

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0799-26 **Applicant:** Mr Barrett
Proposal: Change of use from C4 House in Multiple Occupation to a Sui Generis large House in Multiple Occupation for up to 7-persons
Location: 3 Green Lane Spalding
Terminal Date: 20th 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
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
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 17 - Pollution, public protection and security

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS				

	1	0	0	0
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CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for change of use from a C4 House in Multiple Occupation (HMO) to a Sui Generis large HMO for up to 7-persons. No external alterations are proposed. The property would be divided into:

- Ground floor - dining room, kitchen, WC, cycle store (external), porch and bedroom 1 (12.6sqm)
- First floor (clockwise starting with the top right) - bedroom 2 (12.15sqm), bedroom 3 (7.32sqm), bathroom, bedroom 4 (7.29sqm).
- Second floor - bedroom 5 (11sqm), bedroom 6 (8sqm), bathroom, bedroom 7 (7.2sqm)

All above measurements are approximate.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within a residential area towards the centre of the town. To the immediate east and south east is The Immaculate Conception & St Norbert Catholic Church, to the north is Aldi and the shopping area of Winsover Road.

3 Green House is a mid-terrace, three-storey property. It is a redbrick property, characterised by a two storey bay window arrangement. It is somewhat typical of the area, although there is a reasonable variety in the built form.

Relevant History

H16-0620-26 - S192 - Change of use of residential dwelling (C3) to HMO (C4) - Certificate of Lawfulness Granted 13-08-26

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 Le Sage

Objections - I have received complaint from a neighbour regarding the proposed changes to the property and I support those complaints. The plan is vague at best and will put further pressure on an area that already has its fair share of HMO's and 'serco' style housing x2 being just over the road. I ask that permission is not granted and that a limit be proposed on these type of properties. Please keep me informed of when this is due to go to planning.

SELCP Ecologist

Thank you for consulting us on this application. We have reviewed the proposals and have no ecological concerns to raise at this time; therefore, we have no objections

Conservation Officer

I have no objection to this proposal on built heritage grounds. The proposal appears to relates only to internal changes (Lounge to bedroom), with no alterations proposed to the external appearance of the building. As a result, the development will have no impact on the character or appearance of the Conservation Area

Highway and Lead Local Flood Authority

No objections -

The proposal seeks to increase the occupancy of an existing lawful 6-person C4 HMO to a 7-person sui generis HMO through the conversion of an existing lounge into an additional bedroom. Whilst this may result in a small increase in parking demand and trip generation, the proposal would increase occupancy by only one resident and would not alter the existing access arrangements or parking layout.

The site is located in a highly accessible location, within walking distance of Spalding town centre and the railway station, where day-to-day facilities and services can be reached by walking, cycling, and public transport.

Consequently, a lower level of car parking provision is considered acceptable in this location.

Given the scale of the increase in occupancy, the proposal is not considered likely to result in a material impact on highway safety or the operation of the local highway network. Subject to the Local Planning Authority being satisfied that occupation is limited to a maximum of seven residents, it is not considered that the proposal would result in an unacceptable impact on highway safety

Environmental Protection

ensure secure waste storage provision is in place as the immediate locality has historically high levels of pest activity

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, one letter of objection has been received.

This can be summarised as:

- Loss of internal communal space
- Increase in fire risk
- The kitchen is too small for further occupants
- Increase in noise and vehicles
- Street is overused
- Queries the use of the term sui generis

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 Context - Spatial Strategy and Achieving Sustainable 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.

Policy Context - Houses in Multiple Occupation

Where a proposal relates to the creation of a house in multiple occupation, Policy 21 of the SELLP is also relevant. This states:

Proposals for the creation of large Houses in Multiple Occupation and the sub-division of dwellings will be permitted provided that, in each case:

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 Standards (or any successor) will be applied to ensure that the occupiers have adequate floor space"

Policy 21 is clear that all criteria should be met for a proposal to be considered acceptable.

Assessment

Assessing the proposal against the above, beginning with Policy 21, the following is considered:

1. As evidenced through the lawful development certificate H16-0620-26, the loss of the property could reasonably occur via the provisions of Schedule 2, Part 3, Class L of the General Permitted Development Order, 2015. On this basis, it is not considered that the proposal would result in the loss of a family sized dwelling, despite the area being high-density and a terraced property. Criteria

1 is met.

2.The proposal would not impact upon the amenity of neighbouring properties. No additional windows or openings would be created, and the addition of a single bedspace over a lawful C4 HMO would not give rise to an unacceptable noise impact.

3.As no external alterations are proposed, there would be limited visual effects. The change of use from a 6 person unit to a 7 person unit would not significantly impact the character of the area.

4.No details of refuse arrangements have been provided. Criterion 4 has not been met.

5.Whilst not in the town centre, the site is within a reasonable walking distance to the centre of Spalding, including the bus and train stations. As such, the tangible need for parking provisions is limited, and it is not considered that additional parking spaces are required here.

6.As outlined above, the site has good access to all day-to-day facilities

7.The proposal is considered to fail criterion 7. The Nationally Described Space Standards, which Policy 21 expressly requires the use of, require a minimum floor area of 7.5sqm for a bedroom. Three bedrooms are below this figure. Given the lack of shared living space available, occupants would be forced to spend a disproportionate time in their own rooms, which due to their size would be uncondusive to a good standard of residential amenity.

Moreover, the approximate total floor area of the property is 130sqm. Whilst the Space Standards do not extend to a 7 bedroom property, the formula can be extrapolated to give a floor space of 142sqm for a three-storey, seven bedroom property. The proposal would therefore fail to meet space standards.

8.The proposal is considered to fail criterion 8. Whilst a small garden is present, the only shared internal space, beyond the kitchen and bathrooms, is a small dining room. No shared living room or comparable feature is present. Given the number of occupants, this is considered to be entirely insufficient for their needs, and below the requirements expected under criterion 8. It should also be noted that the shared kitchen is relatively small given the number of occupants.

The proposal is therefore contrary to Policy 21 of the SELLP, and would therefore fail to provide suitable accommodation to meet the requirements of its occupants.

Whilst the site is within a defined settlement limit, it is considered, for the reasons to follow and as outlined above, that the benefits of the proposal would be significantly outweighed by the harm caused, and would therefore be contrary to H4 of the NPPF.

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.

As outlined previously, as no external alterations are proposed, the visual impacts of development are limited. Moreover, the use as a larger HMO, given occupancy would be restricted to only 7 persons, would not be out of keeping with the character or appearance of the area.

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".

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.

As outlined within the assessment under Policy 21 of the SELLP, whilst the proposal would not have a harmful impact upon amenity of neighbouring properties, it would fail to provide a suitable standard of residential amenity. No shared internal amenity space is provided bar the dining room. There is a small external amenity area, although the practicality of this element, and whether it is large enough to serve the number of occupants proposed, particularly given the lack of internal space, has not been demonstrated. Given the provisions of Policy 21, which is explicit that shared amenity space should be provided, it is not considered that adequate amenity space has been provided.

A lack of shared amenity space would result in occupants spending an increased level of time within their room. It would limit their ability to socialise, and conduct conventional living arrangements. The result is an environment which would fail to provide a high standard of accommodation, lessening the wellbeing of occupants. Achieving a good standard of living, and prioritising positive mental/physical outcomes is a core tenant of the planning system as a whole, including Policies 2 and 3 of the SELLP. There are clear and inherent harms to providing insufficient living space.

Moreover, as discussed earlier in this report, several rooms do not meet the requirements of the Nationally Described Space Standards. Policy 21 is explicit that these requirements should be met, and therefore, there is conflict with this Policy resulting from this. Given the absence of shared amenity space, it is considered that the effect of these overly small rooms would be more greatly felt. The lack of shared amenity space would result in residents spending more time within their rooms. Therefore, these rooms being undersized would result in an environment conducive to proper living standards.

The alternative fallback of a six bedroom HMO, which would be permissible under the provisions of the General Permitted Development Order is noted with regards to the above assessment. However, the floor plan provided shows a communal living room within this alternative arrangement. There would also be reduced pressures placed upon the kitchen space and external spaces.

Therefore, the level of accommodation and amenity space offered for a six bedroom scheme would be far greater than that proposed here. As such, whilst this fallback is acknowledged, the circumstances are materially different here.

As detailed above, the proposal would fail to provide an adequate internal floor area. A suitable standard of residential amenity therefore cannot be achieved, and the proposal would be contrary to Policies 2, 3, and 21 of the SELLP, as well as Section 4 and 14 of the NPPF.

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.

As the site is located within reasonable walking distance to Spalding town centre, the accessibility of the site is considered to be good. Moreover, in light of the fallback position for a 6 person HMO, it is not considered that the proposal would give rise to an unacceptable impact upon the highway network.

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 Environment Agency's surface water flooding data shows that the site is at risk of flooding through this method also, with depths expected to be no greater than 300mm in a 1 in 100 year event.

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 outside of any identified hazard area.

Policy F5(2) of the NPPF states:

"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, other than for:

Changes of use, other than changes of use to a caravan, camping or chalet site, or to a mobile home or park home site".

There is therefore no need to apply the sequential test here. Policy F6 of the NPPF clarifies that where the sequential test is not required, the exceptions test is also not required.

Nevertheless, Policy F7 of the NPPF would still be relevant. It states the following:

1. Development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere.
2. Where development is proposed in a location known to be at risk from any form of flooding, now or in the future, it should be refused unless:
 - a. Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons which justify a different arrangement;
 - b. The development will be safe throughout its lifetime taking account of the vulnerability of its users;
 - c. Any residual risk can be safely managed, and safe access and escape routes are included where appropriate, as part of an agreed emergency plan;
 - d. The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; and
 - e. It can be demonstrated that flood risk will not be increased elsewhere."

Assessing the proposal against the above, the following is considered. The proposal would not impact flood risk elsewhere. Nor could it reasonably be located within an area at a lower risk of flooding, as it is conversion. The development would however, marginally, at risk of flooding in a 1 in 100 year surface water event. Accordingly it is recommended that, in the event the application is approved, a condition be imposed requiring the installation of demountable defences to ensure the safety of the property.

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 proposal would fall within the de minimis exemption, and therefore BNG is not required.

Making Effective Use of Land

Section 14 of the NPPF encourages proposals to make the most effective use of land available. Policy L2 of the NPPF expands upon this point in greater detail, outlining circumstances where substantial weight should be given in favour of a development. This states; "Substantial weight should be given to the benefits where a development proposal would achieve one or more of the following:

- a. Remediating despoiled, degraded, derelict, contaminated or unstable land;
- b. Making better use of vacant and underutilised land and buildings (such as: by bringing back into residential use empty homes and other suitable buildings; converting space above shops; redeveloping underutilised retail and business sites; and building on or above service yards, lock-ups, car parks and other transport infrastructure which are no longer required);
- c. Making effective use of previously developed land and buildings through temporary uses, in situations where alternative development is anticipated within a reasonable period (including as a result of the land being allocated for an alternative purpose in the development plan); or
- d. Creating additional homes or floorspace within settlements by using the airspace above existing residential and commercial premises, or through sensitive redevelopment or additional development within existing plots"

It has not been demonstrated that the site is vacant or underutilised. The Design and Access Statement provided by the Applicant states that there is an underused room; however, this has not been evidenced. Moreover, the wording of L2 relates to a "building" rather than part of a building or an individual room. It is not considered that L2(b) has been met. The use is not temporary, failing to meet point c, and point a is not considered to have been met. The proposal would not create an additional home, thereby failing to meet point d.

On that basis, it is not considered that additional weight would be offered under L2 of the NPPF.

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 would fail to provide adequate amenity space for occupants. Several rooms fall below the Nationally Described Space Standards, and the only shared internal amenity space are utilitarian rather than "living" accommodation. It is considered that this lack of space would result in inadequate living conditions, which are not conducive to wellbeing. The proposal would therefore conflict with the provisions of the SELLP and NPPF which enshrine good quality living conditions.

On balance it is considered that the harm identified would significantly outweigh the benefits, and therefore the proposal would not conform to Policy S4 of the NPPF.

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 contrary to Policies 2, 3, and 21 of the SELLP, as well as Sections 4 and 14 of the NPPF. There are no significant factors in this case that would outweigh the harm identified; therefore, the planning balance is against the proposal.

Recommendation

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