DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-0806-24**	**Applicant:**	**Mr & Mrs I Trevor**
Proposal:	Demolition of existing building and erection of replacement dwelling		
Location:	The Ferns Beck Bank Quadring Fen		
Terminal Date:	6th February 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
22	Replacement Dwellings in the Countryside
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	1	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for a replacement dwelling in the countryside at The Ferns, Beck Bank.

Site Description

The site is located outside any defined settlement boundary and is therefore in the open countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Currently, there is a small bungalow on site with a vast majority of trees and hedges removed prior to the application being submitted. The site features an adjacent dwelling with a small separation to the north which sites six semi-detached dwellings all of near identical design and size.

History

No relevant planning history.

Consultation Responses

Quadring Parish Council

No comments from Councillors.

Councillor H J W Bingham

Obviously the principle of replacement dwelling is of no issue due to the type of construction of current dwelling.

But the current dwelling is of single storey and has little impact on the open landscape and nature of the area which is very much open countryside.

The design and scale of the replacement dwelling is in no way sympathetic to the very open rural setting or the plot. Being 2 storey and on a larger footprint compared to the single storey dwelling currently in place. Replacement dwellings should have design that improves the street scene and complements the setting and an improvement in planning and design terms. This basic design I believe would have a detrimental impact on the setting and over power the street scene and look alien. I would request this be taken to Chairman's Panel for consideration if no change is forthcoming based on scale and design.

Lincolnshire County Council 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.

Lincolnshire County Council Highways Authority

ADDITIONAL INFORMATION REQUIRED:

Clarification is required as to whether the access will remain in the existing location.

South Holland District Council 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, two letters of representation have been received.

These can be summarised as follows:

- Having seen the proposed plans for the plot are fully in favour of this new dwelling.
- We have no objection to the bungalow being replaced by a two storey house as all the other properties in this row are also two storey.
- The present building is unfit for use and the entire site was fast becoming an eyesore.
- The new owners have already improved the site and we hope that our support for their new home is taken into account.
- There is not one single bungalow within a one mile radius of the property - all of the homes are a two storey comprising of 16 semi-detached council houses all 2 storey and built on larger than average plots.
- On South Drove there are five two-storey 3-4 bed detached houses plus Quadring Fen Farm House, also a large two-storey property. There is no suggestion of any sort of single storey house or bungalow.
- I would be concerned that a 21st century bungalow had been granted planning permission here.
- All the homes on this road face onto the road, with open farmland to the front and rear - the plot surrounding the proposed development is of a size no smaller than any other detached property on this road.
- If you look at the cottage you will notice that this was once a cottage with others on this road before two large extension were granted - it is now a large house of a shape not dissimilar to the proposed rebuild.
- Including the property in question, it would total three out of eight detached houses with more or less the same format, the school house even has the large amount of glass to the rear.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flood Risk Considerations and Drainage
- Biodiversity

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

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) 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 (2019) 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.

As such, development within these settlements, subject to the proposals compliance with other relevant National and Local Plan Policies, may be considered acceptable in principle where they lie within the settlement boundaries of that settlement.

However, the site in this instance is located outside of any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP). Policy 1 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". Therefore, the application site in this instance is considered to be countryside in planning policy terms.

Policy 1 of the South East Lincolnshire Local Plan (2019) (Spatial Strategy) states that development within the countryside is limited to that where it "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". Independent dwellings within the open countryside, which do not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle.

The supporting text to Policy 1 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 settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)".

The proposed development seeks permission for an independent dwelling and as such, does not seek permission for development outlined within the above and as such, is not considered to meet the provisions of either of these policies.

Notwithstanding the above, Policy 1 is supported by Policy 22 of South East Lincolnshire Local Plan (SELLP) 2019, which relates to Replacement Dwellings in the Countryside. This policy states that "Proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

1 - The residential use of the building to be replaced (the original building) has not been abandoned.

2 - The original building is permanent, has not become derelict and is not the result of a temporary permission.
3 - The original building is not of architectural or historic merit and is not capable of repair.
4 - The replacement building is of a high standard in terms of architectural detailing and materials of construction.
5 - The replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality.
6 - The replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

The following can be assessed in respect of the above criteria:

1 - Whilst it appears that the dwelling is not currently occupied or lived in, the overall residential use of the building is not considered to have been abandoned and therefore, the proposal would comply with this criteria.

2 - The building is permanent, has not become derelict and is also not the result of any temporary permission. Although the property is in a state of disrepair to an extent, the building is not considered to be of such condition that the building is 'derelict'.

3 - The existing building on site is not considered to be of architectural or historic merit. Due to its apparent inoccupation, the dwelling has deteriorated to an extent and does not offer a significant contribution in this regard; albeit, the renovating of the existing property would provide a clear benefit.

It is also noted that Lincolnshire County Council Historic Places have stated that the "proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application".

4 - The proposed replacement dwelling is considered to be of a suitable standard in terms of architecture.

The proposed materials of construction include block and render with a brick base with timber/timer effect cladding for the walls, tiles for the roof, aluminium clad (anthracite dark grey) windows and doors. These materials help to create a fairly modern design and one that is of a suitable standard within the area in this regard; albeit no further detail has been provided as to the type of roof tiles that would be used.

Beyond this, the design itself is also considered to be of a suitable standard in terms of architectural detailing, particularly when viewing the proposal in respect of the exisitng built form on site. The principal elevation, the elevation fronting and readily visible from the highway, features render and cladding. Whilst solar panels are provided, this is not a particularly outstanding feature, but does provide a benefit to the scheme.

The remaining elevations are architectural suitable and the design, through the use of the same materials, allows for the design to be somewhat broken, instead of providing a solid form of brickwork.

The rear elevation also features large glazing and it could be argued that this is a stand out feature to the dwelling. When viewed as a whole, tied in with the other aforementioned elevations, this is sufficient enough to provide a suitable standard of design in architectural detailing.

The design appears suitable and provides a positive feature within the character of the area.

It should be noted that there were issues with the previous design, due to it not meeting this criterion; however, after presenting the application to Chairman's Panel it was agreed that amendments would be sought to provide a betterment, given the unattractive nature of the site in its current form. The Case Officer was able to receive plans from the Planning Agent, which as discussed above, were an improvement and are able to meet Criteria 4 of Policy 22.

These amendments, amongst other matters, saw a notable reduction in height of the proposed dwelling.

5 - The replacement dwelling has been moved further north by approximately 8m from the southern boundary and is closer to the north boundary by roughly 10m. This improvement in the design is considered to be sufficient, as to provide justification as to why the plot needs to be moved. It is also considered that due to the dilapidated nature of the exisitng dwelling, the proposal would provide an evident improvement.

6 - No existing floor plans have been provided, so rough measurements have been taken from the existing site plan, under drawing number '6472 PL2', which shows the floor area of the original dwelling to be approximately 193sqm. The proposed replacement dwellings floor area has been split into three; 122sqm (ground floor), 40sqm (garage) and 77sqm (first floor) which equates to a total of 239sqm. This is therefore an increase of approximately 23%, which is less than the 40% allowance within Policy 22.

In light of the above, the proposed development is in accordance with all criterion of Policy 22, with the design, following amendments, being of a sufficient standard in terms of architectural detailing.

In this instance, the proposal is considered to be acceptable when viewed in principle. Whilst a dwelling within a 'countryside' location would typically be at conflict with Policy 1, due to its location outside of the settlement boundary (unsustainable location); in this instance the proposal complies with the requirements of Policy 22 of the South East Lincolnshire Local Plan (2019), allowing the principle to be acceptable.

Layout, Design and Consideration of the Character and Appearance of the Area

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.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it 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 National Planning Policy Framework (December 2024) 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.

Prior to amendment, at the highest point, the dwelling comprised a height of 9000mm, with the eaves being around 5400mm. The double garage to the side was slightly reduced, with the ridge

sitting at 6200mm and the eaves being 2500mm.

Following the submission of amended plans, which are those utilised by the Local Planning Authority in the determination of this case, the heights of the replacement dwelling has been reduced. The ridge of the propsoed dwelling would be 7694mm, with the eaves being approximately 4937mm. The adjoining double garage would have a ridge height equivalent to that of the main dwellings eaves height, with the rear section appearing subservient still and has also been dropped to a height of 5614mm.

The scale of the replacement dwelling is considered to be acceptable and would appear proportionate in relation to other houses along Beck Bank. Whilst the development would comprise an increase from the existing dwelling on site, the additional space would serve to provide the future occupants further living accommodation within the property. Through dropping the height, it will allow the dwelling to not only sit more comfortably within the plot, but should also lie more comfortably along the street scene, allowing an enhanced assimilation; albeit, the development would not mirror its neighbouring counterparts. The proposal would not comprise a height that is significantly larger than the surrounding dwellings.

Internally, the vestibule leads into the main dwelling which directly accesses the open plan kitchen, dining and living area. On the opposite side there would be a snug, utility and WC with access into the double garage via the utility. On the first floor there would be three bedrooms, two with en-suites and one main shared bathroom. All rooms feature adequate windows to allow for natural light, the layout flows well and meets the Nationally Described Space Standards.

There would be a 1.2m post and rail fence to the front of the site with a Hornbeam and Rowan hedge running along the front curtilage as well. To the north and south 2m feather edge fencing would be sited abutting the closest neighbours. To the rear boundary, a 1.2m post and rail fence would be sited to allow for overlooking into the open farming fields. These fences are all considered to be suitable.

The replacement dwelling shall be constructed from block and render with a brick base and timber/timber effect cladding for the walls, roof tiles and both the windows and doors being made from aluminium clad in anthracite grey. The amended plans include materials that are not typical for most dwellings within the area; however, as the proposal must be of a high standard in terms of materials for construction, this would be considered to be in accordance with this requirement and therefore is acceptable in this instance.

Beyond this, there is not considered to be an impact on the character and appearance of the area as it comprises a design that is of a suitable quality and acceptable within the surrounding character as a result.

The design and scale of the dwelling has been amended, such that the proposal would no longer introduce a notable increase in bulk and built form, towards an increasingly rural location; with the site immediately adjoining the open countryside, whilst comprising a countryside location in policy terms in any event.

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 South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/ Land Users

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.

Policies 2 and 3 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.

Whilst the replacement dwelling would be larger and would cover more surface area than the existing dwelling, it is not considered that this resultant dwelling would materially harm nearby residents to a significant or unacceptable extent. Due to the positioning of the plot within the site, there would be no material overshadowing to the southern neighbour with any shadowing only covering the highway, field to the rear and the northern most point of the site. In addition to this, the neighbour to the north is set with in excess of 40m separation. As such, there would be no material overshadowing as a result of the construction of this property.

Furthermore, any windows to the front and rear of the replacement dwelling would be facing the highway and open fields respectively - as there are no dwellings to the front or rear, there would be no material overlooking either; to an unacceptable extent. In a similar light, due to the aforementioned distance to the northern neighbour, there would also be no loss of privacy in this direction. Finally, despite being located closer to the southern neighbour, there are no first floor that face this direction and therefore would not provide any harmful views. Overall, there is not considered to be an unacceptable level of material overlooking.

Although there is an increase in size, scale and bulk, this should not result in an overbearing impact to the amenity of the nearby residents, as it would be of a similar height and size to the dwellings located in the immediate area. Whilst there is to be an increase in noise during the construction of the replacement dwelling, should the application be approved, this would not be carried out during a prolonged period of time that result in a significant and unacceptable harm.

As detailed above, the scale and design of the proposal is considered to be such that there would be 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 the provisions of Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

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".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details 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 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 South East Lincolnshire Local Plan (2019) 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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area identified as no danger. In any case, a Flood Risk Assessment has been provided within the application. The following have been outlined as potential sources of flooding: drainage network flooding, surface water flooding, fluvial flooding, tidal flooding, reservoir flooding and groundwater flooding. The overall probability of this development flooding from localised drainage systems is low; furthermore, during the design life of the development it is not anticipated that the site would flood, with the SFRA also considering that the site is not at risk.

Finally, the proposed new dwelling would increase the impermeable area, so there will be an increased volume surface water which does have the potential to increase flood risk; however, this should not be severe and would increase the flood risk significantly elsewhere.

As the site has a low 'actual risk' of flooding, the following mitigation measures are recommended; the finished floor level of the dwelling should be 0.3m above the surrounding ground level and a further 0.3m of flood resilient construction above the finished floor level. These mitigation measures are considered to be acceptable and should limit any potential harm from flooding on site, should this occur. All living accommodation is located on the first floor, as opposed to the existing bungalow. Should the application be approved, a condition will be imposed to ensure the finished floor levels are set at this level.

Surface water will be disposed through soakaways with foul sewage to be disposed through a package treatment plant. These methods should be acceptable; however, it is important to note that Black Sluice Internal Drainage Board have not commented on this application, and the LPA recommend contacting the IDB directly prior to commencement on site.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Highway Safety and Parking

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".

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.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local

Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms.

There are three bedrooms within the proposed replacement dwelling, this means there should be space for a minimum of two vehicles off street. To the front of the site there is a large driveway which is suitable for turning and parking as well as a large double garage.

Whilst LCC Highways have requested further information in the form of clarification as to whether the access will remain in the existing location, they have not raised a formal objection. The case officer has liaised with the Planning Agent who have confirmed that 'The existing access is to be retained and used for the new dwelling'. Therefore, it is considered that this should be acceptable in this instance whilst also providing more than adequate off street parking.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2024).

Biodiversity Net Gain

Section 15 of the National Planning Policy Framework (December 2024) 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.

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats, it makes sure development has a measurably positive impact (net gain) on biodiversity. Developers must deliver a

BNG of 10% on site and means a development will result in more or better quality natural habitat than there was before development. There are a list of exemptions from the need for BNG with the developer in this instance believing they are exempt for the following reason(s) -

Self-build and custom build development. Development which:
- consists of no more than 9 dwellings, and;
- is carried out on a site which has an area no larger than 0.5 hectares, and;
- consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

Based on the information provided by Mr Trevor:
- The application site comprises one dwelling, and;
- the site is 0.13ha in area, and;
- the applicant is developing the site as an individual involved in all design and build decisions, and has registered with the South Holland District Council Custom and Self-Build Register.

Based on these responses, the development as proposed meets the published criteria for a BNG exemption.

If the application was to be approved, the applicant would build the dwelling as a self-build/custom housebuilding to ensure the development will be exempt from the need for BNG as under Paragraph 8 (1). The biodiversity gain planning condition does not apply in relation to planning permission for development which consists exclusively of dwellings which are self building or custom housebuilding.

Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion by - individuals, associations of individuals or persons working with or for individuals or associations of individuals. It does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person. The BNG exemption statements outline that the applicant has signed up to the register and is willing to a sign a Section 106 agreement. The design to an extent is individual, it is not typical of a 'custom/self-build'.

However, it is considered that a Unilateral Undertaking could be put in place to secure such matters.

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 represents appropriate development outside the defined settlement boundary, which also accord with the criteria outlined with Policy 22 of the South East Lincolnshire Local Plan (2019). The development hereby proposed does not materially harm the character and appearance of the locality. It should be noted that it provides adequate parking and is acceptable on flood risk terms, and when viewed as a whole conforms with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024).

In this instance, these are material considerations that weigh in favour of the proposal. Overall, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

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

other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to be contrary to Policies 1 but is in accordance with Policies 2, 3, 4, 22, 28 and 36 (Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), and therefore the principle of the new dwelling is considered to be acceptable. There are no significant factors in this case that indicates 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.