

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0771-26	Applicant:	Mr J Tucker
Proposal:	Residential Development - 2 Dwellings		
Location:	Adj. The Poplars Cowbit Road Spalding		
Terminal Date:	8th October 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
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 August 2026

Section 4 - Achieving sustainable development
 Section 12 - Making effective use of land
 Section 14 - Achieving well-designed places
 Section 15 - Promoting sustainable transport
 Section 18 - Meeting the challenge of climate change, flooding and coastal change
 Section 20 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This proposal seeks planning permission for the erection two, three-bedroom dwellings on the land adjacent to the Poplars, Spalding. The proposal is for two identical houses within the plot. Each dwelling would "Z" shaped, measuring at 9.65m (width) by 11 metres (maximum depth).

The proposal features several intersecting gable roofs. The lowest eaves height would be 4.35m, rising to 7.5m at the lowest ridge. The maximum eaves height would be 5.35m, rising to 7.6m at the ridge. Both dwellings would be constructed of Hampton Rural Blend facing bricks, with Sandtoft Britlock interlocking slate tiles. Cream aluminium windows are proposed, in contrast to the black UPVC rainwater goods.

Details of boundary treatments have been provided. These include a 1.8m boundary fence along the north, east and south boundaries, and a 1.2m high close boarded fence to the west boundary. Hedging is proposed throughout the site, primarily on the north-east garden boundary and the western front boundary.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The plot is currently used as additional garden space for the dwelling to the south, The Poplars. Five tree stumps and an area of bracken feature on an otherwise grassed, sloping lawn. This slope angles sharply down from the roadside to the garden, dropping by approximately 2 metres from the road to the far side of the garden. The height difference is thrown into sharper contrast by the position of The Poplars, which is raised significantly above ground level.

Relevant History

H16-1026-24 - Full. Residential Development - 2 Dwellings. Approved 31/01/25

H16-1298-21 - Full. Erection of 2 detached dwellings. Approved 10/02/22

H16-0549-13 - Permission renewal. Residential development - 1 dwelling (renewal of H16-0417-10). Approved 16/08/13

H16-0276-13 - Full. Two storey side extension with replacement entrance steps and porch with floating rear deck and internal alterations. Approved 28/05/13.

H16-0417-10 - Outline. Residential development - 1 dwelling. Approved 27/07/10.

H16-0602-09 - Outline. Residential development - 2 dwellings. Refused 07/04/10.

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

This house and land should support these extra buildings

Highway and Lead Local Flood Authority

"This proposal is for residential Development - 2 Dwellings. The vehicular access meets the visibility guidelines set out in Manual for Streets. The car parking provided is in line with the guidance set out in Lincolnshire County Councils Design Approach and turning space has been provided within the limits of the site to allow vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety. The access will be subject to a S184 approval from Lincolnshire County Council which is separate to the planning application process"

Proceeds to recommend several informative conditions

SELCP Ecologist

Comments

Ecological Considerations:

-We believe that the habitats on site have the potential to support nesting birds. It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, we request a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 31st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.

-We request that a total of 2 integrated universal nest bricks (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) are incorporated into the external fabric of one or both buildings. These should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, and grouped colonially where possible, in accordance with best-practice guidance such as British Standard BS 42021:2022. The bricks must be installed during the construction phase and retained thereafter for the lifetime of the development.

-We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) are added to each dwelling.

-in both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site. These are required to enhance biodiversity and to be in line with the NPPF Policy N2 and Local Plan Policy 7.2.14.

BNG Comments and Notes to applicant

· BNG exempt

South Holland Internal Drainage Board

Outline when consent may be required from the Board

Environment Agency

We have no objection to this application.

Historic Environment Officer

Outlines that the site has the potential to contain archaeologic evidence, and recommends the imposition of the standard suite of archaeology conditions as a result.

Environmental Protection

No comments regarding land contamination.

Public Representations

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

Key Planning Considerations

Evaluation

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

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

The policies and provisions set out in the National Planning Policy Framework, 2026 (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 within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

Policy S3(1) of the NPPF states:

"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
- b. Outside settlements, policy S5 should be applied"

As previously outlined, the site is within a defined settlement limit, and therefore, Policy S4 is relevant. This states:

"Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework."

Policy S4(2) outlines circumstances where the benefits of approving a development are likely to be substantially outweighed by adverse effects. This includes, but is not limited to, development on allocated land for purposes other than those allocated, the loss of cemetery land, loss of land used for flood risk management, or failure to comply with a policy which explicitly states development should be refused in specific circumstances.

As the site is within Spalding, development within this location is considered appropriate. The proposal would support the settlement's role as a sub-regional centre and contribute to the district's housing supply.

Notwithstanding the above, and any other considerations of principle matters, it should be noted that there is an extant permission on the site H16-1026-24. It is considered that this extant permission offers a realistic fallback position, and in light of this, the principle of development can be considered acceptable.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Policy S4 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

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

Section 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines that "development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets".

In order to create well-designed places, Paragraph 2 outlines that proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The dwellings are located significantly below road level, therefore reducing the visual impacts of the development. In any event, the scale of the dwellings is broadly consistent with those to the north of Cowbit Road, and therefore, the visual intrusion as a result is low.

The positioning and orientation of the dwellings would be largely consistent with the linear built of the area, and while there is a greater degree of set back presented here, it would not be to such a great extent as to be considered a break from the pattern of development.

The overall design of the dwellings is typical of the Cowbit Road area, and Spalding as a whole. The use of mirrored designs for each plot further ensures a sense of place is created as a result of this development.

The materials selected are considered appropriate given the fairly eclectic array present in the wider area currently. Likewise, the boundary treatments are considered appropriate from a character and visual standpoint, given the constraints of the site.

In any event, the site benefits from an extant permission for a near identical design of dwellings; therefore, establishing a strong fallback position.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or

appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 14 of the NPPF.

Impacts Upon Resident Amenity

DP3 of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals should "provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life".

Significant boundary treatments are present along the northern boundary. These will largely obscure any views or overshadowing that may occur here. In any event, any shadow which would be cast would fall on a path and a blank elevation, thereby ensuring no significant harm occurs.

The proposal would be overlooked to a certain extent. Likewise, it would also overlook properties to a degree. That being said, this application has been assessed previously under the same Local Plan and within the same broad principles of the NPPF. As the proposal would not materially worsen overlooking or overshadowing compared to the extant approval on the site, it is considered that the level of amenity provided is acceptable. This point is particularly poignant given the extant permission on the site.

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 Sections 14 and 17 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, Policy TR6(4) advises that "development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion."

Policy TR3 of the NPPF outlines that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. The policy outlines a series of principles to achieve these aims, with the expectation that all proposals should, so far as is relevant, conform to them. Policy TR3(2) is explicit that "The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development."

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 and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. Adequate parking has been provided on the site, in line with the above standards.

The proposed access would offer sufficient visibility for vehicles entering the road. The turn space

provided ensures all vehicles can exit in a forward gear, further ensuring safety is ensured.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 15 of the NPPF.

Flooding Considerations

Section 18 of the NPPF relates to "Managing flood risk and coastal change". It requires a sequential approach to flood risk, in accordance with the decision making policies contained within this section. Policy F7 is clear that "development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere."

Policy F5(1) outlines that:

"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users."

Paragraph 3 expands on this, stating that :

"The strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test."

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.

As explicitly stated within Policy F5(3), the SFRA should be used in conjunction within the Environment Agency's maps to assess the sequential test. Within the SFRA the site is located outside of an identified hazard zone.

The NPPF is clear that application of the sequential test should be conducted utilising both the Environment Agency's Maps and the SFRA. However, within the Environment Agency's maps, almost the entirety of the Spalding settlement is within Flood Zone 3. On that basis, the SFRA's hazard designation should carry greater weighting, as no reasonably available plots could be found within Spalding at a lower Environment Agency classification.

In light of the classification outside of a hazard zone, and the extant permission on the site, the proposal is considered to pass the sequential test.

Policy F6 of the NPPF states:

"In areas falling within flood zones 2, 3a, or 3b (as defined in Annex F, table 1):

- a. Development proposals should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, table 3; and
- b. In certain other circumstances set out in Annex F, table 3, in addition to satisfying the sequential test in policy F5 where applicable, development will only be appropriate where an 'exception test' is satisfied"

Annex F, table 2 of the NPPF defines the proposed use as more vulnerable. As such, the proposal is not considered to be incompatible with the flood risk, as outlined in Annex F; however, it is considered necessary to apply the exceptions test.

Policy F6(1)(b) states:

"The exception test involves demonstrating that the development would meet all the following

criteria:

- i. Provide wider sustainability benefits to the community that outweigh the flood risk;
- ii. Be safe for its anticipated lifetime in accordance with policy F7; and
- iii. Not increase flood risk elsewhere and, where possible, reduce flood risk overall."

Assessing the proposal against these criteria, the following is considered

The proposal would provide a minor increase in housing supply. This offers a clear benefit in favour of the proposal, particularly given the emphasis of the NPPF in this regard.

The proposal would be safe for its lifetime, considered the designation as not at risk of flooding within the SFRA. If a fluvial flood were to occur, as a result of overtopping of the river Welland, the dwelling would likely be in the path of the flood waters. Therefore, while the dwelling would not be at risk of conventional standing water flooding, it may still be impacted by water damage etc. As a result, it is considered necessary to raise finished floor levels to a minimum of 3.6m OD and flood resilient construction is used to the same level. These measures would ensure that the development would be safe from the impacts of flooding for its lifetime, without increasing flood risk elsewhere.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

The site area is less than 0.2ha, rendering the proposal exempt from the standard net gain condition.

That being said, as per the requirements of the NPPF and the SELLP, additional conditions relating the installation of swift bricks is considered to be necessary.

It has also been mooted by the Ecologist that the site may contain nesting birds. As a result, a condition should be imposed, as per the requirements of the relevant Acts, to ensure no harm to these animals occurs.

Archaeology

Part C of Policy 29 concerns "archaeology and scheduled monuments". This Policy outlines five assessment points for an application which may impact upon archaeological remains, the first three of which are particularly relevant here:

"1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.

2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.

3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."

In this instance, the historic environment record comes from the Lincolnshire Historic Environmental Record (LHER). The LPA's interpretation of the information within the LHER is informed via consultation with the Historic Places Team of Lincolnshire County Council (HPT), who maintain the LHER.

The public information relating to the LHER is taken from the Lincolnshire Heritage Explorer (LHE). The LHE is not a comprehensive database, and the information contained within it is constantly evolving. The LHE webpage is explicit that "the information provided through the Lincolnshire Heritage Explorer is only part of that held by the LHER, and will not be sufficient on its own to inform the planning process".

Sites of archaeological interest can broadly be separated into two categories: designated assets and non-designated assets. Designated assets, such as scheduled monuments, are far rarer and only occur in places where the requirements of the Ancient Monuments and Archaeological Areas Act 1979 can be applied. These are sites which have a pre-established significance to archaeological understanding at a wider national level, and must be designated by the Secretary of State as such. Accordingly, such sites are rare and are often designated after the scope of the asset has been established. The site in this instance is not designated.

It has been stated by the relevant consultee from the HPT, that the site is in an area of high archaeological potential. On this basis, the site can be considered a site of archaeological interest, and a potential non-designated heritage asset, in line with Policy HE7 of the NPPF.

On this basis, they have recommended that, in the event the proposal is approved, the standard suite of archaeological conditions is imposed. The conditions would require the submission of a written scheme of archaeological investigation, followed by archaeological works to be done in accordance with the approved scheme. There is no evidence before the Planning Department which would indicate that this would be excessive.

Without the imposition of the requested condition, there is the potential for harm to a non-designated heritage asset, via the disturbance of a site of potential archaeological interest. On this basis, it is considered necessary to impose these conditions.

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 SELLP and the provisions of the NPPF when viewed as a whole.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

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

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 29, 33 and 36 of the SELLP, as well as Sections 4, 14, 15, 17 and 18 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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