the significance of the aforementioned assets, and would therefore be contrary to Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (December 2024).

Impacts Upon Residential Amenity

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.

Policies 2 and 3 of the 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.

Adequate distance to neighbouring dwellings has been provided to ensure no overshadowing occurs.

The northern facing window from bedroom three would look directly towards Millgrave House, resulting in a degree of overlooking. From wall to wall, a distance of approximately 15m is provided. However, these views would chiefly be of an area which is visible from the public realm; and therefore, the weight attached to this is reduced. On balance, it is not considered that unacceptable harm would result from this development.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the National Planning Policy Framework (December 2024) and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the South East Lincolnshire Local Plan (2019), 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.

Adequate parking space has been provided for the dwelling. The loss of parking spaces for the workers at Moulton Butchers could be accommodated elsewhere within the village without generating harm.

The access, while narrow, is suitable for a dwelling. As the access is already used by the butchers, and this use would cease, there would not be a significant change in the number of vehicular movements. As such, the proposal would not have a significant adverse impact and the access is considered acceptable.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the South East Lincolnshire Local Plan (2019), as well as Section 9 of the National Planning Policy Framework (December 2024).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

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

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial

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

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

Within the SFRA the site is outside of any identified hazard area.

On this basis, the proposal is considered to pass the sequential test, as it is within an area not identified as at risk of flooding.

The Environment Agency, as part of their flood maps for planning, also produce data on surface water flooding. Whilst these maps lack fine detailing, this site is outside of anywhere identified to be at risk of surface water flooding within these maps, even in a 1 in 1000 year event.

The site is already hard surfaced and impermeable, and so this proposal would not necessarily worsen site drainage. Nevertheless, a condition requiring drainage details, including foul water drainage in light of Anglian Water's wider capacity issues, is considered appropriate in the event an application is approved.

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 proposal is for a self-build dwelling, which is exempt from the need to display biodiversity net gain under Regulation 8 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Archaeology

Part C of Policy 29 concerns "archaeology and scheduled monuments". This Policy outlines five assessment points for an application which may impact upon archaeological remains, the first three of which are particularly relevant here:

- "1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.
2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.
3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."

Paragraph 205 of the National Planning Policy Framework (December 2024) states:
"Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
a) assess the significance of heritage assets and the contribution they make to their environment; and
b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future."

In this instance, the historic environment record comes from the Lincolnshire Historic Environmental Record (LHER). The LPA's interpretation of the information within the LHER is informed via consultation with the Historic Places Team of Lincolnshire County Council (HPT), who maintain the LHER.

The public information relating to the LHER is taken from the Lincolnshire Heritage Explorer (LHE). The LHE is not a comprehensive database, and the information contained within it is constantly evolving. The LHE webpage is explicit that "the information provided through the Lincolnshire Heritage Explorer is only part of that held by the LHER, and will not be sufficient on its own to inform the planning process".

Sites of archaeological interest can broadly be separated into two categories: designated assets and non-designated assets. Designated assets, such as scheduled monuments, are far rarer and only occur in places where the requirements of the Ancient Monuments and Archaeological Areas Act 1979 can be applied. These are sites which have a pre-established significance to archaeological understanding at a wider national level, and must be designated by the Secretary of State as such. Accordingly, such sites are rare and are often designated after the scope of the asset has been established. The site in this instance is not designated.

Footnote 75 of the National Planning Policy Framework (December 2024) states that: "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."

It has been stated by the relevant consultee from the HPT, and within the Heritage Impact Assessment submitted by the applicant, that the site is in an area of high medieval and post-medieval archaeological potential. On this basis, the site can be considered a site of archaeological interest, and a potential non-designated heritage asset.

On this basis, they have recommended that, in the event the proposal is approved, the standard suite of archaeological conditions is imposed. The conditions would require the submission of a written scheme of archaeological investigation, followed by archaeological works to be done in accordance with the approved scheme. There is no evidence before the Planning Department which would indicate that this would be excessive.

Without the imposition of the requested condition, there is the potential for harm to a non-designated heritage asset, via the disturbance of a site of potential archaeological interest. On this basis, it is considered necessary to impose these conditions.

Other Matters

Several consultation responses referred to the previously refused scheme, H13-0982-20. All applications should be considered on their own merits, and therefore, the weight attributed to this point is limited. Nevertheless, it should be noted that H13-0982-20 was refused largely due to the quantum of development, as opposed to wider design issues.

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 is for a self-build dwelling, utilising previously developed land. As such, significant weight is given in favour of the proposal.

However, less than substantial harm has been identified to the significance of the assets; namely the Conservation Area and Grade I listed Moulton Mill, by way of the harm caused to the Conservation Area and the setting of the grade I listed building.

It is considered that the public benefits arising from a single self-build dwelling do not outweigh the identified less than substantial harm identified.

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 these factors into consideration, the proposal is considered to be contrary to Policies 2, 3, and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 16 of the National Planning Policy Framework (December 2024). There are no significant factors in this case that would outweigh the harm of the proposal; therefore, the planning balance is against the proposal.

Recommendation

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