

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0630-25 **Applicant:** Mrs K Wilson
Proposal: Proposed Detached Building to be used as a Reformer Pilates & Wellness Studio
Location: Middledene House Surfleet Road Pinchbeck
Terminal Date: 1st September 2025

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
- 07 Improving South East Lincolnshire's Employment Land Portfolio
- 28 The Natural Environment
- 32 Community, Health and Well-being
- 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 2. Achieving sustainable development.
- Section 3. Plan Making;
- Section 4. Decision making.
- Section 6. Building a strong, competitive economy
- Section 7. Ensuring the vitality of town centres
- 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
HIGHWAYS & SUDS	0	0	0	1

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

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Full Planning Application for the erection of a detached building to be used as a reformer Pilates and wellness studio. This is considered to be a Class E use. It would appear that the use is already present on the site, albeit at a smaller capacity than what is currently proposed here.

The proposed building would be horseshoe shaped. At its widest, it would measure 16.85m and its deepest it would measure 9.7m. It would feature a gable ended roof, with an eaves height of 2.7m. At its apexes, the roof would measure 4.25m and 4.8m, with the south-eastern elevation being the lower of the two.

Site Description

The site is outside of any of the settlement boundaries, as outlined within the South East Lincolnshire Local Plan, 2019. The site therefore can be considered to be in the countryside from a planning perspective. The site is located along Surfleet Road, between the settlements of Pinchbeck and Surfleet. The site is currently used as an equestrian yard, and so is characterised by large open paddocks, and a clear rural character.

Relevant History

H17-0743-84 - Full. Site portakabin to use as store building for horse and rider equipment in connection with adjoining retail sales portacabin. Approved 24/07/84.

H14-0371-86 - Full. Provide additional portacabin (retail riders clothing sales) attach to existing sales building and resite existing equipment store. Approved 23/04/86.

H14-0232-90 - Full. Retention of two portacabins (one for storage, one for retail sales (Renewal:H17/0283/83 &H17/0743/84). Approved 02/05/90.

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:

Environmental Protection

"No comments regarding land contamination or environmental protection"

Pinchbeck Parish Council

Support - "The Council considers the proposal to be a positive addition to the local area and raises

no objections"

Highway and Lead Local Flood Authority

Additional information required - "The access needs upgrading to Lincolnshire County Council Specification and a note should be added to the site plan. No supporting information has been submitted with regards to how the studio will be operated - how big will classes be? How many classes a day? A simple Transport Statement is required detailing the current vehicle movements in/out of the site on a daily basis compared to those envisaged with the proposal. Parking justification is required."

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"

Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage."

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 outside of any of the settlement boundaries outlined in the inset maps which support the SELLP, and therefore, can be considered to be within the Countryside from a planning perspective. Policy 1 states that:

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

The SELLP was written prior to the amendments to The Town and Country Planning (Use Classes) Order 1987 made by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. As such, the SELLP is without a policy explicitly relating to Class E uses, and uses within this class instead fall to be assessed against policies relevant to any former use class which would now fall within Class E. Under the legislation at the time of the SELLP's publication, the proposed Pilates studio would be considered to be a D.2 use. On the basis of this, the proposal would be assessed against Policies 7, 24, 27 and 32, with the relevant caveats applied to each.

Employment Space

Policy 7, "Improving South East Lincolnshire's Employment Land Portfolio", relates to the creation of employment spaces. Chiefly, this policy concerns Class B uses, including those which were previously B.1 uses which are now considered to be Class E. The site is outside of any of the employment spaces identified within Policy 7 and would therefore fall to be assessed as an "other employment site". In this regard, Policy 7 states:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

Paragraph 4.2.11 expands upon this stating:

"National planning policy supports the conversion of existing buildings and well-designed new buildings in the Countryside for economic development. Therefore, the provision and expansion of Other Employment Sites, including those in the Countryside, will be supported where it can be demonstrated to be sustainable and consistent with the requirements of Policy 7. However, the desire to promote rural employment must be balanced with the need to protect the existing character of the Countryside."

The relevant national planning policy here would be Paragraph 88 and 89 of the NPPF, which are discussed in greater detail below.

Town Centre Uses

Policy 24, whilst referring primarily to retail uses, covers broad "town centre uses" such as retail, food and drink outlets, financial and professional services. As a class E use, the proposal could be considered as a "town centre use", and therefore, the provisions of Policy 24 are applicable here.

Policy 24 outlines a retail hierarchy, focussing on sub-regional centres, before cascading to district and local centres (as outlined in Policy 1) and finally developments outside of the retail hierarchy. As the site is within the Countryside, the proposal falls to be assessed against Part C. Part C states:

"Outside the retail hierarchy, individual local shops and small neighbourhood clusters of them within

a settlement boundary, which meet the day-to-day needs of nearby residents, will be promoted. Wherever possible such new uses should be located in close proximity to each other, unless serving very local catchments e.g. corner shop (Ã¢?!) The vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Proposals for retail use outside the Primary Shopping Areas as identified on the Policies Map, or for other main town centre uses, outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the National Planning Policy Framework"

The provisions of Policy 27 Part C, as necessitated by Policy 24, must be applied here. This Policy states:

"Individual local shops, leisure uses and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents, without the need to use a car, will be protected. Proposed new shops in such circumstances, will be limited to a maximum 100 sqm (net) floor space, unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case units up to 500 sqm (net) floor space will be permitted."

Policy 27 is explicit in dividing uses between services and leisure uses and shops. The wording of Policy 27 is such that the floor space allowances refer to shops only. While the Use Class Order and General Permitted Development Order, 2015, has been altered in the interim, to enable conversions between offices and shops without the need for a formal planning application, it is not considered to be representative of the thrust of Policy to provide additional restrictions which were not intended.

To this end, whilst the floor space allowances under Policy 27 may not be applicable, the broader principle of the development of town centre uses outside of the retail hierarchy being required to demonstrate that they will meet the day to day needs of nearby residents can be applied.

Community Health and Wellbeing

Policy 32 concerns the creation of community facilities. This extended to indoor sports D.2 uses, under the previous legislation, which would now be considered Class E. As such, it is considered appropriate to apply this policy here. Policy 32 states:

"The development of new community facilities will be supported, provided that they are located so as to be:

1. as close as possible to the community they will serve;
2. readily accessible by public transport, on foot, and by bicycle;
3. compatible with nearby uses and the character and appearance of the neighbourhood; and
4. located and designed to enable (where possible) shared use with other services/facilities."

Supporting a Prosperous Rural Economy

Paragraphs 88 and 89 of the NPPF concern the creation of business uses within rural areas. Naturally, both are applicable here.

Paragraph 88 states that "Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

Paragraph 89 of the NPPF expands upon this further, particularly with respect to accessibility. The provisions of this paragraph have been copied below:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on

local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".

Principle of Development - Assessment

Spatial Strategy

As outlined above, Policy 1 restricts development within the countryside, so that development is only 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."

It is not considered that the proposal necessitates this location. A Pilates studio does not require a particularly large space, and nor does it require a particular environment. A studio could reasonably be placed within a town centre location, for instance, and still function entirely properly. No justification as to why this proposal necessitates this site has been put forward.

As the proposal is not deemed to necessitate this location, it falls to be assessed against its ability to provide for the sustainable development needs of the area. Assessing the proposal on these matters, the following is considered:

Economic - the proposal would provide employment opportunities in the form of one full time and two part time employees. Moreover, it is acknowledged that the proposal would help facilitate the expansion of an existing business (as discussed in greater detail within the Supporting a Prosperous Rural Economy section of this report to follow). On the basis of this, it is considered that there is a tangible economic benefit to this proposal. However, these economic gains would emerge regardless of the location of this business. Should the business be located in a position in accordance with the sustainable hierarchy of settlements, then the gains would potentially be greater, as secondary benefits are more likely to occur (for example through customers visiting stores before a class). To this end, it cannot be said that there would be a significant economic gain emerging from the proposal to justify its positioning here.

Community - the proposal would provide a social benefit through the creation of a community facility. This matter is discussed in greater length below in the "Community, Health and Well-being" section. However, in brief, the social gains resulting from this proposal are not considered to be place specific and are in fact weakened by the out of settlement location.

Environmental - the proposal would provide an environmental gain. The proposal has demonstrated a biodiversity net gain through the submission of a biodiversity metric. However, such gains are not significantly above the statutory minimum required by Schedule 7A of the Town and Country Planning Act, 1990. Therefore, these gains cannot be said to count significantly in favour of the proposal. In any event, the provisions of Policy 1 are such that the environmental needs of the area would have to be met by the proposal. The gains emerging from the planting proposed would be site specific, rather than creating a wider public benefit. To this end, the proposal is not considered to generate such a significant environmental gain as for significant weight in favour of the proposal to be attributed.

On the basis of the above, it is not considered that the proposed location would be consistent with the provisions of Policy 1. Any gains generated by the proposal would not exceed those gains which would be generated if the proposal was located in a more sustainable location, in line with the settlement hierarchy. To this end, the proposal is considered to be contrary to the provisions of Policy 1 of the SELLP.

Employment Space

Turning to the provisions of Policy 7, the site is located outside of any of the allocated employment sites. As such, the proposal fails to be assessed as an other employment site.

Policy 7 outlines that the development of new businesses, or the extension of existing business, will be supported provided that the proposal involves the re-use of previously developed land or the conversion of a redundant building. The definition of previously development land comes from Annex 2 of the NPPF. It states:

"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

The site is a gravelled area used as for parking for an associated existing equestrian use. The provisions of appeal APP/P1615/W/18/3213122 are considered applicable here and the land can be considered to be previously developed land.

To this end, the proposal is consistent with the provisions of Policy 7 as it would involve in the reuse of previously developed land. Paragraph 4.2.11 is explicit that appropriate development outside of the settlement boundaries can be considered appropriate, even where it would diverge from the provisions of the Spatial Strategy.

As such, the proposal is considered to be consistent with Policy 7 of the SELLP; however, in line with the provisions of the SELLP, any proposal would still have to conform to other relevant locational policies to be considered acceptable in principle.

Town Centre Uses

As outlined above, as a broad Class E use, the proposal would constitute a town centre use. To this end, the proposal would need to be assessed under Policy 24 and, by extension, Policy 27.

However, Policy 27 is explicit in dividing uses between services and leisure uses and retail uses. The wording of Policy 27 is such that the floor space allowances refer to retail uses only. While the Use Class Order and General Permitted Development Order, 2015, has been altered in the interim, to enable conversions between Class E without the need for a formal planning application, it is not considered to be representative of the thrust of Policy to provide additional restrictions which were not intended. As such, the floor space restrictions placed by Policy 27 are not considered to be applicable here.

Turning now to Policy 24, proposals are required to submit a sequential test in line with the provisions of the NPPF. This sequential test is outlined in Paragraph 91 of the NPPF, which states:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered."

In addition to this, Paragraph 93 of the NPPF, reads as follows:

"This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development."

The NPPF does not define small-scale, although it is considered in this instance the proposal would be small scale. Furthermore, it provides no definition as to whether "rural development" refers to development within perceived rural areas or development associated with the rural environment (for example farm shops, offices associated with agricultural businesses etc). On the basis of the provisions of Paragraph 91 and 92, it is considered appropriate to apply the latter interpretation to Paragraph 93, as to do otherwise would enable excess development within otherwise unsustainable and unviable location, which itself would be inconstant with the provisions of the NPPF when viewed as a whole.

On this basis, the proposal should demonstrate conformity with the sequential test, outlined in Paragraph 91 of the NPPF and Policy 24 of the SELLP, in order to be considered acceptable. No such sequential test has been provided. The proposed use does not necessitate this location (and

no justification as to why the proposal is required in this location has been provided) and could be reasonably provided for in a town centre or edge of centre location. The benefits of doing so would be greater, as secondary economic benefits would occur.

To this end, no sequential test has been provided to demonstrate the suitability of the location; and in any event, the proposal is considered to fail the sequential test, as the use could reasonably be located in alternative more sustainable sites.

Community Health and Wellbeing

Policy 32 outlines the requirements for a proposal for a new community facility to be considered acceptable. Policy 32 explicitly referred to Class D.2 uses, which would have included this proposal prior to the changes of the Use Class Order. On this basis, Policy 32 is considered relevant.

Assessing the proposal against the four relevant criteria (listed previously in this report), the following is considered:

1. The proposal is located outside of settlement boundaries. As such, the proposal would not be located in close proximity to the community it would serve. Customers would be reliant upon private vehicles to reach the site and the ability for users to realistically access the site regularly as a community facility, or to extract secondary uses beyond the ascribed use, would be impeded by the location. As such, the proposal would be contrary to point 1.

2. A footpath is available connecting the site to the settlement of Pinchbeck, which lies a distance of approximately 300m south of the site. Whilst this distance is reasonably walkable, it would act as an impediment and may put users off. In any event, this distance is the distance to the edge of the settlement, which is relatively sparsely populated. It can be assumed that users would be derived from a wider locational pool than this outer settlement location. Pinchbeck is a relatively long and narrow settlement, meaning that the centre of the settlement itself would be over 1km from the site. Therefore, the site itself would not be reasonably accessible via foot for the majority of peoples. Moreover, the nearest recognised bus stop is approximately 400m away, which is a long enough distance as to reduce its viability as a means of access, particularly given the lack of overlap between bus times and the hours of operation proposed. The proposal conflicts with point 2.

3. The proposal is considered to be compatible with nearby uses, which are primarily equestrian in nature.

4. The out of centre location means that the proposal could not be reasonably used with other services. Their may be some overlap with the equestrian use on the adjacent site; however, the interplay between the two is not abundantly clear from the submitted details, and therefore the weight given to this is limited.

On this basis, the proposal is considered contrary to Policy 32 of the SELLP, and is considered an unsustainable location for a community facility.

Supporting a Prosperous Rural Economy

Paragraphs 88 and 89 of the NPPF are explicit that weight should be given in favour of appropriate development outside of settlement boundaries in rural areas. However, the weight given in favour by these paragraphs in this instance is considered to be limited.

Paragraph 88a and 88c both explicitly state that the weight transferred from them is only applicable for "sustainable" development. Likewise, Paragraph 88d uses the term "accessible". As outlined above, and discussed in greater detail further in this report, the site is not considered to be a sustainable or accessible location. An over reliance on private vehicles would be present due to the lack of viable public transport/ walking route, and the site is considered to fail the sequential test for town centre uses, and therefore the site cannot be considered sustainable.

Turning to Paragraph 89, the proposal would fail to meet the caveat of exploiting opportunities to make a location more sustainable, as no new infrastructure is proposed. In any event, as no sequential test has been provided, or even a statement outlining need for the use, it cannot be said that the proposal would "meet local business and community needs". Without proper justification, the proposal is not considered to meet the requirements of Paragraph 89 of the NPPF either.

Therefore, for the reasons established above, whilst the provisions of Paragraph 88 and 89 are acknowledged, their application here is limited and therefore the weight in favour transferred by these paragraphs is limited in turn.

Summary

For the above reasons, whilst the proposal is consistent with Policy 7 of the SELLP, which operates as a broad employment strategy policy, the proposal would be contrary to Policies 1, 24 and 32 of the SELLP. The provisions of Paragraphs 88, 89 and 93 of the NPPF are acknowledged; however, their relevance here is limited due to the nuances of the site and application.

On this basis, the principle of development is considered to be unacceptable.

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 proposed design would be in keeping with the character of the area. The proposed design is relatively typical, with this typicality ensuring it does not appear incongruous. The building itself is well proportioned to the plot and the existing built form present on the site. As a result, the proposal would appear as a natural addition to the site, infilling a current vacant area.

The area is clearly rural in nature; however, the site itself currently has a relatively large level of development present (which would rise should the concurrent proposal for new stables be approved). As such, the proposal would not represent a visual intrusion into the countryside, as the agent of change is already established.

No materials have been provided; and therefore, in the event that the proposal is approved, a condition requiring the submission of a materials schedule is recommended.

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.

Due to the isolated nature of the proposal, no significant amenity impacts are anticipated. Disturbance to the residents of Middledene House could reasonably occur from movements associate with the classes; however, this could be resolved via a condition tying the ownership of the dwelling to Pilates studio.

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. As outlined previously, the SELLP was written prior the change to the Use Class Order; and therefore, the Appendix references now defunct use classes. However, under the provisions of the former Use Class Order, the proposal would likely have represented a D.2. In these circumstances, Appendix 6 requires a case-by-case assessment.

Seven parking spaces are provided, with overflow in the stables area if required. The business has capacity for 5 Reformer Pilates clients and 1 treatment rooms client at any one time, taking the total of parking spaces needed for customers as 6. However, it is not clear as to how change over between sessions would work; and so realistically, the seven spaces provided could be exceeded as sessions swap over. Furthermore, no designated employee parking spaces have been illustrated. On this basis, there is the potential for the proposal to fail to provide adequate parking. Whilst it has been indicated that overflow could be accommodated in the stables area, it is not clear as to how this would then impact upon the equestrian business and if this proposal is viable as a result. Therefore, on balance, the proposal is considered contrary to Policy 36.

As outlined previously, the site is not reasonably accessible via foot or public transport. An over-reliance on private vehicles would be created, particularly when compared to more sustainable urban locations. On this basis, the proposed location is broadly inconsistent with Policy 33 of the SELLP and Section 9 of the NPPF in that sustainable methods of transport would not be encouraged.

However, the provisions of Paragraph 116 of the NPPF are clear 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." It is not considered that there would be a severe or unacceptable impact with respect to highway safety or residual impacts. To this end, it would be inappropriate to refuse the application on highway grounds; however, weight can be given against the proposal on the basis of unsustainable access.

Therefore, while the proposal would not have an unacceptable impact on highway safety or a severe residual impact on the road network, the proposal would still be broadly contrary to the sustainability objectives of Policies 2, 3, 33 of the SELLP and Section 9 of the NPPF with respect to

transport.

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 outside of any identified hazard zone.

The site is in Flood Zone 3; however, Paragraph 174 of the NPPF is explicit that the "strategic flood risk assessment will provide the basis for applying (the sequential) test." To this end, as the proposal is outside of any identified hazard zone, the proposal is considered to pass the sequential test.

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 proposal is not considered to be exempt from the need for Biodiversity Net Gain. A metric has been provided demonstrating a suitable gain can be achieved.

To ensure that the proposed gains are maintained, a condition requiring the submission of an appropriate Habitat Management and Monitoring Plan is considered appropriate to support the standard Biodiversity Gain Plan required under Schedule 7A.

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 considered to be located in an unsustainable, out of settlement location. Whilst the provisions of the NPPF are acknowledged which allow for the creation of rural businesses in certain scenarios, the weight afforded to the proposal by these paragraphs is considered limited here. The proposal has not demonstrated that the site is sequentially preferable, and in any event, the site would not be suitably accessible or contribute to the sustainable development needs of the area to a sufficient degree. No justification for the selected location or demonstration of need has been provided.

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, 24, 32 and 33 of the SELLP, as well as Sections 7 and 9 of the NPPF. There are no significant factors in this case that would outweigh the identified harm of the proposal; therefore, 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.