

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0976-25 **Applicant:** Ms M Firth
Proposal: Erection of 4 detached dwellings - outline approval H16-0615-22
Location: Rear Of The Beeches Horseshoe Road Spalding
Terminal Date: 5th December 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 04 Approach to Flood Risk
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 28 The Natural Environment
- 29 The Historic Environment
- 30 Pollution
- 33 Delivering a More Sustainable Transport Network
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND	0	0	0	1

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

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Reserved Matters application, for the erection of four dwellings following outline approval under H16-0615-22. Proposed are four large, modern dwellings.

Plots 1 and 2 are mirrors of each other, bar an approximately 4sqm rear projection to Plot 1. Each would have a width of 14.9m with a primary depth of 11.3m. The maximum height would be 7.35m to the apex. Each would be constructed of Vandersanden Bivio facing brick, with Edilians Huguenot grey clay roof coverings and anthracite grey facias, soffits and window frames.

Plots 3 and 4 would also mirror each other, bar the garage present on Plot 3. The dwelling houses would measure 12.7m by 13.47m, with a maximum height of 9.7m. The materials would match those of Plots 1 and 2.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is a backland plot to the rear of the frontage development along Horseshoe Road. To the immediate east is allocated site Mon005. The surrounding area is predominately rural, characterised by linear development of varying ages and designs. Two large modern dwellings are currently under construction to the site's immediate north.

Relevant History

H16-0615-22 - Outline - Residential Development - Approved 10/10/22.

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:

Welland and Deepings Internal Drainage Board

"Thank you for your consultation on the reserved matters application. I have no further comments to add to my previous ones for this site."

Historic Environment Officer

"Thank you for consulting us on this application. It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207). The site lies within an area of high archaeological potential, with evidence ranging from the Early Iron Age to the post-medieval period. Nearby HER records include Iron Age to Roman enclosures and salt-working sites (MLI23204, MLI20553), and Romano-British field systems and settlements at Spalding Common, East Road, and Pode Hole (MLI22345, MLI23614, MLI22386). Additional assets include the projected Baston Outgang Roman road (MLI22343), a farmstead at Saddlers Mead (MLI81540), and Saxon and medieval remains at Spalding Common

and Monk's House (MLI82036, MLI22356). The proposed development comprises 'Erection of 4 detached dwellings - outline approval H16-0615-22.' The proposed development groundworks and any temporary works associated with the development (including landscaping, drainage connections and BNG planting) will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. Two previous applications on the adjacent site (1,672 sqm, compared with the current 3,260 sqm) were granted planning consent and conditioned with a scheme of archaeological works (H16-0064-16 and H16-1089-19). A recent programme of archaeological trial trench evaluation was undertaken on land to the south of Horseshoe Road, Spalding, Lincolnshire, as part of a proposed residential development. The work was commissioned to provide information on the archaeological potential of the site as part of the pre-planning stage of the project. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). There is archaeological potential, and we do not possess evidence that previous limited agricultural activity truncated possible present heritage assets. I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02, 03 and 05 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29)."

Highway and Lead Local Flood Authority

Additional Information Required:

"The access should be constructed to Lincolnshire County Council Specification, and a note should be added to the proposed site plan detailing this. The width of the access/track should also be detailed. Refuse vehicles will not enter private drives - a refuse collection point should be included internal to the site and in accordance with the requirements of Manual for Streets"

Environmental Protection

No comments, Sue Armour's previous comment regarding this location remains the same.

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and

enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is 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.

The principle of development was deemed acceptable under outline application H16-0615-22. As a Reserved Matters proposal pertaining to this previous application, there is no requirement to revisit the principle of development here.

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

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Paragraph 139 of the NPPF states: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

South Holland do not have a local design guide, meaning that supplementary guidance on design matters is principally driven by national documents, including the National Design Guide (NDG). The NDG outlines broad principles for well designed places. The NDG is supported by the National Model Design Code (NMDC), which has a greater emphasis on matters such as density and built form, and approaches assessments in a more empirical manner.

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.

Whilst not placed as a formal condition, the decision notice for H16-0615-22 contained an informative condition which stated the following: "Whilst the principle of development on this site is considered to be acceptable, it is considered that only a single dwelling would be appropriate. This is because multiple dwellings in this location to the rear of existing dwellings would be considered to have a material impact on the character and amenity of the surrounding area."

As an informative condition, the weight attributed to this point is limited. Nevertheless, it establishes a clear principle in the assessment of this proposal, and beyond all else, highlighted potential concerns and matters that should have been considered during the design of the development.

The area has a clear preference for linear development. The introduction of four dwellings on this site, in the manner proposed, would represent a significant and pronounced departure from this established built form. The number of dwellings exacerbates this sense of conflict significantly. The result being a clear change in the rural character of the area to a more urban form. Paragraph 53 of the NDG broadly outlines how well designed places take inspiration from and respond to the established built form of an area. For the aforementioned reasons, the proposal would fail to adhere to this paragraph.

Whilst the site is relatively large, the introduction of four exceptionally large dwellings would create a sense of overdevelopment. Currently, dwellings in the area are somewhat sparse and well spaced. Four large, backland plots which occupy the majority of the available space would break from this established spatial pattern. Whilst it is acknowledged the eventual development of the adjoining allocated site may lead to a change in this character, seeing as no proposal has been approved or commenced on Mon005 at the time of this assessment, only limited weight is given to this point; equally, the eventual design and layout of this allocation has not been established as a result.

The proposed dwellings are of a significant scale. The Beeches, which Plot 1 sits behind is a bungalow. As a result, Plot 1 would be unduly dominant when viewed from Horseshoe Road, breaking the conventional subservient relationship between frontage and backland development. The result is an unduly dominant development, which directly conflicts with the established openness of the area. The relationship between Plots 1 and 2 vs 3 and 4 also furthers this perception, as Plots 3 and 4 are far larger than their neighbours. Moreover, it would exacerbate the perceived overdevelopment of a backland plot referenced previously in this report by creating a more dominant development.

It is acknowledged that the design is heavily inspired by those developments located to the north-west of the site. This does help to naturalise the development to a certain extent. However, the introduction of such a significant number of dwellings in this style, considering that the two aforementioned dwellings are unique in their setting currently, would result in a clear and significant change to the character of the area. The 20th century rural design philosophy which underpins the dwellings to the west would be significantly eroded by the establishment of these more urban, modern dwellinghouses. This would result in the proposal failing to meet Paragraphs 53 and 56 of the NDG, in that the prevailing design choices of the area have not been applied.

The above factors would combine to result in the development acting as a clear agent for change, eroding the existing openness and peri-rural character of the area in favour of a more contemporary, urban design. The proposal therefore fails to respect the character of the area, thereby conflicting with the NDG.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore be contrary to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the distances proposed to boundaries, no significant overshadowing would occur as a result of the proposal, despite the significant height of the dwellings.

Views internally would not be overly intrusive and each plot would have a suitable standard of residential amenity. As no side windows are proposed, no overlooking to the north would occur. Plot 2 would overlook the site to the east (Mon005); however, seeing as this site is only allocated and no finalised layout has been approved, the weight given to this point is limited.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards 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 for each dwelling.

The access arrangements had been broadly approved within the outline proposal. The outline application was made for up to four dwellings, and therefore any assessment of this matter ought to have been considered in that light at that time.

In any event, the proposed arrangement shown is considered acceptable. The access would be approximately 6.5m wide throughout, which under the Manual for Streets is considered a suitable width for development of this nature. The comments of LCC Highways are noted; however, as the plans are drawn to scale, access width has already been demonstrated and to require further information on this point would be unnecessary.

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 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of any identified hazard zone.

Flood risk matters, including the sequential and exceptions test, were considered at the outline stage. To revisit this point here would therefore be inappropriate. In any event, finished floor levels would be raised by 300mm, above expected flood depths, ensuring that the development would be safe for its lifetime.

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

Biodiversity Net Gain

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

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

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

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that

planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

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

As the Outline application was submitted prior to the introduction of Schedule 7A of the Town and Country Planning Act, there is no requirement to demonstrate net gain here.

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."

Paragraph 205 of the National Planning Policy Framework (December 2024) states:

"Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:

- a) assess the significance of heritage assets and the contribution they make to their environment; and
- b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future."

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.

Footnote 75 of the National Planning Policy Framework (December 2024) states that: "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."

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

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.

It has been identified that the proposal would result in significant harm to the character and appearance of the area. The proposal would fail to respect the existing built form of the area and fail to fully integrate into the existing area, resulting in a design which would fail to achieve the aims of the NDG and the NMDC.

There would be a benefit arising from the addition of four dwellings, which would make a contribution to the housing needs of the area. That being said, SHDC can demonstrate a five-year housing land supply and there are allocated sites within Spalding which are yet to come forward. On this basis, the weight accorded to this point is reduced accordingly.

Therefore, in line with Paragraph 139 of the NPPF, the planning balance is against the proposal.

Additional Considerations

Public Sector Equality Duty

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

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is

also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal is considered contrary to Policies 2 and 3 of the SELLP, as well as Section 12 of the NPPF. There are no significant factors in this case that would outweigh the harm of the proposal; 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.