DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0553-23**	**Applicant:**	**Lincolnshire Wildlife Trust**
Proposal:	Proposed static caravan to be used as temporary accommodation for trainees, students & volunteers who help Lincolnshire Wildlife Trust		
Location:	Willow Tree Fen Slipe Drove West Pinchbeck		
Terminal Date:	20th December 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change
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	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL	0	0	0	1

DRAINAGE BOARD				

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at Willow Tree Fen, Slipe Drove, West Pinchbeck for a proposed static caravan to be used as temporary accommodation for trainees, students & volunteers who help Lincolnshire Wildlife Trust. The caravan is for the benefit of Lincolnshire Wildlife Trust only and will not be used for permanent occupation.

The caravan is to be sited approximately 10 metres to the north-west of the existing grain store building. The caravan measures 11.58 metres long, 3.65 metres wide and 3.4 metres in height. It is to be constructed from cream coloured horizontal ribbed metal with grey metal tiles for the roof. The finished floor levels of the caravan are 1.2 metres above ground level. Added to the dimensions of the caravan, the raised height of the caravan will be 4.6 metres from the roof to ground level. The proposed caravan is to be secured with chains and anchored to concrete or another suitable material to ensure that it will not move in a flood situation. The caravan will be connected to the existing electric, water and a cesspool tank that is currently emptied every few months. No additional landscaping will be provided.

A site visit was conducted on Wednesday 5th July 2023. An amendment was made to the application to add a Flood & Emergency Evacuation Plan.

SITE DESCRIPTION

The proposal site is located outside of defined settlement limits at Willow Tree Fen Nature Reserve. The site is designated as a local wildlife site on the Policies Map of the South East Lincolnshire Local Plan. The surrounding area is predominately rural and characterised by a number of rural buildings on site, with two dwellings beyond River Glen to the north and east, with one of the two located in the district of South Kesteven in the settlement of Guthram Gowt. The proposal location is in Environment Agency Flood Zone 2, with the remainder of the site in Flood Zone 3. The caravan is located in a "Danger for Most" hazard zone, with a maximum predicted flood depth of 1 metre on part of the site.

RELEVANT HISTORY

H03-1170-96

Outline - Demolition of existing bungalow affected by subsidence and rebuild new dwelling - Approved - 04 June 1997.

H03-0840-09

Full - Change of use and alterations of nissen hut to agricultural machinery store and temporary offices - Approved - 17 December 2009.

H03-0768-10

Full - Conversion of tractor shed with two-storey extension to create visitor centre - Withdrawn - 11 October 2010.

H03-0954-10

Full - Change of use and extension of tractor shed to visitor centre and grain store to be used to house portacabin for use as classroom - Approved - 31 March 2011.

H03-0463-11

Condition Compliance - Details of design and finish of window frames, samples of roof tiles and bricks (Conditions 4, 6 and 7 of H03-0954-10) - Approved - 14 July 2011.

H03-0575-11

Non-Material Amendment - Change of use and extension of tractor shed to visitor centre and grain store to be used to house portacabin for use as classroom - approved under H03-0954-10. Amendments to rear (south) elevation windows, internal alterations and deletion of glass screen behind hit and miss boarding - Approved - 16 August 2011.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS

No objection:
"The installation of the proposed static caravan will require no alteration to the access to Reserve and its intended use will not be expected to have any unacceptable impact upon highway safety. Therefore, the highway authority does not wish to object to the grant of consent for this application."

Welland & Deepings Internal Drainage Board

No comment

Pinchbeck Parish Council

"It helps employment in the area."

Environment Agency

Registered the 20th of July 2023 - *"As this development poses an unacceptable risk to life and property from flooding, we object to this application and recommend that planning permission is refused."*

"The site lies within Flood Zone 2/3 (fluvial models) which is land defined by the planning practice guidance as having a high to medium probability of flooding. Notwithstanding the mitigation measures proposed, the risk to life and property, from fluvial inundation would be unacceptable if the development were to be permitted."

"Although the location of the caravan is within low hazard for the 2115 0.1% (1 in 1000) scenario, the flood risk assessment (FRA), (dated 12 January 2023, compiled by S M Hemmings) has completed its own breach analysis (page 10-13) which considers a breach directly north of the site. This produced a predicted flood depth of 1.18m and a hazard of 'Danger for most' for the 0.1% (1 in 1000) present day scenario."

"The application does not demonstrate that occupants can remain safe for the lifetime of the development. There is insufficient flood risk mitigation up to the design flood level and no specified arrangements for safe access and egress."

"To overcome our objection, the applicant should submit evidence to demonstrate that the proposal will not pose a risk to life and property as highlighted above. If this cannot be achieved, we are likely to maintain our objection."

Discussions took place between the Flood Risk Consultant and the Environment Agency, however, an agreement could not be made to overcome the Environment Agency objection.

An email was sent by the Local Planning Authority to the Environment Agency on the 31st October 2023 stating:

"I have discussed this application with the Planning Manager and we are of the opinion that the proposed finished floor levels of 1.2mAOD satisfactorily addresses flood risk with regard to the maximum predicted flood depth on the 2115 South Holland Strategic Flood Risk Mapping."

"It is considered that the work at this site is of vital biodiversity and habitat preservation for the district."

"As is standard practice with any Local Planning Authority recommendation that is contrary to the recommendations of a standard consultee, we are giving you a 21 day period in which to make further comments should you so wish. After this consultation period has elapsed, a decision will be made by the Local Planning Authority for a final decision."

A response from the Environment Agency was registered on the 15th of November 2023 and states:

"The flood risk assessment (FRA) models a breach to the north of the site which produces a predicted flood depth of 1.18m and a hazard of 'Danger for most' for the 0.1% (1 in 1000) present day scenario. We note that you proposed to secure the finished floor level of the caravan at 1.2mAOD to mitigate this risk. However the caravan could still be surrounded by floodwater should a breach of the defence occur, which would result in occupants needing rescue by emergency services. Planning Practice Guidance - Flood Risk and Coastal Change paragraph 044 (Reference ID: 7-044-20220825) states that in advising the local planning authority, "the emergency services are unlikely to regard developments that increase the scale of any rescue that might be required as being safe."

"Policy 4 of the South East Lincolnshire Local Plan 2019 states: 'Caravan, chalet, log cabin, camping and touring sites at risk of fluvial flooding where there is a 'danger for most' and 'danger for all' will not be permitted.' Therefore, the proposal is contrary to this Policy."

"Consequently, we are of the view that the proposal poses a significant risk to the lives of occupants of the caravan and we therefore wish to maintain our objection to the application. We hope that our previous letter and additional information above fully explains our concerns to you, for you to have regard to when deciding whether it is appropriate to grant planning permission."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Presumption in Favour
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking/Highway Safety
Flooding Considerations/Drainage
Promoting a Stronger Visitor Economy
Conserving and enhancing the natural environment

EVALUATION

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan 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 in respect of sustainable development 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 terms of sustainability.

Policy 1 (Spatial Strategy) of the SELLP indicates 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. 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.

There is not considered to be a material economic benefit from the proposal as the site does not operate as a business. There is considered to be a material community benefit from the proposal. The addition of the static caravan will aid the security of the site, as well as the protection of the rare flora and fauna of the site for the local community and future generations. There is considered to be a material environmental benefit from the proposed static caravan. Providing temporary accommodation on the site will allow trainees, students and volunteers to maintain this local nature reserve, ensure that the fragile ecosystem on the site is strengthened and expanded to support the environment. Due to the special requirements of the nature reserve it is considered that this accommodation cannot be provided elsewhere in the district and provide the specialist care that this site requires.

The application is seeking temporary accommodation for trainees, students and volunteers. This is not an application seeking to provide a permanent primary accommodation building on site. It is therefore considered reasonable to seek a condition that the accommodation cannot be inhabited by a trainee, volunteer or student for in excess of four months. Additionally, a log book must be made available to the Local Planning Authority when requested that keeps a record of who is using the static caravan for temporary accommodation, and for how long they have using the accommodation.

As such, whilst typically at conflict with Policy 1, due to the benefit that have been identified in respect of the community and environmental benefits that could occur as a result of the development, it is considered that, when viewed on balance, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, parking provision, flood risk, promoting a stronger visitor economy and assessment against local and national environmental policy which are discussed in turn as follows.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

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

Section 12 of the National Planning Policy Framework (2023) 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 130, contained within section 12 of the National Planning Policy Framework (2023), 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. Development proposals should also ensure that developments 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.

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.

Likewise, policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework 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.

The caravan is to be sited approximately 10 metres to the north-west of the existing grain store building. The caravan measures 11.58 metres long, 3.65 metres wide and 3.4 metres in height. It is to be constructed from cream coloured horizontal ribbed metal with grey metal tiles for the roof. The finished floor levels of the caravan are 1.2 metres above ground level, which would be secured by condition. Added to the dimensions of the caravan, the raised height of the caravan will be 4.6 metres from the roof to ground level. The proposed caravan is to be secured with chains and anchored to concrete or another suitable material to ensure that it will not move in a flood situation. The caravan will be connected to the existing electric, water and a cesspool tank that is currently emptied every few months. No additional landscaping will be provided.

The proposed static caravan location is shielded from public view by the existing boundary treatment and remote location. Whilst the caravan will be visible to visitors to the site, it is not in an area where a large amount of footfall would be likely to occur. Due to the need to protect the fragile ecosystem and limit disturbance to the rare cranes on site, visit to the site is by appointment only. Therefore it is considered that there will not be a level of visitors to the site that would materially be impacted by the siting of a caravan on site. The design of the caravan serves the needs of the occupant and does not impact the setting or character of the surrounding area to an unacceptable degree.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) 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.

The surrounding area is predominately rural and characterised by a number of rural buildings on site. 60 Bourne Road is sited 155 metres to the west of the site beyond the River Glen within the district of South Kesteven. Horse Shoe House is located 200 metres to the north-west of the site beyond the River Glen within the district of South Holland. Rectory Farm Cottage is located 260 metres to the north of the site beyond the River Glen within the district of South Holland. Given the separation distances and that the caravan is shielded by adjacent hedging, there is not considered to be a material overlooking or overshadowing impact from the caravan. The caravan measures 11.58 metres long, 3.65 metres wide and 3.4 metres in height. It is to be constructed from cream coloured horizontal ribbed metal with grey metal tiles for the roof. The proposed materials of construction and proposed dimensions are not considered to materially impact the visual amenity of the site or surrounding area. There are not considered to be any other amenity matters of material planning weight arising from the proposed static caravan.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking/Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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 would be severe".

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.

The Design & Access Statement states *"Existing vehicle parking with turning areas for the occupants and visitors already exists within the site."* There is ample parking space available within the site and no further parking provision is required. The access road named Slipe Drove does have potholes however this road is outside the ownership of Lincolnshire Wildlife Trust, is not heavily trafficked and does not significantly impact the ability to enter and exit the site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations/Drainage

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 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.

The proposal location is in Environment Agency Flood Zone 2, with the remainder of the site in Flood Zone 3. The caravan is located in a "Danger for Most" hazard zone, with a maximum predicted flood depth of 1 metre on part of the site. The proposed finished floor level of the caravan is 1.2 metres which is 200mm above the maximum predicted flood depth for this location. The proposed caravan is to be secured with chains and anchored to concrete or another suitable material to ensure that it will not move in a flood situation. The caravan will be connected to the existing electric, water and a cesspool tank that is currently emptied every few months.

The initial response from Environment Agency registered the 20th of July 2023 stated:

"As this development poses an unacceptable risk to life and property from flooding, we object to this application and recommend that planning permission is refused."

"The site lies within Flood Zone 2/3 (fluvial models) which is land defined by the planning practice guidance as having a high to medium probability of flooding. Notwithstanding the mitigation measures proposed, the risk to life and property, from fluvial inundation would be unacceptable if the development were to be permitted."

"Although the location of the caravan is within low hazard for the 2115 0.1% (1 in 1000) scenario, the flood risk assessment (FRA), (dated 12 January 2023, compiled by S M Hemmings) has completed its own breach analysis (page 10-13) which considers a breach directly north of the site. This produced a predicted flood depth of 1.18m and a hazard of 'Danger for most' for the 0.1% (1 in 1000) present day scenario."

"The application does not demonstrate that occupants can remain safe for the lifetime of the development. There is insufficient flood risk mitigation up to the design flood level and no specified arrangements for safe access and egress."

"To overcome our objection, the applicant should submit evidence to demonstrate that the proposal will not pose a risk to life and property as highlighted above. If this cannot be achieved, we are likely to maintain our objection."

Discussions took place between the Flood Risk Consultant and the Environment Agency, however, an agreement could not be made to overcome the Environment Agency objection.

An email was sent by the Local Planning Authority to the Environment Agency on the 31st of October 2023 stating:

"I have discussed this application with the Planning Manager and we are of the opinion that the proposed finished
floor levels of 1.2mAOD satisfactorily addresses flood risk with regard to the maximum predicted flood depth on the
2115 South Holland Strategic Flood Risk Mapping."

"It is considered that the work at this site is of vital biodiversity and habitat preservation for the district."

"As is standard practice with the any Local Planning Authority recommendation that is contrary to the recommendations of a standard consultee, we are giving you a 21 day period in which to make further comments should you so wish. After this consultation period has elapsed, a decision will be made by the Local Planning Authority for a final decision."

A response from the Environment Agency was registered on the 15th of November 2023 and states:

"The flood risk assessment (FRA) models a breach to the north of the site which produces a predicted flood depth of 1.18m and a hazard of 'Danger for most' for the 0.1% (1 in 1000) present day scenario. We note that you proposed to secure the finished floor level of the caravan at 1.2mAOD to mitigate this risk. However the caravan could still be surrounded by floodwater should a breach of the defence occur, which would result in occupants needing rescue by emergency services. Planning Practice Guidance - Flood Risk and Coastal Change paragraph 044 (Reference ID: 7-044-20220825) states that in advising the local planning authority, "the emergency services are unlikely to regard developments that increase the scale of any rescue that might be required as being safe."

"Policy 4 of the South East Lincolnshire Local Plan 2019 states: 'Caravan, chalet, log cabin, camping and touring sites at risk of fluvial flooding where there is a 'danger for most' and 'danger for all' will not be permitted.' Therefore, the proposal is contrary to this Policy."

"Consequently, we are of the view that the proposal poses a significant risk to the lives of occupants of the caravan and we therefore wish to maintain our objection to the application. We hope that our previous letter and additional information above fully explains our concerns to you, for you to have regard to when deciding whether it is appropriate to grant planning permission."

Paragraph 164 of the National Planning Policy Framework states:

"The application of the exception test should be informed by a strategic or site- specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. 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."

It is considered that the proposal accords with Paragraph 164 because the caravan will help to ensure significant environmental sustainability benefits to the site and wider community that outweigh the maximum potential flood risk, which is lower than the finished floor level of the caravan. Additionally, an amendment was made to the application to add a Flood & Emergency Evacuation Plan. This plan shows four different emergency routes that can be used in time of emergency to leave the Willow Tree Fen site. This is considered to ensure that the occupant of the caravan will not be made vulnerable by potential flood risk. The proposed caravan is not considered to increase or reduce flood risk in the vicinity of the site.

This application is considered to accord with Paragraph 164.

Paragraph 167 of the National Planning Policy Framework states:

"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

When assessed against Paragraph 167 the following can be observed: a) The proposal location is in Environment Agency Flood Zone 2, with the remainder of the site in Flood Zone 3. The caravan is located in the lowest area of flood risk and flood depth possible on the site. b) The caravan is to be raised above maximum predicted flood depth and secured by chains to a concrete platform. It can be quickly brought back into use without significant refurbishment. c) The proposal will connect to existing drainage on site. d) There is not considered to be residual risk from flooding on site. e) The site has four emergency routes at the time of flood as shown on the submitted emergency plan mapping.

This application is considered to accord with Paragraph 167.

Paragraph 168 of the National Planning Policy Framework states:

"Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments."

When assessed against Paragraph 168, it is considered that because the workers caravan is not for

permanent habitation and is not a permanent development it should be subject to sequential or exception tests.

This application is considered to accord with Paragraph 168.

Whilst the Environment Agency maintain their objection, it is considered that the agent has demonstrated through the proposed finished floor level of the caravan and the emergency route plans that the future occupants can be safe from potential flood risk and leave the site safely should flooding occur.

Flood Risk on this site is considered to have been addressed by the submitted details of this application.

Promoting a Stronger Visitor Economy

Willow Tree Fen attracts visitors inside and around the site for various purposes such as educational trips, walkers and dog walking. It is therefore considered appropriate to assess this application against Policy 9 of the South East Lincolnshire Local Plan, which is titled "Promoting a Stronger Visitor Economy." Policy 9 states:

"Proposals for tourism and visitor development which utilise and enrich the natural and built environment and existing attractions of South East Lincolnshire to the benefit of the local economy, visitors and local communities will be supported within the boundaries of settlements identified in Policy 1.
Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:
1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise.

Larger developments will only be supported outside settlement boundaries in exceptional circumstances, for instance to proportionally support or enhance the enjoyment of an established visitor attraction where this cannot reasonably be achieved from a town or village location."

When assessed against the above criteria it is considered that the proposed static caravan does not conflict with neighbouring land uses. The size of caravan is small when compared to the scale and massing of the existing buildings on site. The caravan will not be visible from outside the site and will not generate a material impact on the character or amenity of the surrounding area. The caravan is considered to demonstrate a functional link to an existing rural attraction. By having a student, trainee or volunteer within the caravan for a temporary period, this will allow for greater attention to be paid to the preservation of this fragile ecosystem and the flora and fauna therein. The continued preservation will allow for the development of the site over time and the expand the opportunities for further educational visits.

Conserving and Enhancing the Natural Environment

The submitted Design and Access Statement states: *"The static caravan will be used as temporary accommodation for trainees, students and volunteers who help Lincolnshire Wildlife Trust to manage and protect nineteen Nature Reserves over the south of the country whilst providing on site security at Willow Tree Fen."*

"Within the Conservation sector most people gain experience to help them apply for jobs through traineeships and volunteering, in return for their time we would provide them with accommodation and experience of the Conservation Sector."

"Willow Tree Fen Nature Reserve have Lincolnshire's first successfully breeding pair of Common Cranes in over four hundred years (https;//www.lincstrust.org.uk/nature-reserves/willow-tree-fen) and have conducted a dawn till dusk watch from 1st March until 30th September since their arrival in 2020 each year to protect the birds from disturbance."

"There is an estimated population of two hundred Common Cranes in the UK with only one pair breeding in Lincolnshire, fledging three chicks over the last three years."

The website for Willow Tree Fen under address https://www.lincstrust.org.uk/get-involved/top-

reserves/willow-tree-fen states:

"When the Trust bought Willow Tree Fen in 2009 it was intensively farmed arable land growing beans and cereals. Nature has recovered. Now a more traditional fenland landscape of shallow meres, seasonally flooded pastures, hay meadows and reedbeds, it is rich in wildlife."

"Cattle graze Willow Tree Fen from April to November. They are an essential part of the management of the nature reserve. The cattle help to maintain the open conditions and prevent willow from invading the site."

"Many of our iconic wetland species are now thriving including lapwing, redshank, skylark, water rail, marsh harrier, shelduck, snipe, greater water parsnip, hairy dragonfly, spined loach and otter."

"In 2020, a pair of cranes arrived at Willow Tree Fen and bred on the reserve for the first time - a first for Lincolnshire for at least 400 years. They have now taken up residence."

"The cranes arrived at Willow Tree Fen during the first lockdown when there were no visitors on site. It is unlikely that they would have arrived otherwise. Cranes are very sensitive to disturbance. Research has shown that if people get any closer than 200 metres, they will flush them and there is a high likelihood that they would abandon the site. This means that in order for us to secure their presence as a breeding species at Willow Tree Fen, we need to ensure that the reserve is as free from disturbance as possible."

This application is assessed against Policy 28 of the South East Lincolnshire Local Plan. The relevant section of this policy is part 2 and concerns locally-designated sites. Part 2 states:

"a. development proposals that would directly or indirectly adversely affect these assets will not be permitted unless:
i. there are no alternative sites that would cause less or no harm; and
ii. the benefits of the development at the proposed site, clearly outweigh the adverse impacts on the features of the site and the wider network of natural habitats; and
iii. suitable prevention, mitigation and compensation measures are provided."

There are no alternative sites that would cause less or no harm. The benefits of having temporary accommodation on site is that the ecosystem can be nurtured more effectively and security is provided to the site. The benefits of having the static caravan outweigh any potential adverse impacts on the site or wider area. The caravan is not visible from the exterior of the site and therefore has no impact on the character or amenity of the surrounding area. No prevention, mitigation or compensation measures are required as there are not considered to be any negative impacts on the nature reserve or surrounding area. The proposal is therefore considered to be in accordance with Policy 28 of the South East Lincolnshire Local Plan.

Paragraph 153 of the National Planning Policy Framework, 2023 concerns climate change and states:

"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure."

It is considered that the proposal will accord with this paragraph through helping to address potential impacts on biodiversity and landscapes, and through on site monitoring and enhanced education opportunities for the static caravan occupants and wider public.

PLANNING BALANCE

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

It is considered that there are material benefits to having a static caravan on the nature reserve. The caravan will allow a trainee, volunteer or student to help preserve and enhance the fragile

ecosystem, looking after the rare flora and fauna that thrive in this location.

To ensure that the proposed static caravan does not become primary living occupation for any occupant, a condition will be added to ensure that the caravan is not occupied for more than four months at any time. This will be secured by the recording of occupants in a log book which will be made available to the Local Planning Authority when requested.

Due to the temporary nature of the accommodation and the need to assess any potential impact on the site and surrounding area, it is recommended that a temporary permission is given for the static caravan for a period of five years. When the five year period is about to elapse the applicant can make an application to retain the caravan for a further temporary period or remove the accommodation from the site.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 9, 28 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12, 14 and 15 of the National Planning Policy Framework, 2023.

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.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved

under Delegated Authority.