

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0331-26 **Applicant:** Mr A Odupitan

Proposal: Change the use from a 6 bed HMO (Class C4) to 7 bed HMO (Sui Generis)

Location: 40 Stonegate Spalding

Terminal Date: 26th June 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
24	The Retail Hierarchy
26	Primary Shopping Frontages
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	1	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	1	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission to change the use of the site from a 6 bedroom House of Multiple Occupation (HMO) (use class C4) to an 7 bedroom HMO (use class sui generis). No external changes are proposed to facilitate the change of use.

Site Description

The application site is a mid terrace sited on Stonegate in Spalding. The site is located within a residential area with neighbouring dwellings to the north, east, south and west. To the south east is a barbers and a Tesco Express is sited on the junction of Matmore Gate.

History

H16-0220-04 - Full - New vehicular access to serve nos. 40 and 41 Stonegate - Approved 08.04.2004

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Ward Member Cllr D R Ashby

Objection. I viewed this property a few years ago when they asked for it to be a 6-bedroom HMO. I thought at the time it was small and tight for 6 without adding another room so this is beyond the scope of this property.

Ward Member Cllr M E Le Sage

Could you just run through with me how this will benefit the area when we already struggle for parking on the road side? It's always congested during school movement times. I know the residents aren't happy already. I'm sure this won't go down very well with them.

Environment Agency

No objections.

BNG Ecologist

Having reviewed this application, we have no comments regarding ecology.

Private Sector Housing Community and Neighbourhood Services

Housing Standards would like to advise the applicant that, should planning permission be granted, the relevant HMO amenity space standards must also be satisfied, a new policy was introduced in April 2026. For further information, please visit our website and refer to the relevant policy documents, including Appendix C.

SHDC Environmental Protection

The property has recently been subject to complaints of poor management of waste likely to attract pests. additional occupants and reduces facilities for storage are unlikely to improve this situation. proper facilities for storage and management of waste must be included.

LCC Highway and Lead Local Flood Authority

No Objections. This proposal is for a change the use from a 6 bed HMO to 7 bed HMO. The access remains unchanged. Cycle parking has been provided to support sustainable travel options. Therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Public Representation

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:

- Concerns regarding lack of parking
- Concerns regarding privacy
- Concerns regarding impact on the local community

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 (updated 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.

Principle of Development and Sustainability

Policy 1 of the Local Plan 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 within the defined settlement of Spalding which is a Sub-Regional Centre. Policy 1 sets out that development in this type of settlement will be permitted that supports their role as Sub-Regional Centres.

The proposal seeks to increase the size of the existing 6-bedroom HMO to a 7-bedroom HMO. This would entail changing the use of the laundry/storage room within the site into a bedroom. No external changes are proposed.

Policy 21 of the Local Plan is relevant in this case as the policy relates to the creation of large HMOs. The policy sets out that proposals for large HMOs will be permitted provided that:

- "1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;*
- 2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;*
- 3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;*
- 4. adequate provision is made for the storage and disposal of refuse and recycling;*
- 5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;*
- 6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;*
- 7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and*
- 8. adequate provision is made for the communal gardens and amenity areas.*

Where all of the above criteria are satisfied, the Nationally Described Space Standards¹⁰ (or any successor) will be applied to ensure that the occupiers have adequate floor space."

In terms of the above referenced criteria, the proposal would not result in the loss of a family-sized dwelling in a high density residential street. As such, the proposal accords with part 1.

In terms of part 2, it is not considered that the proposed conversion would significantly harm the amenities of neighbouring dwellings. For example, the development would not result in an extensions to the property, nor would any additional windows be inserted. As such, the development would not worsen any degree of overlooking with neighbouring dwellings. The addition of 1 bedroom is not considered likely to adversely impact the amenity of neighbouring dwellings.

In terms of part 3, it is considered that the development would not have a significant adverse impact on the character and appearance of the area.

In terms of part 4, Environmental Protection have raised objections to the proposal due to complaints of poor management of waste by the existing residents. Comments have been raised with regards to the additional occupants and reduced facilities for storage which are unlikely to improve the situation. However, a new bin store will be located to the front of the site and a condition has been attached to submit a storage and management of waste plan, which is considered to be sufficient to satisfy part 4 of Policy 21.

In terms of part 5, as set out previously, Lincolnshire County Council's Highways Team have not raised any objections with the proposed lack of parking for the HMO due to the site's location within Spalding Town Centre.

In terms of part 6, the site is located less than a 15 minuet walk from some key services such as shops and restaurants. Therefore, the proposal is considered to accord with part 6.

In terms of parts 7 and 8, it is considered that occupants would be provided with an adequate standard of residential accommodation. There is a rear garden area which provides some external amenity space for occupants.

It is considered that the kitchen would be suitably sized for the proposed number of bedrooms; however, it would be considered appropriate to include a planning condition to restrict the number of occupants within the HMO due to the size of the kitchen. As such, the proposal is considered to accord with Policy 21 of the Local Plan.

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

Paragraph 135 of the National Planning Policy Framework (updated December 2024) states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan 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.

Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (updated 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.

There are no external changes proposed, and therefore, there would be no aesthetic impact via development.

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.

As set out previously in terms of the assessment of the proposals against Policy 21, it is considered that the proposals would have an acceptable impact on the amenity of future occupants and neighbouring properties.

Representation has been received from neighbouring occupiers, raising concerns regarding loss of privacy. However, given that the dwelling is already a HMO, the addition of one bedroom would suggest that the rise to noise and disturbance would not be significant enough to impact upon the area of single dwellings. With regards to loss of privacy, the scheme does not propose any new window openings directly facing any neighbours therefore there are no loss of privacy concerns.

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.

As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

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.

Lincolnshire County Council's highways team have set out that they have no objections. This proposal is for a change the use from a 6 bed HMO to 7 bed HMO. The access remains unchanged. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore car parking is not essential for this proposal. Cycle parking has been provided to support sustainable travel options. Therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. The highways team therefore considers that the proposed development would not have an adverse impact on the public highway.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Flooding Considerations

The site lies within Flood Zones 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.

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 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)". However, paragraph 176 is clear in that "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63". Footnote 62 of the NPPF clarifies that this includes proposal for 'changes of use'.

Within the SFRA, The Residual Flood Hazard Maps show that the site has a hazard classification of 'Danger to All' and could experience flood depths of >2.0m arising from a breach in the defences during a flood that has a 0.1% chance of occurring in any one year up to 2115.

Notwithstanding this, as detailed above and as set out within paragraph 176 and footnote 62 of the

NPPF, the proposal does not require the application of the sequential test.

Policy 4 of the SELLP details that "Change of use of existing buildings will be supported providing they do not pose an increase in risk to people. Change of use that would result in self-contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported".

In this case, the site comprises an existing 6 bedroom HMO, and the proposal would result in the provision of an additional bedroom, resulting in a 7 bedroom HMO. The proposed bedroom, that subject to this proposal would be located to the first floor and as such, this proposal would not result in the creation of additional ground floor living accommodation.

The Environment Agency within their consultation response have highlighted Policy 4 of the SELLP, detailing that this states that changes of use with a 'Danger to All' hazard rating require 'unrestricted access to a habitable room above the flood level and an emergency evacuation plan will be required'. Whilst this is correct and the proposal would result in the loss of a room on the upper floors that is not currently a bedroom, to provide for an additional bedroom, this could be achieved via an alternative layout for the provision of a six bedroom HMO through permitted development; and as such, given that occupants to the ground floor are otherwise unaffected, and given these existing occupants can obtain access to the upper floor (albeit not to a specific habitable room), the proposal, on balance, is considered to be acceptable in this regard.

The comments from the EA also advise that "a Flood Warning and Emergency Response (FWEP) plan" should be provided. As such, a pre-commencement condition has been recommended to obtain this information.

Notwithstanding the comments raised, the EA concluded that "Notwithstanding these concerns, the proposed additional bedroom is on the first floor above the predicted flood depths. We therefore have no objections to the application".

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, 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.

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.

For applications that are submitted prior to the introduction of this requirement, the development would be 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.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements as the proposal would impact less than 25sqm of on-site habitat.

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 within the defined settlement boundary. 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 South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, 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 in accordance with policies 1, 2, 3, 21, 24, 26, 30 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). There 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.