DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0904-25**	**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:	24th November 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
24	The Retail Hierarchy
27	Additional Retail Provision
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	0	0	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	1	0
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	0	1	0	0

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; however, it is proposed that the business would operate in conjunction with the equestrian stables located elsewhere on the wider site. 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 at 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.

H14-0630-25 - Full. Proposed Detached Building to be used as a Reformer Pilates & Wellness Studio. Refused 01/09/25

H14-0671-25 - Full. Proposed Replacement Horse Stables. Approved 03/09/25.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

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."

Conservation Officer

"We have no objection on heritage grounds."

Highway and Lead Local Flood Authority

Additional Information Required:

"A Transport Statement is required detailing the current vehicles movements in/out of the access and the vehicles movements associated with the proposal. This should include the different types/sizes of vehicles that will access the site daily. Inclusive of a comprehensive breakdown of classes on each day.

From information previously submitted - Seven parking spaces are not enough for a full class, all the staff and clients for the treatment rooms that could potentially overlap. They state there will be a 15min gap between classes, but they need to ensure that class timings are detailed so that we are sure the parking will be appropriate for the number of vehicles that could be on site at any one time.

The access needs to be upgraded to Lincolnshire County Council's Specification, and a note should be added to the proposed site plan."

Environmental Protection

"No comments".

Public Representations

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

This can be summarised as:

-Hugely beneficial for riders to have this facility next to equestrian use.
-Good for local economy.

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.

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. 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 has been stated that the proposal would be used in conjunction with the established equestrian business which operates from the site currently. The argument has been put forward that Pilates can be used for rehabilitation and strengthening purposes to aid in the recovery of from the physical demands of riding and equestrian related injuries.

Whilst this provides a rationale behind the location, it is not considered that the two functions are symbiotic in a manner which would necessitate the creation of this development. The equestrian business could still properly function without this Pilates studio, and likewise, the studio could function without the equestrian use. Therefore, whilst the two complement each other and close proximity is considered to be beneficial, it is not considered that the studio necessitates a location immediately adjacent the equestrian yard.

Whether the proposal requires a Countryside location more broadly, from a retail sequential test perspective, is considered in greater detail within the "Town Centre Uses" section of this report. In short, a sequential test and justification from a wider policy perspective has been put forward which would demonstrate need for a countryside location in these very specific circumstances.

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 falls 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 Annexe 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.

As outlined above, it has been stated that the primary focus of the development would be to assist with rehabilitation for equestrian riders. There is a clear specialisation here in clientele and purpose which would link the business to rural uses. However, equally, the business could still, from a functional perspective focussing solely on the intended use as opposed to the nuances of this case which are discussed shortly, be located within a non-rural setting and function entirely properly. To this end, the proposal is not considered to represent a rural development for the purposes of

Paragraph 93.

As such, a sequential test is required. This test, whilst not necessarily evidence based in the conventional sense, has been provided. It demonstrates a lack of viable alternatives within the edge of centre or centre of the intended purpose. Alternative out of centre location are not explored; however, a rationale behind this site has been provided. On balance, the proposal is considered to be acceptable in this regard and pass the sequential test as required by Policy 24.

The site is therefore considered to be suitable for the intended use for the purposes of Policy 24.

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. However, the intention is that many customers would use the site in conjunction with the equestrian business. On this basis, the community which the use would serve would be in proximity to the proposal.
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.
However, as outlined above, the intention is for the business to be run in connection with the equestrian use, a use which itself necessitates private vehicular access. On this basis, the proposal would not necessarily increase reliance on private vehicles, as users would already go to the site regardless.
3.The proposal is considered to be compatible with nearby uses, which are primarily equestrian in nature.
4.There would be interplay between the equestrian use and the Pilates studio; however, not to the extent as desired in point four. However, fundamentally, the ability to create a multipurpose space is limited, as they intended use requires specialist equipment etc. On this basis, the weighting afforded point four is reduced.

The proposal broadly aligns with Policy 32 in that it would provide a community facility, which is adjacent to facilities also used by potential clients. On this basis, some weight is transferred under this Policy, although it is inherently limited by the out of settlement location.

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.

Principle - Summary

The proposal would broadly align with the spatial strategy of the Local Plan. The proposal clearly relates to an existing use within the site, seeking to create a broader centre of excellence for horse riding within the site.

On this basis, whilst the proposal would, under the strictest interpretation and taken in isolation of surrounding conditions, be a use which typically would be steered towards a town centre, given the intensions for the wider the site, the proposal can be considered acceptable in principle.

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 6 Reformer Pilates clients and 2 treatment rooms client at any one time; however, the hours of operation are intended to prevent overlap between these uses.

The submitted transport statement clearly outlines that overlap between sessions would be minimal. Moreover, those wishing to use the site would principally be drawn from those already using the equestrian yard, and so clients would reasonably do both horse riding and Pilates in one session.

Given the extent of available parking, including to the rear of the site, it is considered that ample parking has been provided.

It should be noted, that a condition, seeking a clear log of users, has been recommended.

The Local Planning Authority have not received any further comments, or an objection, further to additional information and amendments, from the Local Highway Authority.

Whilst the site is not reasonably accessible via foot or sustainable methods of transport, given the need for the business to be located in this position, it is considered that leniency can be applied here. This is consistent with the principles of Paragraph 110 of the NPPF.

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

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at

risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is 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.

Whilst outside of settlement boundaries, the proposal broadly aligns with the aims of the spatial strategy, thereby representing appropriate development within a rural area. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

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

recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 24, 27, 28, 33, 36 and Appendix 6 of the SELLP, as well as Sections 6, 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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