

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0585-26 **Applicant:** Mr K Whincup
Proposal: Erection of implement store and welfare pod
Location: Land North-West Of The Chestnuts Glenside South Pinchbeck
Terminal Date: 21st August 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
29	The Historic Environment
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 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
 Section 16 - Conserving and enhancing the historic 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	1	0
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for the erection of a storage building and a welfare pod on the land north-east of the Chestnuts, Glenside South. The application form has stated that both buildings would be used in connection with agriculture.

The welfare pod would be located in the north-west corner of the site. It would measure approximately 3.3m by 8m. The maximum height would be approximately 3.6m. The pod would be a basic semi-ellipse shape, clad in timber.

The implements store would measure approximately 5.9m, by 12.3m (rising to 13.2m when the attached staircase is considered). The building would have a height to the eaves of 2.45m, rising to 5.4m at its apex. A tractor/ trailer and lawnmower store would be on the ground floor, with a hand tool store on the first floor. The proposal would be clad in timber, with a shingle tile roof. The external stairs would be constructed of black powder coated steel.

Site Description

The site is located outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019. The site is located approximately 300m west of Pinchbeck, and directly south of the river Glen. The area is currently comprised of woodland to the east, and a pond and grassed area to the east. Whilst the wider area is primarily agricultural in nature, a dwelling abuts the site to the west, and a row of eight dwellings runs beyond the wood to the east.

Relevant History

H14-0654-24 - PAA - Conversion of agricultural building to 1 dwelling. Refused 25/09/24.

H14-0741-25 - Full - Proposed change of use of agricultural land and lake to proposed fishery business and camping/glamping accommodation, including manager's accommodation pod, workshop/store building, welfare building, glamping pod, and grass camping pitches with associated facilities. Refused 30/10/25

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:

Pinchbeck Parish Council

The Parish Council considers the proposal to be appropriate for its rural setting, proportionate in scale, and unlikely to give rise to any significant adverse impacts on neighbouring amenity, highway

safety, or the character of the area. The Council therefore supports the application

Welland and Deepings Internal Drainage Board

Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make.

Lincolnshire Wildlife Trust

There has not currently been a preliminary ecological appraisal (PEA) conducted at the site. As it is directly adjacent to a pond, the priority habitat deciduous woodland, and the river Glen local wildlife site (LWS), a PEA should be conducted to assess the impact of the development on the adjacent habitats and potential protected species. The grassland is proposed to be enhanced to good condition, but this is likely to be an unrealistic goal unless further details can be provided as to how this will be managed for the 30-year period. Additionally, the proposed species-rich native hedgerow currently has only three species listed, but five are necessary to meet the requirements for this habitat. All planting should use species that are native and relevant for the area - for example, a native willow species such as goat willow (*Salix caprea*) should be used rather than the non-native contorted willow, and only planted in wetter areas near the pond. Native wild privet (*Ligustrum vulgare*) should be used in the hedgerow, rather than garden privet (*Ligustrum ovalifolium*).

Conservation Officer

I have no objections to this proposal on built heritage grounds.

Historic Environment Officer

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

Environment Agency

We have no objection to the proposed development.
To manage the residual risk of flooding to the proposed development, we advise that a flood warning and evacuation plan is produced.

Highway and Lead Local Flood Authority

The proposal does not have an adverse impact on the Public Highway.

Environmental Protection

No comments

SELCP Ecologist

Initial comments, dated 30/07/26

Ecology Comments:

There has not been sufficient ecological information provided to determine this application. The wider site contains noteworthy ecological features such as a large pond, a parcel of deciduous woodland (priority habitat), and is adjacent to the Glen River Corridor Local Wildlife Site. In addition, I note that the site itself has been previously evaluated for nomination as a local wildlife site due to its ecological interest. Therefore, there is a relatively high likelihood of protected species presence, and the authority has a duty to evaluate the development's impacts on these habitats/sites, as well as ensure that the development work does not unlawfully harm any protected species. Thus, I strongly advise that a preliminary ecological appraisal is submitted prior to determination, which assesses the habitats present, identifies potential ecological constraints and environmental records for the site, and provides recommendations to inform any necessary mitigation and ecological enhancement strategies necessary.

BNG Comments:

The BNG Assessment and % gain calculation utilizes the small-sites metric, and therefore take an appropriately conservative approach to estimating the baseline on-site biodiversity value of the site. However, the authority requires further details to be agreed and finalized pre-commencement to ensure that 10% BNG will be suitably achieved by this development. For example, further information is required in a Habitat Management and Monitoring Plan to describe how the enhanced grassland will be sown and maintained over the 30 year period (e.g., scarify land and sow seeds in early autumn, employ late season cutting after flowering and seed set, remove cuttings annually, etc.). Similarly, the HMMP should describe the planned planting and maintenance of native trees over the 30-year period.

In addition, I recommend that Alder (*Alnus glutinosa*) is incorporated into the tree planting near the pond along with goat willow (not contorted willow) as noted in the Lincolnshire Wildlife Trust's response.

Additional comments, dated 04/08/26, following submission of PEA document

Summary:

I believe there has been sufficient documentation provided to determine this application and that the authority can be confident that the development can achieve 10% BNG. However, after reviewing the original BNG assessment and PEA submitted for the site as part of application H14- 0741-25, I wish to add a variety of additional comments regarding the site and works in their entirety in relation to both protected species and BNG.

Ecology Comments:

The PEA provided for this application was based on fieldwork in March 2025 (~17 months old) and the eDNA testing for Great-crested Newts was conducted in June 2025 (~13 months old), which did not find evidence of Water Voles or Great-crested Newts on-site. However, the recent pond dredging, reed cutting, and fish stocking that took place prior to the PEA survey may have unlawfully destroyed any legally protected populations and/or evidence of habitation by voles or newts. Therefore, I believe that if voles or newts had been present, it would be unlikely that they will have returned to these disturbed habitats over the intervening time despite the site's moderate connectivity to the River Glen Corridor. Thus, the authority can be reasonably certain that the proposed development work can proceed lawfully, because any potential harm to protected species has already been done.

However, I strongly disagree with the conclusions presented on page 39 of the PEA which state that the development work will not incur habitat losses to water voles, otter, badger, hedgehog, amphibians, etc., and that no mitigation is required. There is no evidence provided to suggest that the pond dredging and reed cutting outlined above was undertaken sympathetically in consideration of wildlife populations, and any introduction of camping pitches, fishing, or other ongoing activities onto the site will cause ongoing disturbance resulting in a loss of foraging/breeding habitat for voles, badger, breeding birds, reptiles, amphibians, etc.

Therefore, I strongly advocate for a series of conditions requiring suitable mitigation for these impacts beyond the recommendations included in the PEA and GCN report as outlined below.

1. Any further habitat clearance is undertaken following precautions outlined in section 6.3, page 10 of the Great-crested Newt Report as follows
 - a. Any areas of taller vegetation in the development area should first be cut to 150mm and carefully raked off. This should be checked for the presence of animals then cut further to ground level.
 - b. All waste shall be placed directly into skips or designated areas so that further debris piles and therefore potential refuge areas are not created.
 - c. Piles of loose sand or other granular materials into which reptiles/amphibians could bury are not to be left around the site. Ideally, all such materials should be delivered in bags and kept in such bags until required for use. Bags should be stored on pallets. Alternatively, If it is essential that they are delivered loose, they should be retained in fenced areas which are not accessible to any animals.
 - d. All trenches will be left covered at night. They will be checked in the morning before they are filled in. All trenches are to be provided with a small mammal ramp to allow any animals that get trapped

to escape.

2. Vegetation and building works shall be undertaken outside of the breeding bird nesting season (March 1st - August 31st). If this is not possible then a suitably qualified ecologist must perform a breeding bird survey of the site immediately (within 48 hours) prior to any works beginning. Any active nests discovered during inspection will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.

3. A hibernaculum will be created within the area of wildflower grassland centrally in the development to enhance the site for reptiles, amphibians, and small mammals. A recommended design can be found section 6.4, page 10 of the GCN report.

4. Installation of bat boxes in appropriate locations within the woodland as recommended on section 4.6, pages 42-43 of the PEA.

5. Installation of bird boxes according to recommendations in section 8.9, page 43-44 of the PEA.

6. A minimum of one bug hotel will be installed within the proposed grassland according to recommendations in section 8.11, page 44-45 of the PEA.

7. The pond must be sympathetically managed for water voles, which includes:

a. Rotational clearing of reeds and pond bank vegetation, e.g., cut one side of the bank or alternate sections every 4 years.

b. Major cutting activity to take place in the winter months to enable common reed to dominate, however, small sections of reed can be cut in the summer to promote a greater diversity of plants in localized areas around the pond's fringe, taking care to avoid disturbance to nesting birds.

c. Cuttings to be removed to prevent the build up of litter, but can be used to create habitat piles on the fringes.

BNG Comments:

Upon reviewing the original BNG report submitted with the previous application H14-0741-25 as well as archive satellite imagery for the site, I believe that there some problems with the baseline biodiversity metric assessment that I previously overlooked in my last review and consultation (details below). Therefore, even though I believe that the authority can be confident that the development can achieve 10% BNG, a finalized metric assessment will need to be submitted and agreed to by the authority pre-commencement, along with an HMMP and biodiversity gain plan to discharge the gain condition.

1. The current small-sites metric records the baseline grassland habitat as "modified grassland" (default "moderate" habitat condition), however, the previous BNG report provides evidence that this is a "good" condition modified grassland, and therefore the current small sites metric is not accurately capturing the baseline biodiversity value of the site.

2. It also appears likely that the grassland may have had a higher biodiversity value prior to the vegetation clearance works and initial habitat survey undertaken in 2025. For example, the plant species recorded in the LWS assessment of the site is in excess of 40 species.

3. In addition, older satellite imagery indicates that some small areas of scrub have been removed (see figures 1- 5 below depicting changes in grassland and scrub extent). In both cases, these groundworks and habitat changes were not part of a pre-existing permission, and therefore, the baseline biodiversity value of the site should be taken to be how the site looked prior to 30 January 2020, prior to habitat degradation as defined by the Environment Act 2021 and the Levelling up Regeneration Act 2023.

In this case, I argue that the applicant must provide an updated baseline habitat map and full statutory metric assessment that is representative of the area within the red-line boundary prior to 30 January 2020 (e.g., see figure 5 below). Based on the plant species recorded in the LWS submission, I suggest a conservative approach would be to record the baseline habitat of the grassland as "Other Neutral grassland" in "good" condition, as well as included the small sections of Hawthorn scrub present prior to clearing.

The changes to the metric described above may result in the applicant requiring off-site units to achieve 10% BNG. These details do not need to be agreed and finalized pre-determination, however, I recommend doing so as early as practicable to minimize uncertainty and reduce potential delays. In addition, the authority will require a Habitat Management and Monitoring Plan to describe how the enhanced grassland will be sown and maintained over the 30 year period (e.g., scarify land and sow seeds in early autumn, employ late season cutting after flowering and seed set, remove cuttings annually, etc.). Similarly, the HMMP should describe the planned planting and maintenance of native trees over the 30-year period. I recommend that Alder (*Alnus glutinosa*) is incorporated into the tree planting near the pond along with goat willow (not contorted willow) as noted in the Lincolnshire Wildlife Trust's response."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

This can be summarised as:

- No details of drainage
- Building is large
- Query use of buildings and whether they would be commercial
- Queries hours of use

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 defined settlement boundaries. As such, the proposal can be considered to be within the Countryside for the purposes of Policy 1. In this context, Policy 1 states:

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

Paragraph 3.2.15 of the Reasoned Justification associated with Policy 1 expands upon this stating: "Agriculture and forestry are clearly uses which must function in the Countryside"

There is nothing before the Council to conclude that the lawful use of the land is not agricultural. Whilst actual agricultural activity on the site appears to be limited, that does not necessarily mean that the use has been abandoned, as per the principles outlined in the Castell-y-Mynach Estate case. It is a truism that the "default" use of planning units would be agricultural, and there is nothing before the Council to refute that this should be the case here.

Whilst existing agricultural uses on the site appear somewhat limited, that is not to say that the proposed buildings are not reasonably necessary for the purposes of agriculture and to ensure the

proper function of the unit. The scale and proposed use of the buildings are proportionate to the scale of the wider site in regards of their use.

Accordingly, subject to an appropriate condition restricting the use of the buildings to agricultural purposes and tying them to the plot within which they sit, it can be concluded that the use is agricultural and reasonably necessary for these purposes. The requirements of Policy 1 have therefore been met in this regard.

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

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

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

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

The site is located in close proximity to a non-designated heritage asset, listed within the HER. In this context, Section 16 of the NPPF states: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The site is reasonably well screened by existing hedges. The proposed planting, which could be secured for a reasonable period via a HMMP, would offer further screening.

The proposed welfare pod is low lying and small. This, coupled with the screening, would ensure that the actual impact upon the character of the area would be limited. In any event, the building is not inherently incompatible with the setting.

The proposed store is a taller building, but located further back in the site. The distance to the public realm would reduce the impacts upon the area. The road is fast moving, reducing views further. The use of timber cladding, and an overall rustic appearance, would help to integrate the proposal with the rural landscape. As such, the proposal is not considered to have a significant impact upon the character or appearance of the area.

The screening towards the adjacent residential dwelling, which is listed as a non-designated heritage asset, would be sufficient to prevent harm upon the setting. In any event, as outlined previously, the designs are broadly in keeping with the rural area.

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

Impacts Upon Resident Amenity

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

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

The buildings would not overshadow any neighbouring plot.

Some views towards the dwelling to the west could be obtained from the staircase on the machinery store. That being said, in light of the distances present, and the existing level of screening, it is considered that there would not be an overly detrimental impact emerging from this.

Concerns have been raised regarding noise; however, the buildings are purely for storage and welfare buildings. On this basis, it is not considered that the level of noise disturbance would be significant. In any event, due to agricultural use of the site, one could still expect machinery to be used on the site and there would be no reasonable recourse to prevent this. In light of this, the proposal would not necessarily be an intensification of the existing use and would not necessarily represent a worsening effect.

Lighting can be addressed via condition to ensure an absence of harm.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The proposal would not have a significant impact upon highway safety or parking. No new access would be created, and the proposal would not increase the vehicular movements to or from the site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

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".

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 low hazard and danger for most, with a hazard depth of 0.5m. The provisions of the flood risk assessment provided are noted; however, it would appear that the maps provided in that flood risk assessment do not align with the SFRA.

Within Annex 3 of the NPPF, agricultural uses are classed as "less vulnerable". In any event, the proposed buildings are intended to serve the plot in which they are located. On that basis, it would be unreasonable to relocate the units elsewhere, as this would unduly restrictive upon the operation of the land.

Therefore, as per Paragraph 177 of the NPPF, the exceptions test must be applied, in accordance with the provisions of Paragraph 178 which 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."

Beginning with Part b, no building adaptations have been proposed by the Applicant. This would in part appear to be as a result of the data set used by the Applicant, which does not quite align with that of the SFRA maps. In any event, the storage building would not necessarily be vulnerable to the impacts of flooding due to its nature. The welfare pod may be more vulnerable; however, the

usage of the building itself would be limited, and with a further condition requiring details of adaptations could be safe for its lifetime.

The Environment Agency have recommended the submission of a flood evacuation plan. This, when combined with further adaptations of the buildings such as the minor raise of finished floor levels, would be adequate to ensure the safety of occupants for the buildings' lifetime.

Turning to Part a, the proposal would enable the proper function of the agricultural unit. Whilst this benefit is minor, the actual impacts of flooding on the site would be similarly limited. Accordingly, while the benefits are small, they are considered to outweigh the on site flood risk.

As such, the exceptions test is considered to be passed. The proposal is acceptable in flood risk terms.

Drainage

In addition to their considerations of flood risk, Policy 4 of the SELLP and Section 14 of the NPPF also concern drainage.

It has been identified that the site is in an area with surface water flooding issues. No details of a drainage strategy have been provided. However, whilst the footprint of both buildings would not be substantial, and each would be surrounded by large areas of unsealed land. Accordingly, any additional runoff should be able to be accommodated by this existing land.

Concerns regarding foul water drainage have been raised by residents. The agricultural nature of the plot would mean that existing foul water drainage infrastructure would be unexpected in the location. That being said, no specific toilet facility has been shown on the plans. As such, a precautionary condition is recommended.

Flood Risk Conclusion

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

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.

The proposed indicative BNG information is considered acceptable in principle. The requisite gains can be achieved, subject to a finalised plan being submitted to the LPA as per the standard BNG

condition.

Concerns have been raised regarding the provided habitat classifications within the BNG metric. Whilst these concerns are noted, the aim of the BNG information at this stage, as per the PPG, is to provide a preliminary assessment and an indicative proposal. The finalised details have not yet been agreed. It is not considered that the discrepancies are so substantial as to cast doubt on whether net gain can be achieved at all; and therefore, there would be no tangible justification to resist the proposal at this stage on this basis.

Concerns regarding the wider ecological impacts of the development have been raised by the SELCP Ecologist. Whilst these are noted, they principally relate to activities outside of the application boundaries (redline boundary) and which do not necessarily require planning permission (such as the lopping of trees and the maintenance of the adjacent pond). As a result, the ability for the planning regime to intervene on these matters are limited.

Nevertheless, a generic ecological measures condition, as per the recommendation of the ecologist is recommended here, albeit the wording of the draft condition recommended by the ecologist ought to be reworked to relate solely to the site area.

In any event, the provisions of The Conservation of Habitats and Species Regulations 2017, amongst others, provides suitable legislative protection to protected species. Therefore, there would still be suitable protection for these habitats/ wildlife beyond the limitations placed on the planning regime.

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 represents appropriate development within the countryside. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 29, 33, and 36 of the SELLP, as well as Sections 9, 12, 14, 15 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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