

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0707-24 **Applicant:** Mr M Yould

Proposal: Demolition of existing agricultural building & erection of dwelling with detached garage building

Location: Land To Rear Of Shetland Cottage (North Plot) Mill Green Road Pinchbeck

Terminal Date: 30th May 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
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the demolition of existing agricultural building & erection of dwelling with detached garage. The dwelling has three floors with the 2nd floor above the eaves. An existing access is to be utilities, though this will be upgraded.

Site Description

The site is located on the western side of Mill Green Road, close to the junction with Blue Gowt Lane. The application site is located within the open countryside for policy purposes. An allocation exists on the opposite side of Mill Green and (south of Blue Gowt) for a Sustainable Urban Extension (PIN024) 'Land north of Vernatts Drain'.

The South East Lincolnshire SFRA considered the site to have both a present day and modelled prediction for 2115 of low hazard.

The application site is located to the west of Shetland Cottage, which is a semi detached property along with 'Conifer Cottage'. A further two dwellings are located south, Twelvetrees and Walnut Cottage. There is also a number of outbuildings located to the rear of both Shetland Cottage and Conifer Cottage. This area whilst in the open countryside does collective form a cluster of residential development.

The application site benefits from a prior approval permission to convert an existing barn into a dwelling on site.

History

H14-0681-23 - Proposed change of use from agricultural building to single dwelling. Approved 03-10-23

Consultation Responses

IDB

The Board's Fengate Drain bounds the site along the west and is afforded the protection of a nine metre byelaw distance. I am pleased to see from the submitted site plan that this feature is being nicely observed.

In line with the submitted flood risk assessment, if at any point in the future soakaways are not to be used for either surface or treated water, then I would wish to be reconsulted at that time.

Highways & Suds Support

No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Environmental Protection

I request a precautionary land contamination condition be applied at this location as follows:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Conservation Officer

No objections

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.

Parish Clerk

In keeping with the area

Representations

This application has been publicised in line with the Development Management Procedure Order 2015. One letter of support has been received which states:

At last great to see run down buildings and land being updated. This will bring a real lift to the area. Fully support

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.

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 within the report above.

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local

Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

The application site already benefits from a residential planning permission to allow for the conversion of an existing barn on site. The following issues are relevant to this assessment:

Principle of Development
Character, Design and Landscaping
Residential Amenity
Flood Risk
Highway Safety
Land Contamination
Ecology/BNG

Principle of Development

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

Policy 1 of the South East Lincolnshire Local Plan 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.

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It states that *The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. 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.*

Within the reasoned justification (under para. 3.2.17) housing exception in the countryside are listed, the paragraph states that *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites).*

The proposal does not meet with any of the exceptions for dwelling in the countryside and so the proposal is contrary to the aims of SELLP 1.

Material Considerations

NPPF Paragraph 12 is relevant, it states 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. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed." NPPF Paragraph 47 reaffirms this by stating:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Permission for the conversion of the barn on site was achieved under application H14-0681-23. The red line boundary associated with this approval however, was much smaller. This application now seeks to extend that boundary to widen the associated amenity area along with repositioning (though a detached garage is shown on the footprint of the barn in question) and increasing the footprint of the proposed dwelling on site (the barn is located close to the boundary with Shetland Cottage and of a slightly smaller footprint). Notwithstanding this much of the site does benefit from a permission to form a residential planning unit.

Betterment

Mansell vs Tonbridge and Malling Borough Council (2017) established that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan, insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the Local Authority. Where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could (and perhaps should) be allowed to proceed. In this case, the existing building on the site has a Class Q consent for change of use to form a dwelling. It is considered that the granting of the Class Q demonstrates the applicant has a "real prospect" and clear desire to develop and maximise the value of the site.

It is therefore considered that the general principle of residential development is already established on this site. The extension to the red line boundary that was previously allowed is shown to be taken up by amenity space, with the addition of the removal of dilapidated buildings and on this basis it is considered that the extant permission is sufficiently material to warrant a departure from SELLP Policy 1. The case for betterment is discussed within the remainder of this report.

Character, Design and Landscaping

Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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 proposal is for the erection of a two storey dwelling located centrally within the plot. A detached garage is located over the footprint of the barn that benefits from permission to convert. The existing vehicular driveway is upgraded and would lead to the front of the dwelling and garage area. Mixed native species hedging is proposed to be planted along all of the boundaries.

The proposal is for a 6 bedroom dwelling, built across 3 floors, though the 2nd floor is located above the eaves (this contains two of the bedrooms) and in effect the proposal takes on the appearance of a two storey property in scale terms.

The dwelling is of some merit with chimneys bookending the side gables, portico style entrance porch and symmetrical sash fenestration. The roof pitches contain gable dormers, these slightly conflict with the Georgian appearance (cat slide may have been more appropriate), but are not completely out of keeping with the overall aesthetic. The space about this dwelling is its key feature, this allows the property to be aplicated without any encroachment.

The garage is of single storey construction with two doors and a side store. It proposes solar panels on its western elevation.

In terms of all external facing materials the applicant has stated within the form that these are to be

specified.

The previous permission which only for two bedrooms, was to convert a barn located on the western boundary of Shetland Cottage. This was also a two-storey property. Notwithstanding that this represents an increase in form, the relocation of the dwelling away from the boundary and located within the centre of the application sites, as well as the removal of all other buildings would represent an enhancement of the overall site.

Planning conditions would be attached to any successful permission that would remove permitted development rights as well as for the submission of all external materials including openings.

On this basis and subject to the aforementioned mitigation it is considered that the proposal would accord with SELLP Policies 2 and 3.

Residential Amenity

Policy 2 and 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.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The dwelling is sited at a sufficient separation distance not to give rise to unacceptable impacts in relation to overshadowing or overbearing to neighbouring properties. Furthermore, all openings are location in appropriate position and would not give rise to unacceptable levels of visual intrusion.

Moreover, the proposal would represent a betterment in residential amenity terms when compared to the class Q approval, which allows for a two storey dwelling along the shared boundary with Shetland Cottage.

On this basis it is considered that the proposal would meet with SELLP Policies 2 and 30.

Flood Risk

SELLP Policy 4 sets out the districts approach to flood risk. The South East Lincolnshire SFRA shows the area in a low hazard, both present day and under future modelling.

The application site is therefore in a preferable place in terms of flood risk and in principle terms is considered acceptable. In terms of drainage the applicant has confirmed within the application form that surface water will be disposed via soakaway, this will require building regulations to be met and so controlled outside of planning. Should percolation tests not prove favourable then the applicant may well be subject to other consenting regimes all of which are mitigated outside of planning. In terms of foul disposal, the applicant states that this will be directed toward a package treatment plant, this again sits out side of planning and is mitigated by consenting.

On this basis it is not considered that drainage related conditions are required. The proposal is considered to meet with SELLP Policy 4.

Highway Safety

SELLP 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The applicant shows an access/egress to the front of the site on Mill Green Road, off-street parking provision is also demonstrated and abundant. Highways have been consulted and have no objection subject to informative stating that the connection to the adopted road requires formal

written consent with the highways authority. No concerns are expressed in terms of highway safety or parking that would warrant the refusal of this application.

On this basis then the proposal would accord with SELLP Policies 2, 3 & 36.

Land Contamination

SELLP Policy 30, it states *Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon land quality and condition*

Environmental Protection have requested that a condition is attached that would require any contamination found during to be reported to the LPA along with a remediation statement.

BNG & Ecology

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

In terms of BNG the applicant states that the site is exempt through the self-build exemption. The LPA are in agreement with this position and a S106 will secure the terms of the self-build development.

On this basis the proposal would accord with SELLP Policy 28.

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 whilst contrary to the aims of SELLP 1 has an extant planning permission to erect a dwelling on the site. This is sufficiently material to support a departure from the plan.

Furthermore, this proposal is considered to represent betterment on the basis that it enhances the application site in character terms. Not only this but the proposal would also represent betterment in amenity terms as the extant permission allows for a two storey dwelling along the shared boundary. Therefore, on these terms the proposal is acceptable.

In this instance then, there are material considerations that weigh in favour of the proposal and as such, the planning balance is in support of the development.

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 into consideration these factors, the proposal is considered to represent betterment over what has been previously approved on site. The proposal would comply with Policies 2, 3, 4, 30 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). On this basis the proposal is recommended for approval