

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0849-25 **Applicant:** Green Stick Company

Proposal: Change of Use to fishing and wildlife holiday lodges, erection of 5 modular holiday lodges with associated landscaping, planting and parking - Approved under H13-0683-20. Modification to Condition 2 to allow amendments to previously approved plans

Location: Land Off High Road Moulton Spalding

Terminal Date: 11th February 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
09	Promoting a Stronger Visitor Economy
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 15 - Conserving and enhancing the natural environment

Representations:

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

BOARD				
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application is made under Section 73 of the Town and Country Planning Act, 1990, seeking to modify condition 2 of H13-0683-20, relating to approved plans. The proposed changes are as follows:

- Change of disused hide in north-east corner to equipment shed
- Alterations to parking arrangements - parking moved closer to entrance rather than in parking court. Previous parking court now to be used as site owner parking or grassed
- CCTV added throughout the site
- Reception lodge to be removed.

Details in relation to conditions imposed on H13-0683-20 have also been provided.

Site Description

The site is outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and can therefore be considered to be within the Countryside. The site is located along the main road (High Road) between Moulton and Weston, sitting 160m and 650m respectively from each settlement. The building is well set back from the road (approximately 100m) and well screened, giving a more remote and rural feel.

The wider site features a fishing and wildlife site, which is well vegetated and landscaped. The existing building is a utilitarian, green steel framed structure, erected approximately eleven years ago. Under H13-0683-20 this building was intended to be used for site maintenance in association with the holiday lodges; however, it has since been found to be surplus to this requirement; albeit, is to be retained and comprises part of the application site to which this change of use applies.

Relevant History

H13-0495-06 - Full - Creation of wildlife area and excavation of pond - Refused 19 June 2006

H13-0935-06 - Full - Creation of wildlife area and excavation of pond - Approved 25 August 2006

H13-0475-11 - Full - Use of site for touring caravans - Refused 12 September 2011

H13-0320-12 - Full - Proposed touring caravan site - Approved 1 August 2010

H13-0683-20 - Full - Change of Use to fishing and wildlife holiday lodges, erection of 5 modular holiday lodges with associated landscaping, planting and parking - Approved 15 October 2020

H13-0848-25 - Full - Conversion of existing steel framed building to self build dwelling - Refused 8 January 2026

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:

Lincolnshire Police

Initial comments, dated 24/09/25

"Lincolnshire Police do not have any objections to this development"

Further comments, dated 07/01/26

"Lincolnshire Police do not have any objections to this amendment"

South Holland Internal Drainage Board

Initial Comments, dated 26/09/25

Outline that Land Drainage Consent would be required.

Further Comments, dated 07/01/26

Reiterate that Land Drainage Consent would be required; however, state that they are pleased with the surface water details provided.

Highway and Lead Local Flood Authority

Initial comments, dated 01/10/25

"No objection - The proposal is for minor amendments to Change of Use to fishing and wildlife holiday lodges, erection of 5 modular holiday lodges with associated landscaping, planting and parking - Approved under H13-0683-20. Modification to Condition 2 to allow amendments to previously approved plans. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk."

Further comments, dated 05/01/26

"Please be advised that Lincolnshire County Council as a Highway and Lead Local Flood Authority have no objection to Amendment 1 - Information relating to Landscaping, Lighting & Drainage regarding this application."

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 letters of representation have been received.

Key Planning Considerations

Evaluation - S73

The proposal seeks to vary Condition 2 of H13-0848-25, through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered. The effect of granting permission would be to issue a new permission with Condition 2 amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'.

The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted". There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved".

In this instance, the subsequent amendments, submitted under this Section 73 application, have not varied the description of development.

In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of S73 in respect of changes to condition which go beyond 'minor' amendments. It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the effect of the change will be significant".

Paragraph 13 of the relevant section of the PPG states "In contrast to section 96A, an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission."

Evaluation - Key Considerations

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP 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.

The principle of development has been established under H13-0683-20, and there is no necessity to revisit this issue here, and this remains unaltered.

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

Section 12 of the NPPF, "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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. 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 SELLP 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 SELLP 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 NPPF 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 well obscured from the road, and therefore, the tangible impact upon the character of the wider area is limited. In any event, the changes are minor, generally involving a decrease in the level of development. As such, the visual impacts of the proposal are low.

The planting scheme proposed is considered appropriate in scale, scope and species provided. The maintenance details provided are appropriate given the planting proposed.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

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

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

The proposal would have no impact upon residential amenity due to the relative isolation of the development. The lighting details would prevent unacceptable levels of light pollution or disturbance of neighbouring dwellings.

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 NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF 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 SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking

standards. The proposed changes to the parking would still ensure adequate parking for the site users is maintained. Two spaces per pod are provided, which would be suitable to meet the needs of visitors.

The proposed introduction of a passing place at the gates is a benefit, enabling greater manoeuvrability and reducing the need to pull into the verge.

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 SELLP, as well as Section 9 of the NPPF.

Drainage

Details of a surface water drainage scheme have been provided. The details provided are considered appropriate, ensuring the proper drainage of the site and preventing harm to neighbouring plots.

Other Matters

The proposed alterations would have no bearing upon the other matters considered at the Full Application stage.

Conditions

A total of 12 conditions were imposed upon H13-0683-20. A brief commentary on these conditions and whether there is need to reimpose them can be found below.

- Condition 1 related to the standard time constraints condition. As the permission has been implemented, there is no requirement to reimpose this condition.
- Condition 2 related to approved plans. A revised condition reflecting the updated plans should be applied.
- Conditions 3 to 8 (inclusive) placed restrictions on the occupation of the lodges, their numbers and their installation with respect to flood risk. All should be reimposed.
- Condition 9 required the approval of a scheme of landscaping to be submitted prior to the installation of any lodge on the site. This condition had not been formally discharged at the point of this submission; however, details have been provided here to meet the requirements of the condition. The submitted landscaping details are considered acceptable and meet the requirements of the condition. A condition to ensure development in accordance with these plans is recommended.
- Condition 10 required details of surface water drainage to be submitted and approved prior to the first occupation of a holiday lodge. This condition had not been formally discharged at the time this application was submitted. An amendment was received which demonstrated a suitable surface water drainage strategy, meeting the requirements of the condition. On this basis, there is no requirement to reimpose this condition. A condition to ensure development in accordance with these plans is recommended.
- Condition 11 required foul water to be disposed of in accordance with submitted plans. The details here have not changed, and so this condition can be reimposed
- Condition 12 required details of external illumination to be submitted prior to the first occupation of the lodges. This condition had not been formally discharged at the time this application was submitted. Details have been provided of this, meeting the requirements of the condition. A condition to ensure development in accordance with these plans is recommended.

Planning Balance

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

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. The proposal would not exacerbate any concerns raised during H13-0683-20.

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 comply with Policies 1, 2, 3, 4, 9, 28, 33 and 36 of the SELLP, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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