DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0709-24**	**Applicant:**	**Mr M Yould**
Proposal:	Demolition of existing agricultural building & erection of dwelling with detached garage building		
Location:	Land To Rear Of Shetland Cottage (South 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 planning application for the demolition of existing agricultural building & erection of dwelling with detached garage building.

The proposed dwelling is built across two floors and is a 4-bedroom dwelling. The dwelling is characterised by its gable frontage, with a series of three gables emanating from the front elevation. There is a detached garage located close to eth eastern boundary with conifer cottage and the dwelling is set back. An existing access would be utilised and lead to a large off-road parking are.

The proposed site plan shows landscaping that includes mixed native species hedging as well as a number of trees.

Site Description

The site is located on the western side of Mill Green Road, south of 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 south of Conifer Cottage, which is a semi detached property along with 'Shetland 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. An IDB easement is located to the south and west of the application site.

History

H14-0682-23- 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 south and 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

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.

Conservation Officer

No objections

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

Historic Places Team

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.

Representations

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

This is great for the area. This space has really let the area down for years. Now this will really tidy the area up and add value to surrounding 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 2024) 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 H14-0682-23 and therefore the material weight of an extant residential unit on this site is given weight.

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, subject to a consideration of 'betterment'. The case for betterment is discussed within the remainder of this report.

Character, Design and Landscaping

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

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 4-bedroom dwelling that is set back from Mill Green Road. The dwelling is of high merit and sited centrally within the plot. The extant permission allows for a the conversion of an existing barn to form a single storey dwelling along the western boundary (rear of the site) pressed up against the IDB easement area.

This proposal would result in an enhancement over that in character term and is therefore considered a betterment.
In terms of all external facing materials the applicant has stated within the form that these are to be specified.
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

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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.

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

Flood Risk

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

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

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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".

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 uponÃ?????¢?¦ 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.

Other Matters

A S106 will accompany the application to ensure that it is self build. However it will also prevent prior approval H14-0682-23 from coming forward should this development start. This permission does not have any built form located over the footprint of that barn and it is agreed that this is necessary by all parties to remove any doubt that only 1 dwelling will be erected on this site (as this would be contrary to the development plan).

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 in the terms expressed in Mansell vs Tonbridge and Malling Borough Council (2017) on the basis that it enhances the application site in character and functionality.

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.

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 2024). On this basis the proposal is recommended for approval

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.