

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0994-25 **Applicant:** D Brown (Building Contractors)

Proposal: Proposed change of use of existing agricultural land to builders yard

Location: Land West Of Browns Yard Seas End Road Moulton Seas End

Terminal Date: 16th December 2025

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
33	Delivering a More Sustainable Transport Network

National Guidance**National Planning Policy Framework December 2024**

Section 2. Achieving sustainable development
Section 4. Decision-making
Section 6. Building a strong, competitive economy
Section 9. Promoting sustainable transport
Section 11. Making effective use of land
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change
Section 15. Conserving and enhancing the natural environment

Representations:

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

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Site Description

The application site itself is comprises agricultural land, currently used for arable.

The site sits just to the north-west of a commercial complex, containing an existing builders' yard and vehicle garage which has palisade fencing to its boundary. To the north-west of the commercial complex is a residential dwelling. Across Seas End Road is a further residential property, accessed from where Woodhouse Lane turns into Loose Gate Road.

The site lies in flood zone 3a and the land is Grade 1 Agricultural Land.

Proposal

The application seeks full planning permission for the change of use of existing agricultural land to be used as a builder's yard.

It is noted that the site location plan consists of a red line that shows only the application site area, and does not include the existing business, which is outlined in blue. It could imply a separate planning unit; however, the supporting statement indicates that this is not the intention.

While the change of use sought relates to the whole of the site outlined in red, part of this area is specifically set aside for the builder's yard and part is annotated as 'area for potential future expansion/potential BNG area'.

The area of the proposal is approximately 3,740sqm - extending approximately 62m beyond the existing site to the west, and being the full width of the existing commercial curtilage - at approximately 63m wide.

The existing area dedicated to the existing builders' yard is about 34m x 33.5m (1139sqm). This means that the proposed builders' yard and storage area would be more than 3 times greater than the existing.

The whole of the existing commercial site is about 74.5m by 63m (4700sqm).

The application site is shown to be enclosed by a 2m high palisade fence and native species hedgerow.

The supporting statement details:

'The proposed development will form an extension to an existing established yard, supporting the ongoing growth of a local building contractor's operations.'

The proposal outlines how it intends to provide Biodiversity Net Gain (BNG) area, within the accompanying documentation. The proposal includes the extension of the existing hardstanding area to accommodate the storage of materials such as timber, aggregates, and bricks, as well as vehicle and plant parking for operational use.

Secure perimeter fencing will be installed around the new yard area and will be back planted with a native species hedgerow to screen the yard from the wider vernacular.

No new permanent buildings are proposed; any temporary office or storage units will either fall within permitted development rights or be subject to separate consent if required.

The proposals will facilitate the sustainable growth of a well-established local building contractor by extending their existing operational yard onto adjacent agricultural land.

The proposed development has been carefully designed to minimise environmental impact, incorporating a Biodiversity Net Gain area that will enhance local ecology and contribute positively to the surrounding landscape.

The site's logical location adjacent to the current yard, combined with secure access and appropriate screening measures, ensures that the change of use supports operational efficiency while respecting the character of the area.

Overall, the proposals represent a balanced and responsible approach to enabling business expansion alongside environmental stewardship. The application should therefore be granted planning permission without delay.'

History

- H13-0269-07 - Full - Change of use to builders' yard - Refused 27 April 2007. The application documents show that the site was a derelict farmyard. The refusal was on the basis that it would promote industrial use on a site located in an unsustainable location in the open countryside, remote from existing service centres and with poor public transport links.

- H13-0812-07 - Full - Change of use to builders' yard (re-submission of H13/0269/07) - Approved 9 August 2007 (apparently not implemented).

The report indicates that the reasons for refusing the previous application had been overcome as a result of the proposal being reduced in scale, an implement store being demolished and because the overall appearance of the site could be improved with additional landscaping and no external storage. It was noted that the nearest dwelling was opposite, but it was confirmed that no manufacturing activity would take place on the site and it would be used solely for the storage of building materials, offices and parking of vehicles.

- H13-1630-07 - Full - Retention of building and conversion to builders' store/office - Refused 7 February 2008.

The refusal reasons related to the site being within an area of open countryside where the policy of the LPA is not to allow new industrial commercial development unless there is an exceptional or overriding need such as farm diversification and small scale business uses within existing buildings that are worthy of retention on the grounds that they contribute to the rural character of the area. It was stated that if permitted it would result in the creation of a business enterprise that was no longer of an appropriate scale. The reason for refusal further stated that the buildings were of no historical or architectural merit and could not be readily converted without major alterations.

- H13-0268-08 - Full - Retention of building and conversion to builders' store/office (re-application after refusal of H13/1630/07) - Approved 18 April 2008.

Despite the earlier refusal, approval was given in 2008, with matters brought to the Panel's attention being that: Policy EC3 of the South Holland Local Plan makes provision for new development within existing employment curtilages provided the proposal is acceptable in terms of environmental impact the level or traffic movement and intrusion into the open countryside. It was suggested that previous refusals were as a result of the business not yet being operational and that the conversion would give the building an overtly commercial appearance, but that these matters had now been overcome.

The conditions associated with this application included using the building solely as offices and storage in connection with builders' yard. No assembly manufacture etc.

- H13-0579-10 - Full - Change of use of building to five 'lock-up' units to include alterations (part retrospective) - Approved 11 October 2010. Accompanying this application was a statement that enquiries had been made from an electrician and plumber to use the units as secure 'lock-ups'. In order to make best use of the site the applicants renovated the other building into storage for themselves to enable the application building to be let to small businesses.

- H13-0668-13 - Full - Up-grading of builders' yard - Approved 24 September 2013.
The upgrading of the yard included a new frontage wall, additional security fencing, PV panels, hardstanding and wash area, sand and ballast storage bays, external storage and enhancement of existing lock up units.

Again in this application policy EC3 was used to justify that it was new development within an existing employment curtilage and that the works were relatively minor.

H13-0178-16 - Full - Proposed store building extension and re-clad of existing building - Approved 18 April 2016.

The reason given for this application was so that builders materials could be stored internally. A condition imposed that it be used in connection with builders only.

A subsequent informal query was made asking that the condition be varied and be able to be used for B1, B2 and B8. Officer response was that a case would need to be made.

- H13-0096-18 - S73 - Proposed store building extension and re-clad of existing building - approved under H13-0178-16 - modification to wording of Condition 3 - Approved 21 March 2018.

This application sought to vary the condition that the building approved under the 2016 approval only be used ancillary to the existing builders' yard to allow for it to be used for B1 and B8 purposes. It was argued that since the 'lock-up's were made available from around 2011 they had been fully occupied and other enquiries have been made.

Subsequently an informal enquiry was made as to whether it was possible to change the usage of all the units to accommodate small enterprises.

- H13-1061-18 - Full - Change of use of 5 existing storage units to Class B1 (Business) plus erection of additional business unit (Class B1) - Approved 11 December 2018.

The Officer report states "buildings are within existing employment premises and the proposal is small scale and constitutes a form of rural diversification. It would provide small light industrial units, either in conjunction with the associated builders yard or for other small local businesses. Having regard to advice within the Framework, it is considered that the economic benefits in this case outweigh the constraints and that the proposal is acceptable in principle. The new building would be seen against a backdrop of existing industrial buildings. It is considered that the additional building would not materially harm the existing character of the building or countryside. The nearest residential property un-associated with the site (Westview) is located some 80 metres to the south-east on the opposite side of Seas End Road."

Consultation Responses

Lincolnshire County Council Highways

No Objections.

South Holland Internal Drainage Board

Object. The new fence and hedgerow will impact the ability of the Board to access the watercourse to carry out future operations and will also likely increase the liabilities of the Board.

The applicants have indicated that they would be happy to amend the current plans so that the fence in question is moved inwards within our boundary to keep the clear 9m easement along the new length. Thus removing any requirement for consent or objection. These plans have not been submitted on the basis of likely refusal of the application on principle.

Senior Ecologist

The biodiversity assessment and metric calculations appear rigorous. The metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 13.97% in Habitat units (increase of 0.26 units), 86.96% gain in hedgerow units (increase of 0.744 units) and 13.76% gain in watercourse units (increase of 0.0694 units). A Biodiversity Gain Plan and HMMP will be required for this application pre-commencement due to the complexity of creating a medium

distinctiveness, moderate condition habitat.

Also request a condition requiring that any works should not be carried out in the main nesting season (March 1st - August 1st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue BNG Comments

Lincolnshire County Archaeologist

Proposal is unlikely to have an impact on significant archaeological remains, no further archaeological input is necessary for this application.

SHDC Environmental Protection

No comments.

Lincolnshire Highway and SUDS

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that 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.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Improving South-East Lincolnshire's Land Portfolio;
- Loss of agricultural land;
- Visual and Landscape Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity Net Gain; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering

sustainable development across South East Lincolnshire to 2036.

Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy 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 regard to a countryside location, Policy 1 states that "The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside".

The application site itself, as well as the adjacent commercial complex, all lie outside of the defined settlement boundaries, as set out under Policy 1 and the supporting Inset Maps. As such, the site comprises a countryside location.

Policy 1 indicates that "In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

Whilst the applicant's agent has put forward that the development is necessary to the location, because it is associated with an existing use, this is not accepted or supported by the Local Planning Authority.

The wider site, comprising the 'blue outlined area' comprises an existing business; however, the application site itself comprises undeveloped, agricultural land. The potential need for expansion, in isolation, would not provide sufficient justification for the necessity of using and developing within a countryside location.

It is considered that it is not necessary for the builders' yard to be located within this countryside location, but solely that this would be beneficial or an easier option for the current occupiers of the business.

Furthermore, turning to sustainable development needs of the area, it is considered that the proposal would meet the sustainable development needs of the area in terms of economic, community or environmental benefits.

Economic - While it is accepted that there would be some benefit, as an existing business would be expanded, it is not considered that the gains arising from the site would be greater than if the site was located within an employment site, or an alternative site within more sustainable areas, within the defined settlements. It could even be contended that the potential gains are lower; as there would not be the mutual benefit which would arise from development on an employment site.

Community - In this instance, social benefits are taken to be benefits beyond simply employment and economic growth. With this in mind, it is not considered that the proposal would result in a community benefit as no communal land or social opportunities are proposed.

Environmental - the development proposed would have notable environmental impacts associated with emissions during construction and the loss of agricultural land. The Biodiversity Net Gain proposed is not so great as to represent a significant environmental benefit which would count in favour of the proposal. The Biodiversity Net Gain proposed is not an extended benefit, but largely a necessity and legislative requirement in line with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) and as such, is not viewed as a 'benefit' attributed through the proposal as required by this criteria of Policy 1.

In any event, the provisions of Policy 1 are such that the gains should be for the benefit of the area, not just the individual plot. It is not considered that the proposal would contribute to the environmental needs of the wider area.

It is also noted that the benefits offered in these regards would be no more than if it were located in a service centre, or more sustainable location.

The proposal fails to accord with Policy 1, in that it falls outside of any sustainable settlement and seeks to development within the open countryside.

Improving South-East Lincolnshire's Land Portfolio

Section 6 of the NPPF "Building a strong, competitive economy" outlines that "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

Paragraphs 88 and 89 of the NPPF explicitly target the rural economy. Paragraph 88 states "planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; b) the development and diversification of agricultural and other land-based rural businesses".

That being said, Paragraph 88 does stipulate this growth should be "sustainable"; and therefore, it is considered that proposals should demonstrate consideration of the principles of sustainability, found within Paragraph 8 of the NPPF. As discussed above, the site is outside of any defined settlement and lies within a countryside location and as such, this, coupled with its overarching divergence from the spatial strategy of the SELLP, is such that the weight under Paragraph 88 of the NPPF is somewhat tempered in this instance.

Where a proposal would involve the creation of a new employment use, or an expansion of an existing business, Policy 1 is supported by Policy 7. Policy 7 outlines that decision makers "will, in principle, support proposals which assist in the delivery of economic prosperity". To this end, Policy 7 outlines a number of employment areas to fulfil the economic growth needs of the District, with development directed towards these allocated employment sites. The proposal site is outside of any defined employment site.

Paragraph 89 of the NPPF is also pertinent to this case, and as such, this details that: "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".

The site lies outside of any settlement, would not constitute previously developed land, and would not be accessible via sustainable methods of transport. The proposal is also not considered to be sensitive to its surroundings by virtue of its encroachment and sprawl into the countryside and detrimental impact upon the character of the area.

Policy 7 of the SELLP sets out that authorities will support proposals which assist in the delivery of economic prosperity and in doing so identifies main, local and restricted employment sites. The application site does not fall within any of the allocated sites, identified for their strategic and sustainable credentials.

Policy 7 does allow for new employment development or the extension of an existing business outside the above allocated employment sites if the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings, which is not the case here, given that the proposal seeks to develop existing agricultural land within the countryside.

Policy 7 also states that 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 subject to a number of criteria; which must all be met.

Turning to the initial requirements of this aspect of Policy 7, it has not been demonstrated that there are no suitable buildings capable of conversion or re-use; that there is no availability of previously-developed land; or indeed that there are no sites on land allocated for industrial or commercial uses.

The application has been accompanied by a number of documents, including a supporting statement. This supporting statement fails to offer any detail in respect of the relevant policies contained within the Development Plan (South East Lincolnshire Local Plan) and most notably does not provide any supporting information or justification with regard to Policy 7, nor its specific requirements.

The applicants' agents' approach is that there are no suitable buildings on site and that existing businesses should not be expected to need to relocate to grow, and that there is no other suitable land adjacent. However, this approach is not accepted.

It is not unusual for businesses to have to reconsider their operational site needs if and when they outgrow their current sites and consideration should be given to more suitable alternative sites if the business or businesses have outgrown this site. This in isolation, is not justification as to expand into countryside and agricultural land.

The site history indicates that the existing builders' firm has had a series of successive applications each indicating either the need for more space or to provide a building to internalise storage, and then for the additional buildings to be let to other firms, thereby creating a small industrial estate.

This has been accepted on the basis of rural diversification and as the uses were contained within a defined curtilage. It would be inappropriate to allow for unwarranted and uncontrolled expansion of the uses into the open countryside, when there are more appropriate locations designated for such uses and which would also allow for their expansion.

Furthermore, the site visit indicated that there was sufficient space in the existing yard and building for current needs, or at the very least for further expansion. Although it is understood that the amount of material kept within a builders' yard depends on the amount on active building sites, most building companies have the bulkier materials they need delivered direct to the site that they are working on, leaving a limited amount needing to be kept at their headquarters. If additional storage space is needed, then the firm could acquire land for storage within an industrial area.

As referred to above, this comprises just one aspect of the criteria set out under Policy 7 for the expansion of existing businesses outside of the defined employment site. Even if it were accepted that no other suitable sites were available, the proposal on this non-allocated site would only be acceptable subject to the provisos set out in the policy.

These are:

a. the development does not conflict with neighbouring land uses;

The proposal does conflict with neighbouring land uses, there being residential to one side and opposite.

b. there is no significant adverse impact upon the character and appearance of the area;

There would be an adverse impact on the character and appearance of the area as the site would protrude into the open countryside beyond any existing built line or form of development. Not only would the extension of the site appear unduly incongruous, the proposed external storage would also be harmful.

c. the design is responsive to the local context;

The development would represent open storage in the countryside, with an industrial fence and is therefore not responsive to the local context. Whilst it is noted that the adjoining site, that of the existing business would be present, this would not in itself justify further expansion or sprawl into the countryside or rural setting.

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

The applicant's agents have said that the proposals will not increase vehicle movements, but at the same time are seeking permission given that the builder's business and the neighbouring camper business are both growing and looking to expand. Given the nature of the businesses it is highly likely that vehicle movements will increase, to coincide with the 'growth' stated. No further information has been provided in this respect.

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

It is not expected that the proposal would adversely impact the deliverability of any allocated site.

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

All visitors are likely to access the site by private vehicles. That being said, it is not considered that the proposal would have a significant adverse impact upon the local highway network.

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

Other than stating that they have a need and wish to expand, no other information has been provided. The site visit indicated a large clear space and an almost empty warehouse. The neighbouring VW use was using some of the space in the builders' yard. As little as 7 years ago, applications were made to change the use from a builders' yard to other small start-up units, indicating that the space for the builders' yard was not needed. Whilst it is accepted that times may change, there cannot be continual incremental expansion of such a use outside a settlement and contrary to the sustainability provisions set out above.

The proposal, for these reasons, is considered to be contrary to Policies 1 and 7 of the SELLP, when viewed as a whole, and therefore the principle of development is considered to be unacceptable.

Loss of Agricultural land

Strategic Priority 9 of the SELLP seeks 'to promote the more efficient use of land, prioritise the re-use of previously developed land and to minimise the loss of South-East Lincolnshire's high quality agricultural land by developing in sustainable locations, at appropriate densities.

The land is recognised as being Grade 1 of the Best and Most Versatile agricultural land. It is appreciated that the site is relatively small scale, but the proposal still represents an unwarranted reduction of this when more sustainable locations are available.

Visual and Landscape Impact

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details 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 (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Despite the commercial development that exists, the site itself has a clear countryside character and comprises agricultural land.

The expansion of a site into the countryside for the purposes of open storage of builders' materials would have a negative impact on the landscape and visual amenities of the area. It is indicated that landscaping would be provided, but also indicated is industrial style palisade fencing, as there is at the moment; however the further extension of this would negatively impact on the area.

Taking account of the 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 and would therefore be contrary to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impact on 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

To the north east of the existing industrial complex and directly to the east of the application site, lies a large residential property converted from barns.

Although the area proposed to be for the builders' yard stops short of being directly abutting the site, it does sit corner to corner from it. The land for the BNG/Area for potential future expansion does sit directly west of this property. However, it should be noted that within correspondence with the applicants agent, it was detailed that " the proposed change of use is for the whole site outlined in red".

The use for the storage of builders' materials, involving the loading and unloading of aggregate and bricks and so on, would undoubtedly result in increased noise and disturbance. Furthermore, the potential increased traffic coming to and from the site could have an impact on this property and that opposite the site entrance.

Notwithstanding this, given the use that exists on the adjoining site, and the potential extent of movement that could be associated with this, it is not considered that such impacts would be significant, or to an extent that would warrant refusal in this instance.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Notwithstanding the concerns that increased vehicular movements would have on amenity, no concerns have been raised in respect of impact on the highway network. As such the proposal would be unlikely to have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

Provision has been made for Biodiversity Net Gain, and it is noted that the Ecologist is happy with the conclusions. A condition would be required clarifying that the area can only be used for biodiversity gain and not as a potential extension to the use. Also a Biodiversity Gain Plan and HMMP will be required pre-commencement as per the ecologists recommendations.

Biodiversity & Ecology

Beyond this, Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:

- "a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

The senior ecologist notes that there could be impact on birds and requests a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 1st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

This site lies within Flood Zone 3a. The FRA establishes that tidal and surface water flooding are the dominant source of risk in the area. The SFRA Flood Maps show that the site is within the 'Danger to Some' hazard zone during 1% Fluvial / 0.5% Tidal Event in the year 2115. It has also been identified that the site is at Low Risk of surface water flooding.

The proposed development is not expected to increase the sites impermeable area. The materials to be used for the yard would need to be explicitly conditioned, given the nature of the use, if approval was to be granted. Otherwise use can be operated safely under flood risk conditions through a combination of preventative measures, secure storage, and emergency planning, minimising risk to people, assets, and the environment.

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.

Whilst weight is attributed to the potential growth afforded by the proposal, and the provision to extend an existing business, the proposal represents inappropriate, unsustainable development in the countryside, likely to give rise to increased vehicle movements and be detrimental to visual amenity.

To this end, while weight is given in favour of the development, this does not outweigh the harm caused and direct conflict identified with the spatial strategy.

The balance is therefore not in favour of the proposed development and it is considered that the proposal is at conflict with Policy 1, 2, 3, and 7 of the South-East Lincolnshire Local Plan, in addition to Section 12 of the National Planning Policy Framework (December 2024).

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 contrary to Policies 1, 2, 3, and 7 of the South-East Lincolnshire Local Plan, along with the identified sections contained within the National Planning Policy Framework (December 2024).

Recommendation

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