

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0104-25 **Applicant:** G M Johnson

Proposal: Proposed Industrial Development of 2 Light Industrial Units (Class B2, B8, E (g) (i) (ii) (iii) with associated parking spaces & other external works including new road access

Location: Land Off Spalding Drove Spalding Lincolnshire

Terminal Date: 22nd April 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
28	The Natural Environment
29	The Historic Environment
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 6 - Building a strong, competitive economy
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This application is made in outline form for a single commercial building (classes B2, B8 or E), split into two units. Additional works, such as the creation of a new access bridge and landscaping etc to enable to development to take place, are also proposed.

The total floor space of the building would be 300sqm. Hours of opening of 07:00 to 18:00 Monday to Saturday and 07:00 to 13:00 on Sundays and Bank Holidays are proposed. Indicative drawings have been provided, although all matters are reserved.

Site Description

The site is outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and as such, can be considered to be within the countryside from a planning perspective. The proposal would occupy agricultural land to the south of an existing scrap yard, approximately 150m south of the Clay Lake employment site, and 800m south of Spalding. The nearest dwelling is 150m to the north. Other than the development described here, the land use of the area is agricultural.

The site is located to the west of a fairly narrow road with no footpaths. Despite the limited development to the north, the site has a fairly clear agricultural character.

Relevant History

No relevant planning history.

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:

Cllr Ashby

Initial comments, received 11/02/25:

Support - "looks OK to me"

Revised comments, received 20/03/25:

"I support this"

Historic Environment Officer

Initial comments, received 17/02/25:

"It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207).

The proposed site lies in an area of high Iron Age and Roman archaeological potential, surrounded by several heritage assets recorded in the Historic Environment Record (HER). These include MLI23605 (Possible Roman Settlement Cropmarks) to the west, MLI20558 (Possible Undated Field Boundaries, Clay Lake) to the north, MLI98298 (Late Iron Age settlement and saltmaking site, Clay Lake) and MLI23600 (Undated Cropmarks) to the east, and MLI23596 (Settlement Remains, Spalding) to the south. Previous investigations revealed significant findings. In 1997, a watching brief (ELI6921) uncovered Roman or earlier ditches to the northeast. A 2011 trial trench evaluation (ELI11013) identified Late Iron Age settlement, saltmaking, and water management. In 2012, an archaeological evaluation (ELI13608) at the Biomass Plant, Clay Lake, recovered Late Medieval finds.

The proposed development comprises 'Proposed Industrial Development of 2 Light Industrial Units (Class B2, B8, E (g) (i) (ii) (iii) with associated parking spaces & other external works including new road access. The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218).

I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site.

This will comprise a phased approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to of a geophysics survey, geoarchaeology assessment and full standard archaeological trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29)."

Revised comments, received 03/03/25:

"We reiterate our previous comments. Also, No objection to amendment 1".

South Holland Internal Drainage Board

Initial comments, received 25/02/25:

"The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime."

Revised comments, received 14/03/25:

"I would like to confirm that the Board has received Notice under Article 11 of the Application for Planning Permission in relation to the application H16-0104-25. "

Environmental Protection

"No comments regarding land contamination or environmental protection."

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 letter of objection has been received.

This can be summarised as:

- Increase in traffic, particularly HGVs, along a narrow and crumbling road
- Concerns that this increase in traffic will have highway safety concerns
- Amenity impact of increased traffic
- Site has no access to utilities currently, and therefore is not a logical site for development

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 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 located outside of any defined settlement, and therefore, is within the countryside from a planning perspective. 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."

In this regard, the development lies within a Countryside location. Development of this nature within a Countryside location would only be acceptable if it was demonstrated that the proposal was necessary to such a location and contributed to the sustainable development needs of the area. Details have been provided to justify this location. It is contended that the proposal must be located on this site as the applicant owns the land associated with the site, that development would support the diversification of an agricultural enterprise and that development elsewhere would result in the proposal being unviable.

No evidence has been produced to support this claim, and therefore, it is not considered that appropriate justification has been provided in this instance. As discussed in greater detail further on, the gains of the employment site here would be no greater for the community than if they were located on the nearby Clay Lake employment area.

Turning to community benefits, the following is considered:

Economic - this point is covered in greater detail below. However, while it is accepted that there would be some benefit, it is not considered that the gains arising from the site would not be greater than if the site was located within an employment site. It could even be contended that the potential gains are lower, as there would not be the mutual benefit which would arise from development on an employment site.

Community - in this instance, social benefits are taken to be benefits beyond simply employment and economic growth. With this in mind, it is not considered that the proposal would result in a community benefit as no communal land or social opportunities (such as operating as a community hub) are proposed. In any event, the positioning and inaccessibility of the proposal reduces any potential benefits.

Environmental - the development of the units would have obvious environmental impacts associated with emissions during construction and the loss of agricultural land. The Biodiversity Net Gain proposed is not so great as to represent a significant environmental benefit which would count in favour of the proposal. In any event, the provisions of Policy 1 are such that the gains should be for the benefit of the area, not just the individual plot. It is not considered that the proposal would contribute to the environmental needs of the wider area.

As such, the proposal is considered to represent development within the open countryside, which is both not necessary or able to provide for the needs of the area. As such, the proposal is considered to be contrary to Policy 1.

Where a proposal would involve the creation of a new employment use, Policy 1 is supported by Policy 7. Policy 7 outlines that decision makers "will, in principle, support proposals which assist in the delivery of economic prosperity". To this end, Policy 7 outlines a number of employment areas to fulfil the economic growth needs of the District, with development directed towards these allocated employment sites. The proposal site is outside of any defined employment site.

Where a proposal is located outside of a defined employment site, Policy 7 outlines that this proposal shall be supported, should involve the reuse of previously developed land or the reuse of an existing building. Under the definition of previously developed land found within the NPPF, the proposal would not benefit from this provision. In this eventuality, Policy 7 states: "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."

Assessing the proposal against these criteria, the following is considered:

- a)The development would not conflict with neighbouring land uses, as these are primarily agricultural, with limited industrial use.
- b)As discussed within greater detail in the "Layout, Design, Scale and Consideration of the Character of the Area" section of this report, while it is difficult to wholly interpret the potential impacts upon the character of the area due to the proposal's outline nature, the development is considered to have a significant adverse impact upon the character and appearance of the area. The expansion of commercial activities into a countryside setting is considered harmful to the prevailing character of the area.
- c)As the submitted drawings are indicative only, it is not possible to provide a full assessment on this criterion.
- d)The matter of highway impact is discussed in greater detail within the "Highway Safety and Parking" section of this report. That being said, it is not considered that the proposal would have a significant adverse impact upon the local highway network
- e)Due to the relatively small scale of the proposal, the development would not have an adverse impact upon the viability of other sites

f) This matter is also discussed in greater detail in the "Highway Safety and Parking" section of this report. To briefly summarise, as the site has no dedicated footpath to it, is located down a fairly narrow road, and is a significant distance from the nearest settlement, the site is not considered to adequately foster modes of transport other than private vehicles.

g) The following justification has been provided on this point with the submitted design and access statement: "The proposal seeks approval for a facility on the applicant's own land. The land is part of an existing business operation and whilst this is agricultural, the facility will support this whilst allowing diversification. Locating the facility elsewhere would divorce it from this site meaning that the need for unnecessary travel would be introduced. It would also be unviable to purchase land elsewhere as this would increase the development costs to a point beyond the reach of the business. If this were the case then the employment opportunity would be lost." While this point is noted, it is not considered that this is adequate justification for the development of the site. With respect to accessibility and increased car travel, an employment site (SP012), which contains significant land for development, is located a mere 150m to the north; locating the development in Clay Lake employment site would remedy this need for additional vehicular movements. No hard evidence has been provided that the purchase of land elsewhere would render the scheme unviable. In any event, the justification does not override the unsuitability of the location by virtue of its out of settlement positioning, as discussed in Paragraph 89 of the NPPF (see further discussion within the "Economic Sustainability" section).

For these reasons, the proposal is considered to be contrary to Policies 1 and 7 of the SELLP, when viewed as a whole, and is therefore the principle of development is considered to be unacceptable.

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.

Aspects of design which contribute to a positive sense of place are outlined within the National Design Guide (NDG). This document provides broad guidance on design matters. In lieu of a comparable document for South Holland, the NDG is considered to represent a significantly important document on design matters within the District.

Paragraph 53 of the NDG outlines the broad principle that well designed new development is influenced by an understanding of the existing character of the area, including aspects such as scale and materials. This is further supported by Paragraph 56 which states that "well-designed places contribute to local distinctiveness. This may include: adopting typical building forms,

composition, articulation, proportions, features, materials, details, patterns and colours of an area; drawing upon the architectural precedents that are prevalent in the local area". To this end, it is established that a proposal must be consistent with the overarching design philosophy of its setting and enhance what positive features are present in the area.

As the drawings submitted are indicative only, it is not possible to form a finalised opinion on their architectural merit. As such, the following discussion is centered around the impact development as a whole would create, as opposed to the quality of the designs.

In any event, for the sake of completeness, the indicative drawings are of some architectural merit and represent a coherent vision for the site. However, this vision is not necessarily consistent with the existing character of the area, and as such, could be considered to be contrary to Paragraphs 53 and 56 of the NDG. That being said, the weight given to this is limited due to the Outline nature of the proposal.

Despite the industrial/commercial development to the north, the site itself has a clear countryside character. The Clay Lake employment site is not so developed at this stage as to be an agent of change for the area, and to diminish the primarily rural characteristic of the area. In any event, Spalding Drove road creates a barrier in the built form between the east and west sides of the road, and distinguishes the character accordingly.

The intensity of the built form of the area decreases along Spalding Drove, with the scrap yard and Exeter Drain operating as a clear end point to the built form of the area. In siting the development beyond these features, the proposal would represent intrusion into the countryside and intensification of the industrial character of the area to a harmful extent. The relatively significant height of the buildings shown on the indicative plans would intrude upon the sense of openness currently seen in the area, an openness which is characteristic of the positive attributes of the Fens. Even if the height was reduced, or the building re-orientated so that the shorter elevation was facing the road, the building would still intrude upon the open character of the area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character and appearance of the area and would therefore be contrary to 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 significant distance of the site to the nearest residential dwelling, and the uses which are between the two, the proposal is not considered to represent any significant harm to residential amenity. While the comments relating to increased vehicular traffic potentially creating disturbance are noted, it is not considered that the movements created by two relatively small units is sufficient as to cause significant harm.

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. For a B2 use, 1 space per 65sqm of floor space is required, compared to 1 space per 150sqm of B8 floor space. As the SELLP was adopted prior to the changes to the Use Class Order brought into effect in 2021, no specific standards are provided for a Class E use; however, it is considered that B1 would likely represent the most comparable of the former use classes. 1 space per 30sqm is required for a B1 use. On this basis, a minimum of 10 parking spaces should be available on the site. This has been delivered within the indicative plans.

As an outline application, without a defined Use Class, details have not been provided of exact vehicular movements generated by the development. As such, a comprehensive assessment of the impact upon highway infrastructure cannot be undertaken at this time, and this matter should be deferred until the Reserved Matters stage.

The Highway Authority have requested additional information, in the form of details of the proposed culvert and access bridge. Given that this application is made in outline only, and in light of the harm identified throughout this report, this information has not been sought. As such, there have been no final comments issued the Highway Authority. Therefore, in the event that the application is approved, it is recommended that a condition be imposed requiring further details of the access bridge at the reserved matters stage.

That being said, the proposal may not constitute a significant or severe highway safety concern. While the road is relatively narrow, vehicles can move safely down Spalding Drove, as has been demonstrated by the use of the Clay Lake employment area. To this end, while the proposal would increase the vehicular movements along the road, subject to an appropriate transport assessment accompanying any potential subsequent Reserved Matters application, this may be acceptable.

No footpath links the site to the nearest settlements. As such, the development would not be safely accessible by pedestrians. The site is not accessible via any method public transport either. The proposal therefore fails to demonstrate adequate accessibility via sustainable transport methods and is considered to be contrary to the provisions of Policy 33 of the SELLP and Section 9 of the NPPF>

It is contended within the Design and Access Statement that the site is no less accessible than Clay Lake employment site; however, a footpath does link the area of SP012 which is currently developed to Spalding, and it is likely that this footpath would be extended as the site is built out. As such, a direct comparison cannot be made between the two sites at this time.

While adequate parking is provided, and it is unlikely that the impact of the additional vehicular movements would be severe, the site is considered to be inaccessible by sustainable modes of transport due to a lack of footpath linking the site to any settlement and no public transport connecting to the site. Therefore, the proposal is considered to be contrary to Policies 2, 3, and 33 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)."

The proposed use is classified as "less vulnerable" within Annex 3 of the NPPF. Therefore, as outlined within Table 2 of the relevant section of the Planning Practice Guidance, the Exceptions Test is not required; however, the sequential test must still be applied.

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 classed as "danger for most", with a hazard depth of up to 2 metres.

In assessing whether there are reasonably available alternative sites at lower flood risk, the first search area should be the employment sites allocated in Policy 7 of the SELLP, as these sites are preferable from a strategic and policy perspective. Within Spalding, all employment sites identified in Policies 7 and 8 are also within Flood Zone 3. Broadly, throughout the District as a whole, employment sites identified within Policy 7 are within either Flood Zone 3 or an area identified as at risk of flooding within the SFRA. As such, the proposal is considered to be sequentially acceptable.

As outlined above, there is no need for the proposal to pass the Exceptions Test due to its vulnerability classification; however, the development should still be safe for its lifetime. No significant details have been provided at this stage as to how this would occur, with the submitted Flood Risk Assessment simply outlining broad mitigation methods that may be applicable. It is considered that this matter can be adequately addressed within the Reserved Matters stage.

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.

As the proposal is made in outline only, finalised details of how the requisite biodiversity net gain will be achieved have not been provided. The indicative layout includes an area to the west for planting and the installation of sedum roof. Seeing as the habitat value attributed to agricultural land is low, it is considered that the required net gains can be achieved via the net gain condition applied under Schedule 7A of the Town and Country Planning Act. This approach is consistent with that of the PPG.

Economic Sustainability

Section 6 of the NPPF "Building a strong, competitive economy" outlines that "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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". Naturally, the proposal would contribute to the economic growth of the area, and as such, significant weight is given in favour of the proposal.

Paragraphs 88 and 89 of the NPPF explicitly target the rural economy. Paragraph 88 states "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". Within the Design and Access Statement, it is contested that the proposal would help to support the diversification of an existing agricultural businesses, it is clearly evident that the proposal would support the growth of rural businesses. That being said, Paragraph 88 does stipulate this growth should be "sustainable"; and therefore, it is considered that proposals should demonstrate consideration of the principles of sustainability, found within Paragraph 8 of the NPPF. As discussed above, the site's isolation from any settlement and its overarching divergence from the spatial strategy of the SELLP means that the development is not judged to represent "the sustainable growth and expansion" of a rural business, and as such, weight under Paragraph 88 of the NPPF cannot be attributed in this instance.

Paragraph 89 of the NPPF is particularly pertinent to this case, and as such, it has been copied in its entirety for reference here: "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".

As outlined previously, the site is divorced from any settlement, would not constitute previously developed land, and would not be acceptable via sustainable methods of transport. The proposal is also not considered to be sensitive to its surroundings by virtue of its imposing scale impacting upon the openness of the area. For these reasons, the proposal fails to accord with the provisions of Paragraph 89.

Historic Environment

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably. These

provisions extend to archaeological remains.

Paragraph 207 of the NPPF states: "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

The Lincolnshire County Council Historic Places Team, who act as advisors on archaeological matters within the District, have highlighted the potential for the site to be of archaeological interest. Accordingly, the body has recommended the imposition of the standard suite of archaeological conditions, amounting to a written scheme of investigation and exploratory trenches prior to the commencement of development.

Given the scale of the proposal, it is considered reasonable to request the imposition of these conditions, in the event the application is approved.

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.

Significant weight should be placed on the need to support economic growth. The proposal will obviously contribute to this. However, the proposed location is poorly served by sustainable modes of transport, would harm the character of the area, and fails to accord with the SELLP's spatial strategy. To this end, while significant weight is given in favour of the development, this does not outweigh the harm caused. In any event, the proposal does not conform to the provisions of Section 6 of the NPPF relating to the rural economy, and therefore, the weight attributed under Section 6 is tempered. As such, the planning balance is against the proposal.

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 conflict with Policies 1, 2, 3, 7, and 33 of the SELLP as well as Sections 9 and 12 of the NPPF.

Recommendation

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