DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0132-26**	**Applicant:**	**Mr Smith**
Proposal:	Erection of 3 bed self-build dwelling, domestic workshop and garage		
Location:	Adj 4 Clay Drove Pode Hole Spalding		
Terminal Date:	8th May 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
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 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	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Full planning application for the erection of a three-bedroom, self-build dwelling, domestic workshop and garage on the land adjacent to 4 Clay Drove.

The dwelling would measure 13.9m (width) by 15.2m (depth). An unusual, stepped arrangement is proposed, where the front would have a catslide roof, set at eaves 3.85m, which rises to a ridge height of 8.6m. The rear would take the form of a more conventional two storey dwelling, with an eaves height of 5.15m and 7m (with this figure being taken from ground level, which is to be raised by 1m at this point).

The garage would be located to the east of the dwelling. It would measure 11m (width) by 7.65m (depth). It would feature a dual pitched roof with an eaves height of 2.55, rising to 6.2m at the apex.

The workshop, located to the west of the dwelling, would have width of 6.05m (rising to 7.05m when the overhang is considered) and a depth of 14.8m. A dual pitched roof of eaves height 2.85m and ridge height 5.6m is proposed.

Site Description

The site is outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and as such, can be considered to be within the countryside.

The site is approximately 1km west of Pinchbeck's settlement limits and 2.2km south of Pinchbeck West. Despite this, the site is located within a strip of linear residential development along the north side of Clay Drove. Dwellings here are chiefly bungalows, contained within large plots.

The site is grassed, with a storage building at the far end of the plot. A bungalow is located to the west and an agricultural access to the east. To the south are fishing lakes.

Relevant History

H14-0308-25- Prior Approval - Proposed Barn Conversion - Refused 22-05-25

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:

Initial Comments, received between 25/02/26 and 23/03/26

Pinchbeck Parish Council

Support - in keeping with the character and appearance of the surrounding area.

Welland and Deepings Internal Drainage Board

Surface and foul water provisions should be confirmed to the Board.

Environment Agency

Environment Agency position:

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition:

The development shall be carried out in accordance with the submitted flood risk assessment by Ellingham Consulting Ltd, dated February 2026 (ref: ECL1435-2) and the following mitigation measures it details:
-The finished floor level of the dwelling shall be set no lower than 1.0m above existing ground level, equivalent to2.9 metres above Ordnance Datum AOD
-Flood resilient construction shall be incorporated to 0.6m above the finished floor level
-The dwelling shall have a minimum of 2 storeys
-Demountable defences shall be incorporated to a height of 0.6m above the finished floor level

These mitigation measures shall be fully implemented prior to occupation and subsequently shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:
To reduce the risk of flooding to the proposed development and future occupant, in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

SELCP Ecologist

Ecological Considerations:

-Having reviewed this application, I believe that this application will require a Preliminary Ecological Assessment to be provided pre-determination. The results from this PEA may reveal the need for more detailed species surveys.

-Local Planning Authorities have a statutory duty to consider the conservation, protection, and enhancement of biodiversity when determining planning applications. In addition, the presence of certain habitats, species, and designated sites protected by UK and European law on or near to a development site is a material consideration within the planning process. For these reasons, it is important that a Preliminary Ecological Appraisal is provided to help identify and evaluate any features of ecological interest on/adjacent to a proposed development site, and identify any potential mitigation measures required in line with the exiting wildlife legislation and planning policies.

This assessment is often requested prior to planning applications being determined as it helps ensure that any mitigation methods to protect specific species are feasible implemented before the proposed development can be signed off.

-We request that a total of 1 integrated universal nest brick (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) is incorporated into the external fabric of one of the proposed buildings. This should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, and grouped colonially where possible, in accordance with best-practice guidance such as British Standard BS 42021:2022.

-We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) is added to the proposed development.

-The bricks must be installed during the construction phase and retained thereafter for the lifetime of the development. In both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site. These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14.

The request for a PEA was subsequently withdrawn following clarification by the applicant.

Highway and Lead Local Flood Authority

The proposed access gates are to be set well back from the public highway - 5m minimum. This needs to be demonstrated on the proposed site plan. The accesses will need to be constructed to Lincolnshire County Council's Specification, and a note should be added to the proposed site plan.

Historic Environment Officer

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Environmental Protection

I request a screening assessment form be completed at this location and submitted with photographs of the site and inside the sheds.

Further comments, received following the receipt of amended plans, received between 17/04/26 and 27/04/26

Environment Agency

We have no further comments to make on the amended plans and refer you to our letter dated 05 March 2026 for our position on this application.

Highway and Lead Local Flood Authority

Erection of 3 bed self-build dwelling, domestic workshop and garage. The garage and workshop are detached from the dwelling and the workshop is for personal/hobby use. The gates have been detailed to be set 5m back from the public highway to ensure calling vehicles can wait clear of the highway. An existing access will be utilised along with a new access -visibility is acceptable. The accesses will be constructed to Lincolnshire County Council Specification, and a note has been added to the site plan. Sufficient parking and turning has been demonstrated within the site. The proposal will not have an adverse effect 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

Conservation Officer

We have no objection to this proposal on built heritage grounds.

Historic Environment Officer

We reiterate our previous comments dated 18-03-26

Environmental Protection

I have reviewed the submitted screening assessment form dated 01/04/2026 with photographs of the site. I have no further comment to make regarding land contamination

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

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 Context

Spatial Strategy

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.

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 located outside of any of the settlement boundaries outlined within the SELLP, lying at least 1km from any settlement. 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".

As such, the site should be considered to be within the Countryside from a planning policy context. It is important to note that this Countryside designation is based off of settlement boundaries, as outlined in the SELLP, rather than the built form of the area. In light of this, dwellings which are not considered "isolated", as outlined in Paragraph 84 of the SELLP, can still be considered to be within the Countryside.

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

Within the explanatory text of Policy 1, further discussion of what can be considered to necessitate a Countryside location can be found. This includes Gypsy, Traveller and Travelling Showpeople accommodation (see Policy 20) or development to meet the specific housing needs of a settlement (see Policy 19). Neither exception is considered relevant here.

Likewise, the reuse of buildings in the Countryside for residential use (see Policy 23) or the creation of a replacement dwelling in the Countryside (see Policy 22) can be considered to necessitate a Countryside location. Once again, neither exception is considered to be applicable here.

No justification as to why the proposal necessitates this location has been put forward. As such, from a spatial context, the proposal falls to be assessed under Policy 1 of the SELLP, without the weight in favour carried by a necessary Countryside location.

Need for Housing

The NPPF 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 NPPF 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 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 NPPF, the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

Self and Custom Build Housing

The Self-build and Custom Housebuilding Act 2015 places a duty on all Local Planning Authorities to grant enough suitable permissions on serviced plots to meet the need set out in the self-build register, for each year, within a 3 year reporting period. Self and custom build housing is defined as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can either be market or affordable housing.

The aforementioned Act requires that all authorities must have granted sufficient planning consents for enough serviced plots, which are suitable for self and custom build to meet the demand for the period. In this regard, demand is measured by the number of people joining the Council's Self and Custom Build Housing Register.

The latest figures published in December 2025 shows that between the 31 October 2022 and the 30 October 2025, South Holland District Council received 34 applicants for entry onto its register. In response to this demand, the Council has granted permission for 50 confirmed Self and Custom Build dwellings during this period. The Council has therefore, met and exceeded the requirements of the legislation by having granted sufficient Self and Custom Build permissions to meet the registered demand. Therefore, the Council has currently fulfilled its requirements, in meeting the registered demand for the preceding three years.

However, demand has substantially increased in recent years, primarily due to the exemption for Self and Custom Build Developments from Biodiversity Net Gain requirements. There is, therefore, a requirement to demonstrate an equivalent increase in the number of Self and Custom Build permissions granted. The Council has three years in order to grant enough permissions to meet this demand in order to comply with this duty, which it is presently achieving.

Whilst the requirement for providing Self and Custom Build housing is acknowledged, such developments must be in accordance with the policies set out within the SELLP as a whole. The requirement to provide Self and Custom Build development does not attract such overriding weight, that should outweigh the fundamental spatial planning policies within the SELLP which directs suitable locations for residential development through its spatial strategies.

Whilst the SELLP 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 SELLP 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".

In this regard, it is clear that proposals for self-build dwellings should be consistent with the Development Plan as a whole and appropriately located within settlement boundaries. This approach has been confirmed within Appeals APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted. No such justification or search for sites has been presented to the Council at this time.

The Council is supportive of Self and Custom Build housing, and will continue to meet the required number of granted planning approvals to comply with the Self and Custom Housebuilding Act 2015. Furthermore, the Council does consider that weight should be afforded to Self or Custom Build proposals in line with National requirements. The Council will not however, support Self and Custom Build housing where it fundamentally conflicts with the Locational Strategy or other policies within the SELLP.

Assessment

As outlined above, the site is considered to be within the Countryside from a planning policy context. Within the Countryside "development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits" (Policy 1).

It has been demonstrated previously that the site does not necessitate a Countryside location, failing to meet any of the exceptions to Policy 1 outlined the SELLP. Appeal decision APP/A2525/W/25/3362446 is clear that infill developments in the Countryside, such as this application, would not be subject to alternative spatial policy assessments and that infill cannot be seen as a "necessary development" as outlined in Policy 1. The provisions of H23-0970-22, as referenced in the submitted Design and Access Statement, are noted. However, the context of H23-0970-22 are materially different to those here; and therefore, this point carries limited weight. Likewise, as established, the development of a self-build dwelling is not justification for a Countryside location or a break with the principles underpinning the spatial strategy of the Local Plan.

To this end, the proposal would fall to be assessed against the three sustainable development needs. Assessing the proposal against these points, the following is considered:

Economic - The development of a single residential dwelling would have some minor economic benefits arising from the construction process. However, these benefits are short term and therefore carry limited weight.

Community - the proposal would provide an additional dwelling and contribute towards the self-build housing needs of the District. This point is discussed in greater detail below; however, South Holland can meet their obligation under the Self-build and Custom Housebuilding Act 2015 and therefore this point only attracts limited weight. In any event, these benefits would not be location specific, and would arise from any self-build housing development.

Environmental - The construction of a dwelling would have obvious environmental impacts during the construction process. Moreover, the distance to services means that future occupants would be reliant upon private transport, thereby exacerbating the environmental harm. No biodiversity measures or planting to offset the impacts on the existing habitat are proposed.

The proposal would therefore be contrary to Policy 1 of the SELLP.

Expanding on the discussion relating to self-build dwellings, whilst South Holland District Council will need to grant sufficient suitable developments in order to meet the uplift in Self and Custom Build demand, it has three years in which to do so. As such there is no compelling need at this time to grant Self or Custom build developments which would otherwise conflict with the SELLP. The requirement to meet demand for Self and Custom Build housing does not overcome the current

planning applications fundamental policy conflict with the SELLP, and therefore the proposal is not considered to be acceptable in principle.

As the Council has currently exceeded its requirements in relation to Self and Custom Build, the weight afforded to this in the determination of this current planning application alone is insufficient to warrant a departure from the SELLP in this instance. Whilst weight is rightly afforded to the Self and Custom Build nature of the proposal, in light of the above, it is considered that only limited weight should be attached to this matter in the determination of this planning application owing to the proposals lack of compliance with the SELLP.

Furthermore, it is considered that the limited benefits of one single Self and Custom Build dwelling in this specific location (particularly given the Council is able to demonstrate it is meeting the requirements of the Self and Custom Housebuilding Act 2015) is not considered to overcome the fundamental policy conflict, and does not attract sufficient weight to outweigh the proposals clear lack of compliance with the Development Plan in the planning balance, or justify a departure from the Spatial Strategies of the SELLP.

For the above reasons, the proposal would be considered to be contrary to the spatial strategy of the SELLP. Whilst weight is given in favour of the application as a self-build dwelling, this does not outweigh the fundamental policy conflict.

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.

South Holland do not have a local design guide, meaning that supplementary guidance on design matters is principally driven by national documents, including the National Design Guide (NDG). The NDG outlines broad principles for well designed places. The NDG is supported by the National Model Design Code (NMDC), which has a greater emphasis on matters such as density and built form, and approaches assessments in a more empirical manner.

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 proposal would infill an existing space in the linear built form of Clay Drove. On that basis, an additional dwelling in this location would not result in significant intrusion into the countryside and would not appear fundamentally incongruous in the area, from a character perspective.

The overall footprint of the dwelling would be marginally greater than most of the dwellings in the

immediate area, resulting in the proposal appearing somewhat out of keeping with the area. That being said, much of this scale comes from the rear of property, and the visible width of the dwelling would be comparable to its neighbours. On this basis, when viewed from the road, the scale of the dwelling, taken in isolation of the height of the building and the outbuildings, would not appear so unusual as to appear incongruous.

At approximately 8.6m, the height of the proposed dwelling would be significant, and contrast with the adjacent bungalows. That being said, 1 and 2 Clay Drove are two-storey properties, showing an acceptance of this built form in the area. Moreover, the significant distance to the roadside, coupled with the unorthodox catslide, would reduce the perceived height of the dwelling.

The proposed outbuildings flank the dwelling and would both be visible from the road. Despite the distance between buildings, having all three buildings visible from the road would result in them being read as a whole. This in turn increases the perceived mass and volume of development, breaking from the spaciousness which characterises the area. Whilst the plot is large, there would be a degree of visual overdevelopment due to this.

The design of the dwelling is unorthodox. The frontage is largely typical of the nearby bungalows; however, the catslide roof does offset this typicality somewhat. This furthers a sense of uncanniness in the proposed design. Likewise, the large windows and heavy use of glass to the rear would be out of keeping with the area. That being said, this feature faces an agricultural field and would not be visible from the public realm, thereby preventing an overly detrimental impact.

No details of materials have been provided, bar that bricks would be used. This could be conditioned in the event the application is approved.

Paragraph 53 of the NDG states:
"Well-designed new development is influenced by: an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents; the characteristics of the existing built form".

This paragraph goes on to state that this includes considering, amongst other matters,:
"the height, scale, massing and relationships between building (Ã??¢?¦) roofscapes; the scale and proportions of buildings"

Paragraph 56 expands upon this, stating:
"Well-designed places contribute to local distinctiveness. This may include adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area; drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings".

There is no specific element that leads to the proposal being considered incongruous. Instead, it is an amalgamation of features, such as the height of the dwelling, the catslide roof, the massing of the built form etc, which contribute to a design which would appear atypical and fail to reflect the existing built form of the area. On this basis, it is considered that the proposal fails to respect the existing character and appearance of the area, and would fail to reflect the principles of the NDG.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would have an adverse impact on the character of the area and would therefore be contrary to 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. Policy 30 relates to pollution, include contaminated land and noise pollution.

It is proposed that the rear of the dwelling would be raised by 1m. This would result in the kitchen/ dining room and the games room being higher than the neighbouring dwellings. As outlined

previously, it is not abundantly clear if boundary treatments would be raised accordingly, so it cannot be said that these ground floor windows would have their views obscured.

To the east a distance of 20m to the boundary of the property has been proposed. This would be sufficient to prevent an overly harmful overlooking or overshadowing effect. To the west, a distance of 10m distance to the boundary and a 19m elevation to elevation distance is proposed. This west elevation would feature a ground floor window (games room) and first floor window (bedroom 3). The east elevation of 4 Clay Drove features a large window, seemingly serving a habitable room. It is considered that there would be some level of overlooking emerging from this. However, the NMDC describes a "privacy distance" of 10-20m as acceptable in most settings. On this basis, whilst there would be an overlooking effect, it would not be so extreme as to significantly reduce residential amenity.

The proposed workshop would overshadow the garden of 4 Clay Drove. However, this would appear to chiefly fall on an access track, thereby preventing an overly harmful effect.

The Environmental Protection Officer requested the submission of a screening assessment. This has been duly provided, and following this, the Environmental Protection Officer had no comments to make regarding land contamination. On that basis, no further conditions would be required.

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 that could be recommended in the case of a favourable decision. 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, Parking and Acessibility

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".

Paragraph 117 of the NPPF states that applications for development should "give priority first to pedestrian and cycle movements, both within the scheme, and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use". Likewise, Paragraph 109 of the NPPF states that proposals should consider transport issues at the earliest stage, including "identifying and pursuing opportunities to promote walking, cycling and public transport use". Paragraph 110 does caveat these other paragraphs somewhat, stating that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

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.

The provisions of the SELLP and NPPF are supported by the "Movement" chapter of the NDG. Paragraph 75 states "patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport". Paragraph 79 expands upon this, stating that in "a well-designed place, all modes of transport are positively designed into the built form". The points raised in these two paragraphs are echoed throughout the NDG; however, most relevant here is the provisions of Paragraph 83 which states: "in well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities, open spaces or the natural environment". To this end, development proposals should be accessible via sustainable methods of transport, and new development should not be reliant on private vehicles to be accessed.

Throughout the NDG, the idea of accessibility on foot is discussed at length, although no definition of what would be walking distance is provided. Therefore, the provisions of the Manual for Streets are used here to define suitable walking distance. Paragraph 4.4.1 defines walking distance as within 10 minutes or up to 800m.

Policy 36 of the SELLP, 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 provisions have been provided.

Whilst the comments of the Design and Access Statement are noted, the distance to the nearest settlement would exceed the limitations of the Manual for Streets and therefore cannot be considered to be reasonably walkable. Bus services to the area are limited, and are not so frequent or late running as to be considered a viable primary mode of transport.

As a result of this inaccessibility via foot and public transport, there would be a clear reliance on private vehicles to access the site. This directly conflicts with the provisions of the SELLP, NPPF, NDG, Manual for Streets and Local Transport Plan outlined above. The provisions of Paragraph 110 are noted here; however, there are still provisions within rural areas to maximise sustainable transport solutions, such as locating dwellings within settlements where connectivity is higher.

Turning to the provisions of Paragraph 116 of the NPPF, it is considered that the proposal would not have an unacceptable impact on highway safety and the impact on the road network would not be severe.

However, irrespective of the provisions of Paragraph 116, the lack of accessibility by any methods of transport other than private car ownership would be indicative of an unsustainable development within an inappropriate location. As a result, the site would fall short of the sustainability requirements of the SELLP, NPPF and NDG; and therefore, there would be significant weight against the proposal. To this end, whilst there would not necessarily be a safety concern, there would be a conflict with Policies 2, 3, and 33 of the SELLP and Sections 9 and 12 of the NPPF.

Flooding Considerations

Section 14 of the NPPF 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".

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 of the NPPF states "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". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states 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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall".

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 SELLP 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 classed as danger for most, with a hazard depth of up to 2m. In respect of the flood risk maps pertinent to the FRA, this comprises the least preferable flood risk when considering both the hazard and depth mapping; comprising the highest flood risk.

As outlined previously, the NPPF is clear that a sequential test should be provided to demonstrate that the site is in the optimum location from a flood risk safety perspective. Paragraph 8.3.6 states that the "search area for the test should be the whole of the Council area unless the functional requirements of the development justify a reduced search area". As the proposal is for a residential unit within the Countryside, which has been previously identified as to not necessitate this specific location, it is considered appropriate to impose a District wide search area.

The PPG also details under paragraph 27a that: "For individual planning applications subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address". In this regard, whilst the catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for, the PPG is clear in that "For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements".

In this instance, the application site comprises a countryside location and as such, the proposal does not lie within a settlement.

Furthermore, the SFRA is clear in regard to search areas, outlining that "In order to carry out a Sequential Test it is necessary to define the geographical area in which a search for alternative sites at a lower risk of flooding will be undertaken. The search area for the test should be the whole of the Council area unless the functional requirements of the development justify a reduced search area. For example, if there is a need for a doctor's surgery to serve a particular catchment area then it may be appropriate to reduce the search area to that catchment".

This goes on to detail that " Housing developments will generally need to consider reasonably available alternative sites across the whole of the Council area unless they are intended to meet a specifically identified need e.g. the need for affordable housing in a particular settlement.

A comprehensive search for sites has not been provided as part of this application. The submitted Sequential Test, produced by the Applicant, solely relates to the Environment Agency classification as Flood Zone 3 and does not reference the SFRA in any capacity. The requirements of Paragraph 174 of the NPPF have therefore not been met.

It has not been demonstrated that there are no reasonably available alternative sites within the

Countryside, or District as a whole, at a lower risk of flooding. A cursory look at the SFRA maps show that there are vast areas at a lower risk of flooding. No information has been presented as to why this proposal necessitates this location or why these alternative sites would not be suitable.

On that basis, the proposal is considered to fail the sequential test.

In any event, while it is not necessary to apply the exceptions test as the sequential test has been failed, for the sake of completeness, the proposal would not pass the exceptions test as outlined in Paragraph 178 of the NPPF. This states: "To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall". Both arms of Paragraph 178 would have to be satisfied for a proposal to be considered to have passed the exceptions test.

Beginning with Part b, the recommended flood adaptation methods are consistent with the provisions of the Environment Agency's standing advice. On this basis, whilst the proposed dwelling would be vulnerable to flooding, it would be considered safe for its lifetime on the basis of the Environment Agency's guidance.

However, the proposal would not provide sufficient benefits to meet part a. As outlined previously, the benefits from a single dwelling are negligible, in light of the Council's housing land supply position, and are lessened further by the conflict with the SELLP's spatial strategy and design policies. None of the example benefits outlined paragraph 36 of the PPG (Reference ID: 7-036-20220825) have been met. As such, the proposal would fail to provide adequate benefits and would fail the exceptions test, in the event the sequential test was passed which is not the case here.

Overall, the proposal is considered unacceptable from a flood risk perspective. The proposal fails the sequential test, and would be contrary to Policy 4 of the SELLP and Section 14 of the NPPF.

Biodiversity Net Gain

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

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

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

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

As a self-build dwelling, the proposal would be exempt from the standard net gain condition; albeit, the LPA would expect a legal agreement, typically under a unilateral undertaking, to secure this exemption.

Concerns regarding the potential submission of a Preliminary Ecological Appraisal have been withdrawn by the SELCP ecologist. The request for nest bricks and bat boxes remain however.

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 located outside of any defined settlement boundaries. As the proposal would not necessitate a Countryside location, or provide adequate benefits to the local area, the proposal would be contrary to Policy 1. The self-build nature of the proposal has been taken into account; however, this is not considered to outweigh the contrary the conflict with the spatial strategy. The proposed location would also create an over reliance on private vehicles.

The incorporation of a series of unusual elements would result in an incongruous and harmful form of development, despite the infill nature of the dwelling. As such, the proposal ought to be refused in light of Paragraph 139 of the NPPF.

The proposal has failed to provide an adequate sequential test. On that basis, it cannot be said that the site is sequentially preferable, particularly given the availability of alternative sites at a lower hazard within the SFRA. In any event, the proposal would also fail the exceptions test, should this be required to be applied which is not the case here.

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 contrary to Policies 1, 2, 3, 4, and 33 of the SELLP, as well as Sections 9, 12 and 14 of the NPPF. 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.