DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-1175-25**	**Applicant:**	**Mrs M Breaker**
Proposal:	Use of site for 7 static, 12 hard standing and 4 soft standing touring pitches - retrospective		
Location:	Lake Ross Caravan Park Dozens Bank West Pinchbeck		
Terminal Date:	9th March 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
33	Delivering a More Sustainable Transport Network
APPENDIX 6	Parking Standards
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 6 - Building a strong, competitive economy
Section 8 - Promoting healthy and safe communities
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	1	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for the use of the site for 7 static caravans, 12 hard standing pitches and 4 soft standing touring pitches at Lake Ross Caravan Park. This application is made retrospectively.

Currently, the site has approval for 4 static caravans, 11 hard standing touring pitches, and 7 soft touring pitches, meaning there would be a net gain of one pitch.

Site Description

The site is outside of defined settlement limits between the settlements of Pode Hole and West Pinchbeck. The clubhouse and the property Lake Ross are sited at the north of the site with Swan Farm beyond. To the west is the A151, beyond which are three properties and Tate Business Park. To the south of the site is a property named Trent House and a replacement building for a plumbing business. To the west of the proposal site is the fishing lake beyond which is arable fields.

Relevant History

H14-0697-22 -Full - Change of use of land a static/touring caravan pitches including new access, parking and toilet block. Re-submission - Withdrawn

H14-1205-21 - Full - Change of use of land to caravan site to include static/tourer caravan pitches including new access, parking & toilet block. - Refused 16-03-22

H14-0390-08 - Lawful Use Certificate - Use of site for 4 static caravans, site office, 11 hard standing tourers and 7 soft touring pitches - Approved 06-05-08

H14-1568-05 - Full - Use area of land currently reserved for touring caravans as site for 2 static caravans - Approved - 02-02-06

H14-1326-01 - Full - Removal part dwelling/club and addition of ground floor club/dwelling improvements with first floor s/c flat over - Approved - 20-05-02

H14-1326-01 - Full - Removal part dwelling/club and addition of ground floor club/dwelling improvements with first floor s/c flat over - Approved 20-02-02

H14-0092-83 -Full - Erect prefabricated building to form games room - Approved 17-03-83.

H14-0362-81 - Full - Erection of four permanent chalet bungalows for seasonal use at Lake Ross Approved 05-05-81

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:

Lincolnshire Fire and Rescue

Initial comments dated 30th December 2025

"Regarding this planning consultation, please could you answer a few questions so I know that the provisions for a fire appliance are suitable?

- What is the width measurement of the access road and does this comply with ADB v2? Specifically the road running adjacent to the caravans and fishing pond.
- What are the measurements of the hammerhead / turning point and does this comply with ADB v2?
- Does all of the access road comply with AD-B v2 i.e. the hardstanding amount? For LFR this needs to be 18 tonnes, not 12 tonnes."

Additional comments, dated 20th February 2026

I refer to the planning application reference H14-1175-25. The Fire Authority would make no objections to the
application provided that the following items were included. Please see below items which are strongly
recommended in the interest of fire fighter safety, safety of residents, property protection, and insurance. It is
also acknowledged that the planning application is retrospective and the arrangements have been historically in
place.

ACCESS
Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building
Regulations 2010 (As Amended) Part B5. These requirements may be satisfied with other equivalent standards
relating to access for firefighting, in which case those standards should be quoted in correspondence

Access roads should therefore have:
- Minimum 3.7m width between kerbs
- Minimum width of gateways 3.1m
- Minimum height clearance of 3.7m
- A turning circle, hammerhead or other turning point in a dead end access route that is more than 20m long.
- Minimum 16.8m turning circle between kerbs
- Minimum 19.2m turning circle between walls

Lincolnshire Fire and Rescue also require a minimum carrying capacity for hard standing for pumping appliances
of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 (As Amended) Part B5.

Lincolnshire Wildlife Trust

"Thank you for inviting comment from Lincolnshire Wildlife Trust on this application. Our conservation officers have reviewed the referenced development against a series of strategic conservation and ecological criteria. In review of the variation documents presented, The Trust has no substantive comments or recommendations on the proposal."

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".

Environmental Protection

"No comments".

Environment Agency

Initial Comments, dated 20/01/26

"Environment Agency position
In accordance with Policy 4 (3(g)), we object to this application due to a lack of information regarding the foul drainage system being submitted. The application therefore does not demonstrate that adequate foul treatment already exists to ensure that the risks of pollution posed to water quality can be safely managed.

Reasons
The submitted application form states that the foul drainage will be as existing and the submitted flood risk assessment states: 'Foul drainage system serving the additional static caravans will be collected in underground pipes and discharge into the existing foul drainage system. As there is a positive drainage system capable of receiving flows from the development there is no likely impact on neighbouring property.

It is unclear from the submitted information what the existing foul drainage system is. We consider that further information should be submitted to clarify whether the existing drainage is a public or private system. If the drainage system is private, we advise that information regarding the system type and management should be submitted.

Overcoming our objection
To overcome our objection, the Applicant should submit further details regarding the foul drainage to demonstrate that the existing system in place is adequate to ensure the risk of pollution can be safely managed.
Please re-consult us if revised information on foul drainage is submitted and we will respond within 21 days of re-consultation.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations. Should our objection be removed, it is likely we will recommend the inclusion of a condition on any subsequent approval.
If the applicant is able to overcome our objection outlined above on foul drainage grounds, we will provide further advice in relation to flood risk at this site."

Revised Comments, dated 04/03/26

Environment Agency position
We have reviewed the additional information regarding the existing foul drainage system and consider that it satisfactorily addresses our earlier concerns. We therefore withdraw our previous objection, dated 20 January 2026.

Whilst we have withdrawn our objection, we would like to draw the attention of your Local Planning Authority to the following advice.

Condition to limit to holiday use
We understand that this application is seeking to regularise the arrangement on site that has been in place since 2020 and which in effect results in one additional hard standing pitch from the 2008 Certificate of Lawfulness.

We also understand that your Local Planning Authority is minded to approve this application and that you will likely include a planning condition to limit the use of the caravans and touring pitches to be occupied for holiday purposes only.

Considering this, we have no objection in relation to flood risk; however, we consider that conditioning the use of caravans/touring pitches to holiday uses only, and occupation for 11 months of the year, excluding the month of January, is required to partially (i.e. as far as is possible given the Certificate of Lawfulness) meet the requirements of current national and local flood risk policies.

We therefore request that flood risk is listed as a reason on these planning conditions for limiting the

proposal to holiday purposes only, and continuing to ensure there is a seasonal restriction.

Current guidance states that residential caravans in Flood Zone 3a should not be permitted in accordance with Paragraph 079 of the planning practice guidance section on Flood Risk and Coastal Change and it must therefore be ensured that flood risk is a reason to justify limiting the nature of occupation at this site.

Environmental permit - foul drainage information for the Applicant
We advise the Applicant to consider whether the site meets the requirements of the General Binding Rules, otherwise an environmental discharge permit will be required.

A permit is required for all discharges which do not meet General Binding Rules even if the discharge is existing. It is an offence to discharge treated sewage effluent without the correct permit in place.

It is a requirement that the private treatment plant is used in accordance with the manufacturers guidelines and is emptied on a regular basis. We recommend regular checks are made to ensure the private treatment plant is working effectively and polluting matter is not entering the watercourse."

Pinchbeck Parish Council

"No observations made"

Highway and Lead Local Flood Authority

"Currently the site has approval from 2008 for 4 static caravans, 11 hard standing touring pitches, and 7 soft touring pitches. This application is for 7 static, 12 hard standing and 4 soft standing touring. That is an increase of 3 static caravans and 1 hard standing touring pitch with a reduction of 3 soft standing pitches. Given the reduction in touring pitches and that the additional static caravans have been sited since 2020 it is considered that the proposals would not result in an unacceptable impact on highway safety or increase surface water risk.
The existing tie-in to the carriageway needs to be upgraded under a S184, to maintain the integrity of the access.
As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. Surface water run off will discharge to a shallow French drain around the perimeter of the development, any excess water will flow into the lake, therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site."

Proceed to request an informative condition relating to S184 agreements.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy Context

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 defined settlement boundaries outlined in the SELLP, and can therefore be considered to be within the Countryside for the purposes of Policy 1. In this context, Policy 1 states:

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

Paragraph 3.2.15 of the Reasoned Justification associated with Policy 1 expands upon this stating:

"Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan. Similarly, other assets such as waterways and access to the coastal areas may offer opportunities to expand the opportunities the area can offer visitors (See Policy 9: Promoting a Stronger Visitor Economy)".

Where a proposal would involve a tourism use, Policy 1 is supported by Policy 9 to determine whether a proposal is necessary and appropriate in a setting. Within the context of this site, Policy 9 states;

"Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:
1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise."

The provisions of Policy 9 are also expanded upon within the Reasoned Justification, with Paragraph 4.4.3 stating:

"However, some small-scale tourist facilities such as fishing lakes, equine development and caravan sites, small scale offices or other small scale rural development, may be more appropriately located outside a settlement boundary provided that there is a clear link to an established rural enterprise and the quality of the design ensures no adverse impacts upon landscape, heritage or biodiversity".

Assessment

As outlined previously, the site is located outside of any defined settlement limits, and as such can be considered as within the Countryside for the purposes of Policy 1. As such, only development which necessitates a Countryside location or contributes sufficiently to the sustainable development needs of the area would be permissible.

That being said, the proposal relates to an existing and well-established tourism use. On this basis, the aforementioned test of need should be considered in light of Policy 9. Assessing the proposal against the criteria of Policy 9, the following is considered:

1.The proposal would not conflict with neighbouring land uses. The business is well established on the site and the proposal would not result in the expansion beyond the defined limits of the grounds.

The proposal is tantamount to a reorganisation of the site and an additional pitch, with neither element exacerbating the impact on neighbouring land users.

2.The proposal would not be out of keeping with the character of the area. The use is well established on the site, and the marginal increase in intensity would not alter the site's character significantly.

3.The proposal relates to an existing and well established tourism venture, built around a fishing lake. The proposal therefore meets point 3.

As such, the proposal would conform to the requirements of Policy 9. The proposal represents a small and appropriate reconfiguration and expansion of an existing use.

In order to ensure that the use of the caravans remains for the purposes of tourism, it is recommended that appropriately worded conditions be added should the application be approved. These conditions should limit occupation and prevent year round occupation, in line with the conditions historically placed on the site.

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 reconfiguration of pitches (to provide additional static pitches and reduced soft standing) are considered to have no significant character impacts. The overarching character of the site are unaffected as the site would still be perceived as a caravan park. The additional statics are more visually impactful than the soft pitches; however, this does not represent such a significant intensification as to provide harm. In any event, the site is well screened from the road, preventing a significant impact upon the wider character of the area.

The additional hardstanding pitch would not significantly intensify the use of the site. The visual change of the hardstanding is negligible, due to the low lying and insubstantial nature of the material.

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

and Section 12 of the NPPF.

Impacts Upon Resident Amenity

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

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

The proposal is not considered to have a significant adverse amenity impact. The isolation of the site would prevent additional overlooking or overshadowing. Meanwhile the changes would not intensify the use of the site to such a significant extent as to create significant levels of noise disturbance.

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. No specific parking standards are provided for tourism uses. However, a parking area has been provided alongside each caravan. Given the nature of the use proposed, it is considered that this parking would be adequate, as it is unlikely more than one vehicle would be used to travel to each caravan.

As previously outlined, the proposal would be tantamount to a single pitch increase, with this increase in pitch numbers having occurred in 2020. On this basis, the proposal would not result in a significant intensification of the use of the site. As such, and as outlined the comments of the Highway Authority, the proposal would not have a severe or unacceptable impact upon highway safety.

The Highway Authority have referred to a S184 agreement. This is a legal agreement, made under Section 184 of the Highways Act, 1980, made between the Highway Authority and the site owner/ developer. As such, this process sits outside of the planning regime, and so no weight is attached to this point.

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 within the danger for some and danger for most classifications (north and south of site respectively) and 0.5m to 1m hazard depths (aligning with hazard zones).

As outlined previously, Section 14 of the NPPF requires a sequential approach to assessing flood risk. However, given the use is already well established on the site, and that there would in effect only be an increase of a single a pitch, it would be inappropriate to resist the application on this basis.

As such, it is considered appropriate to apply the exceptions test, in line with Paragraphs 177-179. Paragraph 178 of the NPPF 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 standing advice given by the Environment Agency for the creation of new caravan sites in danger for most areas would be to object due to the potential harm to occupants. However, given the use is established, and the proposal would in effect be an alteration of this existing use, then special allowances can be made, subject to other appropriate mitigation being put in place. This approach is consistent with the advice provided by the Environment Agency in this instance.

The finished floor level of the caravans within the 0.25m to 0.5m depth area would be raised by

500mm. This would comply with the standing advice given by the Environment Agency. A flood warning and evacuation plan has also been provided. Given the impracticality of raising finished floor levels for all caravans/ pitches above flood depths, this evacuation is considered appropriate and would ensure that Part b of the exceptions test is passed.

To ensure the safety of the occupants, a condition preventing year round habitation is proposed. This would reduce the vulnerability of the site to the impacts of flooding.

The proposal would help to support an existing employment use. Whilst this benefit would not be overly substantial, given the mitigation put in place and the mitigating circumstances of the application with respect to flood risk, this benefit is considered to outweigh on site flood risk.

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.

Foul Water Drainage

Section 14 of the NPPF and Policy 4 of the SELLP broadly outline that foul water drainage should be considered as part of an application. These policies outline that such schemes should be in accordance with sustainability principles, should not impact upon other sites, and should not damage the local environment.

As established previously, the proposal is in effect for one additional pitch. Therefore, the additional waste flows expected would not be substantial. In light of this, the expected impacts are significantly reduced. The Environment Agency have withdrawn their objection on this basis. The existing foul water systems are considered robust enough to accept this additional pitch.

The Environment Agency's comments regarding foul drainage are noted. Broadly, they outline the potential need for an environmental permit. This permitting system is governed by the Environment Agency, and the granting of planning consent would not negate the need to obtain these permissions. The PPG is clear that the planning system should not seek to replicate alternate permitting or legislative regimes. On that basis, it would be inappropriate to resist the application on the basis of consents outside of the planning regime.

On this basis, the proposal is considered to be in accordance with Policy 4 of the SELLP and Section 14 of the NPPF.

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 would impact less than 25sqm of habitat, and would therefore be exempt from the standard net gain condition under Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Ecology

Section 15 of the NPPF seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the NPPF details that Local Planning Authorities should apply the following principles:
"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"

The site was subject to a wildlife survey, circa 2009. The intention behind this being to assess the ecological importance of the site, and whether it provides a significant enough contribution to be judged as a designated wildlife site or priority habitat. Despite this, the site was never formally adopted as a wildlife site. It is not catalogued within the Priority Habitat Inventory produced by Natural England.

On this basis, the nature of the proposal would prevent harm to local habitats.

Economic Sustainability

Paragraph 85 of the NPPF states that "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

With respect to the rural economy, Paragraph 88 states that planning policies and decisions should enable "the sustainable growth and expansion of all types of business in rural areas" and "sustainable rural tourism and leisure developments which respect the character of the countryside".

Paragraph 89 outlines that these economic services may have to be located outside of settlement boundaries in rural areas. Where this is the case "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".

To this end, the proposal is considered to be in accordance with Section 6 of the NPPF. The proposal would generate some level of economic gains due to the additional pitch, whilst also enabling the optimum function of the park. For these reasons, significant weight is given in favour of this proposal.

Outstanding Matters from Representation

The comments of Lincolnshire Fire and Rescue are noted, in particular their concerns regarding the quality of the existing access. Whilst the implications of this are noted, it is considered that it would be improper to resist the application on this basis. The proposal would not worsen the existing arrangements, when compared to the 2008 approval, and the acknowledgement of this fallback position means that the same level of people could be subject to the same level of risk regardless of the outcome of this permission.

In any event, the request of the Highway Authority for the access to be upgraded, via an agreement under Section 184 of the Highway Act, would mean that regardless of the outcome of this proposal, the necessary upgrades to this track would have to be made. The PPG is clear that the planning regime should not duplicate the work of other regimes, such as the Highway Act, and so it would be improper to condition the upgrading of the access. Moreover, the request from Fire and Rescue is that the provisions of the Building Regulations 2010 (as amended) are honoured, meaning again the necessary upgrades can be assured via separate legislative procedures, and requiring their duplication here would not be in accordance with the guidance of the PPG.

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.

While the proposal is outside of any defined settlement boundaries, the development would solely relate to the expansion of a well-established visitor enterprise. To this end, the proposal would still be in accordance with the provisions of the Local Plan in principle. Significant weight is given in favour of the proposal under Section 6 of the NPPF. 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 the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 9, 28, 33 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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