CHAIRMAN'S PANEL Held On: 17th April 2026

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1089-25**	**Applicant:**	**Gramaro Properties Ltd**
Proposal:	Proposed conversion of existing barns to office use and the development of a padel club on adjacent land		
Location:	Bridge Farm Holbeach Road Spalding		
Terminal Date:	24th April 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
07	Improving South East Lincolnshire's Employment Land Portfolio
24	The Retail Hierarchy
27	Additional Retail Provision
28	The Natural Environment
29	The Historic Environment
32	Community, Health and Well-being
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 2 - Achieving sustainable development
Section 4 - Decision making
Section 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed place
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER				

	0	1	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	5
RESIDENTS	0	0	0	1

Route for determination of application	**Delegated**	X	**Committee**	

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full application for the conversion of an existing barn to offices, the demolition of barns, the development of a padel club and the additional works at Bridge Farm, Holbeach Road, Spalding. All uses proposed fall within Class E.

It is proposed that the existing modern barns on the site would be demolished, leaving the older, northern masonry barn to be converted into offices. The southern leg and north-eastern of the barn would be clad in horizontal, black timber cladding. Further openings would be created to create additional fenestration throughout the barn. Clay pantiles roof would replace the existing sheet and sleet roofing. Additional black UPVC downpipes would be added. Solar panels are proposed on the southern elevation. The conversion would create approximately 350sqm of office space, including an additional mezzanine floor. Hours of opening are stated to be Monday to Friday 08:00 to 18:00.

To the north-west of the barn, a staff wellness shed is proposed. This would measure 7.5m by 5m, with a height to eaves and ridge of 2.55m and 4.66m respectively. The shed would be finished in black timber cladding, above a low-level brickwork plinth, with red clay pantile roof tiles. The shed would offer a small breakroom/ wellness space.

A grassed area with a "biodiversity lagoon" (pond) is proposed to the north of the barn. Surrounding the barn would be a hard-surfaced area to provide a total of 24 parking spaces. A refuse area and bike shelter are proposed to the immediate north of the site. It is proposed that the front curtilage of the barn building would be enclosed in woven steel fencing, set at a height of 1.2m, while the rear grassed area would be enclosed in post and rail fencing at 1.2m.

To the east of the offices complex a Padel club, comprised of two double courts (measuring 20m by 10m) and a single court (measuring 20m by 6m) and a club house/leisure building is proposed. Each court would be enclosed in a clear frame, with a height of 3.025m. 4 (no.) 6.25m high light

poles are proposed.

As with the aforementioned wellness shed, the club house would be finished in black, timber cladding above a low-level brick plinth. A natural slate roof is proposed. The building would measure 7.375m by 14.05m, with an eaves height of 2.55m rising to 6.035m at the apex. Internally, toilets and changing rooms are proposed, in addition to a Pilates studio. 17 parking spaces are proposed. Hours of opening are stated to be Monday to Saturday 06:00 till 21:00 and Sunday 06:00 till 18:00.

Site Description

The site is outside of any settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, lying approximately 800m east of the settlement limits of Spalding.

The site is located along the A151, which connects Spalding to Holbeach. There is a clear rural character within the area, which is dominated by agricultural developments.

Bridge Farm, and the associated barns, are listed within the Lincolnshire Heritage Explorer under reference MLI122746, and therefore, the site can be considered as a non-designated heritage asset.

Relevant History

H16-0465-22 - Full - Change of use of agricultural buildings to one dwelling including the demolition of existing buildings & the erection of a detached garage - Approved 06/05/22.

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:

Initial Responses, received between 03/12/25 and 08/01/26

Historic Environment Officer

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

The proposed development will comprise: 'Proposed conversion of existing barns to office use and the development of a padel club on adjacent land.' Historic mapping information - OS Map 1892-1914 in the HER (Historic Environment record) confirms that the existing agricultural building to be converted is an extant part of Building record MLI122746 - Bridge Farm, Spalding: Partially extant 19th century farmstead. Regular courtyard with L-plan range plus detached buildings to the fourth side of the yard. The farmhouse is detached from the main working complex. There has been a partial loss (less than 50%) of traditional buildings. Isolated location. Large modern sheds are located on the site.

The existing farmstead building on site are considered a non-designated heritage asset (NDHA) due to their distinctive construction. Documented examples predating the 1880s are rare, and farmsteads dating from 1880-1940 are referenced in Historic England's Agricultural Buildings: Listing Selection Guide (April 2011) and the Greater Lincolnshire Farmsteads Project (Historic England, 2015). These structures display highly distinctive architectural characteristics and possess notable heritage value. Nineteenth-century farmsteads contribute to local heritage by preserving the agricultural, architectural, cultural, and ecological history of the area, making them valuable assets for both present and future generations. Furthermore, these agricultural building are included in the Building the Evidence Base for Historic Farmsteads in Lincolnshire project, which mapped historic farmsteads predating the 2nd edition Ordnance Survey mapping of the early 1900s.

Conversion will have a significant impact on any surviving original fabric of the farmstead buildings. Recommendation: I recommend that if permission is granted, there be a condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of pre-demolition mitigation work including, but not limited to, a level 3 historic building recording of the masonry barns and outhouse part of the farmstead, in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice. (2016).'

No below ground archaeological works are necessary, This will enable the farmstead buildings to be recorded prior to conversion. This should be secured by South Holland District Council's standard condition AR04 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29)."

Pedals

"We are pleased that cycle parking is included in this application. If permission is granted please include conditions requiring details of the cycle parking to be submitted to the Council and approved before development begins, and the approved details to be implemented and available for use before first use of the development"

Highway and Lead Local Flood Authority

"ADDITIONAL INFORMATION REQUIRED

I understand that this is a full planning application for the proposed conversion of existing barns to office use and the development of a padel club on adjacent land. In terms of parking provision, 25no. spaces have been allocated to the office building and 14no. spaces to the padel court leisure facility, including cycle storage facilities. The operating hours for the professional services will be Monday-Friday (8am-6pm) and the leisure facility will be Mon-Friday (6am-9pm) and Saturday-Sunday (6am-6pm). Additionally, there will be 20 full time and 4 part-time staff members for the leisure facility, as we understand.

That said, the Highway Authority are of concern with the proposed parking numbers not being sufficient for the proposed use of the leisure facility, this being only 14no. and therefore, we would ask the applicant for further justification on how many appointments will there be per day, how long the appointments are, spacing of visiting times and, if pre-booking arrangements of appointments is requested, including the number of staff members working at one time or on one shift. Essentially, we need to know how many vehicles will be on site at any one time, to ensure sufficient parking provision has been accounted for and to ensure vehicular movements of those arriving for an appointment, would not meet those departing from an appointment that has ended, if visiting times were equally spaced and for staff members."

Conservation Officer

"I write to confirm that I have no objections to the proposed development. However, it should be noted that the whole site is considered to be a Non-Designated Heritage Asset, but virtue of being listed within the Lincs HER under reference MLI122746.

Whilst the site is an NDHA, it is welcomed that the only proposed demolition is of the later, unsympathetic corrugated agricultural buildings, and the original 19th and early C20th brick built buildings - of value to the site - are proposed to be retained and converted. Nevertheless, I do concur with and mirror the comments provided by my colleagues in the LCC Historic Places Team in requesting a site-wide Level 3 building recording prior to any demolition works.

Otherwise, I am satisfied that the proposal respects the historic fabric and general character of this site and as such, I am confident that the proposal meets the requirements of Policy 29 of the SELLP, as well as S16 of the NPPF.

If approved, in addition to the building recording, I would also suggest the imposition of an external materials schedule condition and details of landscaping to ensure the development's impact upon the associated NDHA is as sympathetic as possible".

Environmental Protection

"Following review of the submitted screening assessment form dated 7th November 2025 with site photographs and GIZ-1907 Asbestos Management Survey Report Dated 12th March 2024. I request a standard land contamination condition be applied at this location".

Environment Agency

"Environment Agency position:

The site has a future hazard classification of 'Danger for All' (includes the emergency services) and could experience flood depths of 0.5 - 1.0m arising from a breach in the defences during a flood that has a 0.5% chance of occurring in any one year up to 2115.

The submitted flood risk assessment (FRA) dated October 2025, prepared by RM Associates proposes the raising of finished floor levels by 0.3m. We note that the proposed office building would also benefit from refuge on the first floor in the event of a flood. Flood resistance/resilience measures and a flood warning and evacuation plan have also been proposed as part of the FRA's mitigation strategy.

Whilst the proposed office and padel club could be impacted flood water ingress in the event of a breach in the defences, we consider that the FRA is appropriate to the nature, scale and location of development and accordingly we have no objection to this application. We advise that the proposed measures are fully implemented and that a flood warning and evacuation plan is submitted and approved by your Local Planning Authority prior to the granting of planning permission."

South Holland Internal Drainage Board

Object due to discharge of water into an IDB asset and works within 9m of an IDB controlled asset.

SELCP Ecologist

"Summary: There has not been sufficient evidence provided for us to support the determination of this application as we require a PEA and protected species survey to be provided pre-determination. We are confident that 10% net gain can be achieved on site for this application however we have requested that some alterations be made to the BNG for this site. A Biodiversity Gain Plan and HMMP are require to be provided pre-commencement.

Documents reviewed:
-BNG Statutory Metric
-Preliminary Ecological Appraisal
- Biodiversity survey and report
-Indicative proposed site plan Comments Ecological Considerations:
-Having reviewed this application, we believe that this application will require a Preliminary Ecological Assessment with a protected species survey (primarily Barn owl's and Bat's) to be provided pre-determination. The results from this PEA may reveal the need for more detailed species surveys.

-Local Planning Authorities have a statutory duty to consider the conservation, protection, and enhancement of biodiversity when determining planning applications. In addition, the presence of certain habitats, species, and designated sites protected by UK and European law on or near to a development site is a material consideration within the planning process. For these reasons, it is important that a Preliminary Ecological Appraisal is provided to help identify and evaluate any features of ecological interest on/adjacent to a proposed development site, and identify any potential mitigation measures required in line with the exiting wildlife legislation and planning policies.

This assessment is often requested prior to planning applications being determined as it helps ensure that any mitigation methods to protect specific species are feasible implemented before the proposed development can be signed off.

BNG Comments and Notes to applicant:
-Overall, the metric assessment provided seems feasible and we are confident that 10% net gain can be achieved for this site, however we do have some alterations that will need amending precommencement.
-We aren't confident that good condition modified grassland can be achieved on this site due to the relative complexity to create with the increased external pressures. We believe that having poor target condition grassland around the padel court and moderate condition grassland covering the rest of the onsite grassland creation would be a more suitable habitat target condition.
-We are also concerned that the trees in the centre of the site are proposed to be planted too closely together. We would recommend they alter their proposed tree planting in this area to have ½ the number of trees (would mean there are 37 proposed trees for the site overall).
-With these alterations we are confident that 10% net gain can be achieved for the site with an overall increase of 0.5 habitat area units which means there is a 24.94% net gain. Specific wording

request for BNG notes to applicant.
-We will require a Biodiversity Gain Plan and a HMMP to be provided pre-commencement due to the extent of on-site habitat provision.

Conclusion: There has not been sufficient evidence provided for us to support the determination of this application as we require a PEA and protected species survey to be provided pre-determination. We are confident that 10% net gain can be achieved on site for this application however we have requested that some alterations be made to the BNG for this site. A Biodiversity Gain Plan and HMMP are require to be provided pre-commencement".

Further comments, following amendments, dated from 05/02/25 to 20/02/25

Environment Agency

"Thank you for re-consulting us on this application, on 05 February 2026. We have no further comments to make on the amended plans and refer you to our letter dated 12 December 2025 for our position on this application".

Historic Environment Officer

"We reiterate our previous comments dated 02-12-25".

Highway and Lead Local Flood Authority

Initial Comments

"Having reviewed the amended details (Amendment 1 - Amended Application Form, Plans, Sequential Test & Additional Supporting Statement) the Highway Authority are unable to see any justification of information that we kindly requested in our response dated 03rd December 2025 and therefore, our comments still remain as we are unable to support this application in its current form."

Revised comments following clarification

"The proposal is for the conversion of existing barns to office use and the development of a padel club on adjacent land and it does not have an impact on the Public Highway or Surface Water Flood Risk. The proposal will utilise the existing access arrangements that will require additional widening to provide suitable access for all users. The applicant has provided a reasonable and justifiable parking strategy statement that indicates sufficient parking provision for professional and sports usage and suitable turning movements to allow vehicles to enter and leave in a forward gear."

Environmental Protection - Contaminated Land

"No comments regarding amendment 1 my previous comment remains the same."

Environmental Protection - Noise and Light

The information provided within the application does not provide sufficient evidence to alleviate concerns regarding the proposed Padel court. Hours of use proposed from 06:00am would place this within nighttime hours considerations, with a related lower threshold of noise. although the adjacent road is likely to result in a high background noise level the impact sounds produced by activities such as Padel is likely to considerably exceed this. The proposed fencing for this area does not appear on the information provided to provide sufficient acoustic protection. The onsite lighting proposed appears to have the potential for light nuisance intrusion. The proposals would result in a reduction of amenity for nearby residential properties. We would therefore request a full acoustic assessment is carried out to evaluate remedial measures necessary to reduce noise impact to an acceptable level. A lighting schematic should also be provided to assess glint and glare to both residential receptors and road users.

Conservation Officer

The latest amendment does not alter the conservation advice previously provided. No comment.

South Holland Internal Drainage Board

Reiterate previous objections.

Final Comments, received between 12/03/26 and 26/03/26

Highway and Lead Local Flood Authority

Lincolnshire County Council as a Highway and Lead Local Flood Authority have no objection to Amendment 2 - Amended Plans & BNG Details regarding this application.

South Holland Internal Drainage Board

Withdraw objection, but outline consent from the Board is required.

Historic Environment Officer

Thanks for consulting us on this amendment. We reiterate our previous comments dated 02-12-25 No objection to Amendment 2.

Ecologist

"Summary: There has been sufficient evidence provided regarding the BNG proposals for this site and we are confident that a net gain of 42.08% can be achieved on site for this application. We will require a Biodiversity Gain Plan and HMMP to be provided pre-determination. We do however require a PEA to be provided pre-determination due to a this site having very high potential for protected species to be onsite."

Revised comments dated 10/04/26

Summary: We wish to issue a holding objection until further ecological survey work is completed and the reports provided to the authority pre-determination (as described below).
Ecological Considerations
- We support all mitigation and enhancement recommendations provided in the PEA and request that they are required by condition. However, there are also a variety of protected species that may be potentially impacted by this development, which the authority is statutorily required to assess and consider as a material consideration in the decision process. Therefore, we believe that the following ecological surveys and reporting should be undertaken pre-determination. These may indicate the need for further mitigation in consultation with a suitably qualified ecologist(s).
- We require Water Vole presence/absence surveys to be undertaken on the ditches surrounding the site, with the survey report submitted for the authority to review pre-determination.
-We require Otter presence/absence surveys to be undertaken on the ditches surrounding the site, with the survey report submitted for the authority to review pre-determination.
- We require Barn Owl presence/absence surveys to be undertaken on the ditches surrounding the site, with the survey report submitted for the authority to review pre-determination.
- We require 2 emergence / re-entry surveys to be completed during bat season (May-September) according to "Bat Surveys for Professional Ecologists: Best Practice Guidelines".

Environmental Protection - Noise

I refer to my previous request for an accoustic assessment for the Padel courts.

Cllr Gibson

Requests application to go to Committee.

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 letters of representation has been received.

This can be summarised as:

-Concerns relating to noise from padel court.
-Concerns relating to lighting and its amenity impact.

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

Principle of Development

Policy Context

Spatial Strategy

Policy 1 of the South East Lincolnshire Local Plan (2019) 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 outside of any of the settlement boundaries outlined in the inset maps which support the South East Lincolnshire Local Plan (2019), and therefore, can be considered to be within the Countryside from a planning perspective. Policy 1 states that:

"In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

A judgement as to whether a proposal necessitates a location can in part be derived from an assessment against the other relevant provisions of the South East Lincolnshire Local Plan (2019), in addition to overarching considerations of functionality.

The South East Lincolnshire Local Plan (2019) was written prior to the amendments to The Town and Country Planning (Use Classes) Order 1987 made by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. As such, the South East Lincolnshire Local Plan (2019) is without a policy explicitly relating to Class E uses, and uses within this class instead fall to be assessed against policies relevant to any former use class which would now fall within Class E. Under the legislation at the time of the SELLP's publication, the proposed Padel courts would be considered to be a D.2 use whilst the offices would be a B.1 use. On the basis of this, the proposal would be assessed against Policies 7, 24, 27 and 32, with the relevant caveats applied to each.

Employment Space

Policy 7, "Improving South East Lincolnshire's Employment Land Portfolio", relates to the creation of employment spaces. Chiefly, this policy concerns Class B uses, including those which were

previously B.1 uses which are now considered to be Class E. The site is outside of any of the employment spaces identified within Policy 7 and would therefore fall to be assessed as an "other employment site". In this regard, Policy 7 states:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

Paragraph 4.2.11, contained within the Reasoned Justification for this policy, expands upon the policy's provisions stating:

"National planning policy supports the conversion of existing buildings and well-designed new buildings in the Countryside for economic development. Therefore, the provision and expansion of Other Employment Sites, including those in the Countryside, will be supported where it can be demonstrated to be sustainable and consistent with the requirements of Policy 7. However, the desire to promote rural employment must be balanced with the need to protect the existing character of the Countryside."

The relevant national planning policy here would be Paragraph 88 and 89 of the National Planning Policy Framework (December 2024), which are discussed in greater detail later in this report.

Policy 7 initially requires an assessment as to whether the proposal involves the reuse of redundant buildings or the redevelopment of previously developed land. Annex 2 of the National Planning Policy Framework (December 2024) defines previously developed land as follows:
"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape".

As the site is agricultural in nature, the proposal would not involve the reuse of previously developed land. The proposed offices would however constitute the conversion of an existing building.

Town Centre Uses

Policy 24, whilst referring primarily to retail uses, covers broad "town centre uses" such as retail, food and drink outlets, financial and professional services. As a class E use, the proposal could be considered as a "town centre use", and therefore, the provisions of Policy 24 are applicable here.

Policy 24 outlines a retail hierarchy, focussing on sub-regional centres, before cascading to district and local centres (as outlined in Policy 1) and finally developments outside of the retail hierarchy. As the site is within the Countryside, the proposal falls to be assessed against Part C. Part C states:

"Outside the retail hierarchy, individual local shops and small neighbourhood clusters of them within a settlement boundary, which meet the day-to-day needs of nearby residents, will be promoted. Wherever possible such new uses should be located in close proximity to each other, unless serving very local catchments e.g. corner shop. The vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Proposals for retail use outside the Primary Shopping

Areas as identified on the Policies Map, or for other main town centre uses, outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the National Planning Policy Framework".

The provisions of Policy 27 Part C, as necessitated by Policy 24, must be applied here. This Policy states:

"Individual local shops, leisure uses and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents, without the need to use a car, will be protected. Proposed new shops in such circumstances, will be limited to a maximum 100 sqm (net) floor space, unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case units up to 500 sqm (net) floor space will be permitted."

Policy 27 is explicit in dividing uses between services and leisure uses and shops. The wording of Policy 27 is such that the floor space allowances refer to shops only. While the Use Class Order and General Permitted Development Order, 2015, has been altered in the interim, to enable conversions between offices and shops without the need for a formal planning application, it is not considered to be representative of the thrust of Policy to provide additional restrictions which were not intended.

To this end, whilst the floor space allowances under Policy 27 may not be applicable, the broader principle of the development of town centre uses outside of the retail hierarchy being required to demonstrate that they will meet the day to day needs of nearby residents can be applied.

Community Health and Wellbeing

Policy 32 concerns the creation of community facilities. This extended to indoor sports D.2 uses, under the previous legislation, which would now be considered Class E. As such, it is considered appropriate to apply this policy here, albeit primarily towards the Padel courts. Policy 32 states:

"The development of new community facilities will be supported, provided that they are located so as to be:
1. as close as possible to the community they will serve;
2. readily accessible by public transport, on foot, and by bicycle;
3. compatible with nearby uses and the character and appearance of the neighbourhood; and
4. located and designed to enable (where possible) shared use with other services/facilities."

Supporting a Prosperous Rural Economy

Paragraphs 88 and 89 of the National Planning Policy Framework (December 2024) concern the creation of business uses within rural areas. Naturally, both are applicable here.

Paragraph 88 states that "Planning policies and decisions should enable:
a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
b) the development and diversification of agricultural and other land-based rural businesses;
c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

Paragraph 89 of the National Planning Policy Framework (December 2024) expands upon this further, particularly with respect to accessibility. The provisions of this paragraph have been copied below:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be

encouraged where suitable opportunities exist".

Assessment of Principle

Preface

The two aspects of the proposal, the leisure facility and offices, appear to be functionally distinct. The running of each aspect appears to be completed by separate companies and there is nothing within the submission which states the two aspects are functional inter-dependant.

That being said, the application covers both aspects and the material provided covers the site as a whole. Therefore, it would be inappropriate to disaggregate the two aspects in this assessment despite their seeming functional separation. On this basis, the following aspect of the principle of development is conducted against the development as a whole. That being said, certain policy considerations are more specifically applicable to certain aspects of the development. Where this is the case, this will be indicated and the assessment conducted accordingly.

Spatial Strategy

Policy 1 does not caveat itself to outline that conversions of existing buildings in the Countryside to commercial uses are necessary to such a location. To this end, the conversion of an existing building would not, in of itself, necessitate a countryside location for the purposes of Policy 1. Proposals would have to meet the requirements of the relevant supplementary Policies in order to demonstrate need. Should this not be considered the case, then the proposal would fall to be assessed against contribution to the benefits of the area.

Employment Space

As previously outlined, Policy 7 does enable the development of employment spaces within the Countryside where they are consistent with the provisions of the Policy. As the site is located outside of any of the allocated employment sites, the proposal falls to be assessed as an other employment site.

Whilst the office conversion involves the use of an existing building, it has not been evidenced that said building is redundant in line with Policy 7. In any event, the proposal, when taken as a whole, would far exceed the intentions of Policy 7 in this regard, as the Padel court would not relate at all to any existing feature. On this basis, the proposal should be assessed against criteria a-g of Policy 7. On this basis, the following is considered:

A.The proposal would not conflict with neighbouring land uses. The primarily agricultural uses which surround the site would not fundamentally conflict with the proposed Class E uses and the two could reasonably exist in parallel.

B. As discussed in greater detail in this report, the proposal would have an adverse impact upon the appearance of the area through the erosion of the existing rural sense of place.

C.The design of the buildings, excluding the aforementioned fundamental issue of the expansion into the countryside which is considered as part of criterion b, would be broadly responsive to local context.

D.The Highway Authority have withdrawn their concerns, sighting adequate parking. Given the extent of the use, it is not considered that the proposal would meet the harm threshold.

E.The proposal would be small enough in scope as to have no significant detrimental impact upon the viability of local employment sites.

F.This point is discussed in greater detail later in this report. Whilst the site is along a cycle route, it is not considered that it would be reasonably accessible by foot or public transport.

G.There has been no statement of need submitted as part of this application. A sequential test has been submitted as part of this application; however, the statements within this test are broad and not site specific. Moreover, the claims have not been evidenced. It has not been fully evidenced that this particularly site is required, nor that a site in the countryside more generally is needed from a functional standpoint. On this basis, Part G has not been met.

Town Centre Uses

As outlined above, as a broad Class E use, the proposal would constitute a town centre use. To this end, the proposal would need to be assessed under Policy 24 and, by extension, Policy 27.

However, Policy 27 is explicit in dividing uses between services and leisure uses and retail uses. The wording of Policy 27 is such that the floor space allowances refer to retail uses only. While the Use Class Order and General Permitted Development Order, 2015, has been altered in the interim, to enable conversions between Class E without the need for a formal planning application, it is not considered to be representative of the thrust of Policy to provide additional restrictions which were not intended. As such, the floor space restrictions placed by Policy 27 are not considered to be applicable here.

Turning now to Policy 24, proposals are required to submit a sequential test in line with the provisions of the National Planning Policy Framework (December 2024). This sequential test is outlined in Paragraph 91 of the National Planning Policy Framework (December 2024), which states:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered."

In addition to this, Paragraph 93 of the National Planning Policy Framework (December 2024), reads as follows:

"This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development."

The National Planning Policy Framework (December 2024) does not define small-scale, although it is considered in this instance the proposal, when taken as a whole, would not be small scale. Furthermore, it provides no definition as to whether "rural development" refers to development within perceived rural areas or development associated with the rural environment (for example farm shops, offices associated with agricultural businesses etc). On the basis of the provisions of Paragraph 91 and 92, it is considered appropriate to apply the latter interpretation to Paragraph 93, as to do otherwise would enable excess development within otherwise unsustainable and unviable location, which itself would be inconstant with the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

On this basis, the proposal should demonstrate conformity with the sequential test, outlined in Paragraph 91 of the National Planning Policy Framework (December 2024) and Policy 24 of the South East Lincolnshire Local Plan (2019), in order to be considered acceptable. While it has been stated within the submitted documents that there is no suitable office space available in Spalding, this has not been evidenced through a sequential test relating to the offices. The proposed use does not necessitate this location (and no justification as to why the proposal is required in this location has been provided) and could be reasonably provided for in a town centre or edge of centre location. The benefits of doing so would be greater, as secondary economic benefits would occur.

Turning to the padel courts, these features are the principle focus of the submitted justification statements and sequential test. This sequential test has not been supported by any evidence for a search for sites, merely making sweeping statements about locations. Furthermore, no assessment of existing sites which may be upgraded (such as the existing tennis club or leisure centre int he town) has been provided. Moreover, no rationale as to why this specific site is required, compared to others which may have better accessibility, have been provided.

On this basis, the sequential test provided is not considered to be sufficient to meet the requirements of Policy 24. As such, it has not been evidenced that the use necessitates this location, and therefore would be contrary to Policy 24 of the South East Lincolnshire Local Plan (2019).

Community Health and Wellbeing

Policy 32 outlines the requirements for a proposal for a new community facility to be considered acceptable. Policy 32 explicitly referred to Class D.2 uses, which would have included the Padel court and leisure building prior to the changes of the Use Class Order. On this basis, Policy 32 is considered relevant.

Assessing the proposal against the four relevant criteria (listed previously in this report), the following is considered:

1. The proposal is located outside of settlement boundaries. As such, the proposal would not be located in close proximity to the community it would serve. Customers would be reliant upon private vehicles to reach the site and the ability for users to realistically access the site regularly as a community facility, or to extract secondary uses beyond the ascribed use, would be impeded by the location. As such, the proposal would be contrary to point 1.
2. A footpath is available connecting the site to the settlement of Spalding, which lies a distance of approximately 800m west of the site. Whilst this distance is reasonably walkable, it would act as an impediment and may put users off. In any event, this distance is the distance to the edge of the settlement, which is relatively sparsely populated. It can be assumed that users would be derived from a wider locational pool than this outer settlement location. Spalding is a relatively large narrow settlement, meaning that the centre of the settlement itself would be over 2.5km from the site. Therefore, the site itself would not be reasonably accessible via foot for the majority of peoples. Moreover, the nearest recognised bus stop is approximately 500m away (this measurement is taken as a straight line, and the actual walking distance would be far longer), which is a long enough distance as to reduce its viability as a means of access, particularly given the lack of overlap between bus times and the hours of operation proposed. The proposal conflicts with point 2.
3. The proposal is considered to be compatible with nearby uses, which are primarily agricultural in nature.
4. The out of centre location means that the proposal could not be reasonably used with other services.

On this basis, the proposal is considered contrary to Policy 32 of the South East Lincolnshire Local Plan (2019) and is considered an unsustainable location for a community facility.

Supporting a Prosperous Rural Economy

Paragraphs 88 and 89 of the National Planning Policy Framework (December 2024) are explicit that weight should be given in favour of appropriate development outside of settlement boundaries in rural areas. However, the weight given in favour by these paragraphs in this instance is considered to be limited.

Paragraph 88a and 88c both explicitly state that the weight transferred from them is only applicable for "sustainable" development. Likewise, Paragraph 88d uses the term "accessible". As outlined above, and discussed in greater detail further in this report, the site is not considered to be a sustainable or accessible location. An over reliance on private vehicles would be present due to the lack of viable public transport/walking route, and the site is considered to fail the sequential test for town centre uses, and therefore the site cannot be considered sustainable.

Turning to Paragraph 89, the proposal would fail to meet the caveat of exploiting opportunities to make a location more sustainable, as no new infrastructure is proposed. In any event, as no sequential test has been provided, or even a statement outlining need for the use, it cannot be said that the proposal would "meet local business and community needs". Without proper justification, the proposal is not considered to meet the requirements of Paragraph 89 of the National Planning Policy Framework (December 2024) either.

Therefore, for the reasons established above, whilst the provisions of Paragraph 88 and 89 are acknowledged, their application here is limited and therefore the weight in favour transferred by these paragraphs is limited in turn.

Spatial Strategy

As evidenced above, the site does not necessitate the chosen location. The proposal must therefore demonstrate benefits to the area, in line with Policy 1.

Economic - The economic rationale behind the proposal is clear. The application form outlines that 22 full time equivalent jobs would be created contributing significantly to the economic wellbeing of

the area. Whilst the isolation of the location would limit secondary benefits (e.g. employees visiting local shops on their lunchbreak) the pure employment figures are themselves substantial enough as to warrant weight in favour, albeit this weight in favour is tempered as the gains are nebulous and would occur irrespective of the proposed location of development.

Community - The community benefits of the offices, taken in isolation, are limited. No specific community facility would be created by the office use. The proposed Padel courts would provide a social benefit through the creation of a community facility. This matter is discussed in greater length below in the "Community, Health and Well-being" section. However, in brief, the social gains resulting from this proposal are not considered to be place specific and are in fact weakened by the out of settlement location.

Environmental - A biodiversity net gain of 65% has been demonstrated within the submitted assessment report. This far exceeds the statutory 10% and therefore would carry weight in favour. However, the provisions of Policy 1 are such that the environmental needs of the area would have to be met by the proposal. The gains emerging from the planting proposed would be site specific, rather than creating a wider public benefit. To this end, the proposal is not considered to generate such a significant environmental gain as for significant weight in favour of the proposal to be attributed.

As detailed, the benefits that could be attributed to this proposal in this regard have not been evidenced, nor has it been demonstrated that any such benefits are offered as a result of the location of the proposal, with all benefits being attributable to any other location.

The proposal is therefore contrary to Policy 1, as the proposal would not suitably contribute towards the sustainable development needs of the area.

Summary of the Principle of Development

For the above reasons, when the two uses proposed are taken as a whole, the proposal is considered to be contrary to Policies 1, 7, 24 and 32 of the South East Lincolnshire Local Plan (2019). The provisions of Paragraphs 88, 89 and 93 of the National Planning Policy Framework (December 2024) are acknowledged; however, their relevance here is limited due to the nuances of the site and application.

On this basis, the principle of development is considered to be unacceptable.

Layout, Design, Scale and Consideration of the Character of the Area and Impact upon the Historic Environment

Policy Context - Character Considerations

Section 12 of the National Planning Policy Framework (December 2024), "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 National Planning Policy Framework (December 2024), 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 187 of the National Planning Policy Framework (December 2024) states:
"Planning policies and decisions should contribute to and enhance the natural and local environment by (...) recognising the intrinsic character and beauty of the countryside".

The Fens are characterised by their openness, with this being alluded to within both the introduction

of the South East Lincolnshire Local Plan (2019) and Natural England's National Character Area Profile of the Fens. As a result, this area of the Countryside is particularly sensitive to visual intrusion.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) 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 South East Lincolnshire Local Plan (2019) 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 National Planning Policy Framework (December 2024) 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.

Policy Context - Historic Environment Considerations

As outlined previously, the site is listed within the Lincolnshire Heritage Explorer, which functions as the publicly available database of the Lincolnshire Historic Environmental Record (LHER). On this basis, the site can be considered to be a non-designated heritage asset. As such, the provisions of Section 16 of the National Planning Policy Framework (December 2024) and Policy 29 of the South East Lincolnshire Local Plan (2019) are relevant here.

Paragraph 216 of the National Planning Policy Framework (December 2024) states:
"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

With respect to non-designated heritage assets, Policy 29 of the South East Lincolnshire Local Plan (2019) reads as follows:
"To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and nondesignated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design."

Assessment

The demolition of the existing 20th century barns can be seen as a betterment, particularly from a historic environment perspective. The demolition would better reveal the brick built barns, which can be viewed as a non-designated heritage asset, which contributes positively to the character of the area.

The proposed black timber cladding is a common and typical material within South Holland's agricultural landscape. As such, its addition here would not be out of character. Cladding is proposed on elevations which appear to be most impacted by demolition. Cladding these damaged elements, rather than using an unsuitable brick match for instance, means that the repair works clearly read as later additions. This would ensure the works do not take away from the historic fabric of the building.

The choice of materials is consistent throughout the site. This creates a clear and holistic identity for the development. As a result, when taken internally without consideration of external factors, the proposed material selection is considered to be acceptable.

That being said, the proposed Padel courts and leisure area would fundamentally conflict with the character of the area through the further intrusion of development into the countryside. The introduction of further development within this rural landscape would result in an increasingly urban/ edge of settlement reading of the location, tantamount to the erosion of the existing sense of place

and the expansion of the perceived settlement.

Turning to Paragraph 216 of the National Planning Policy Framework (December 2024) , the proposal is not considered to harm the historic environment significantly. On the basis that a record of the historic fabric of the building can be maintained through the imposition of the condition recommended by the Historic Environment Officer, and that the demolition of the modern barns would better reveal the significance of the historic barns, the proposal is considered to be in accordance with Section 16 of the National Planning Policy Framework (December 2024).

As a result, the proposal would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 15 of the National Planning Policy Framework (December 2024).

Impacts Upon Resident Amenity

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Both are supported by Policy 30, which concerns pollution, including noise and light disturbance.

The nature of the development means that overlooking or overshadowing is not anticipated. That being said, the 6m light poles would create some degree of amenity and environmental impact. Details of this lighting has been provided. This shows only minimal light spillage, although it does evidence a negative impact still. That being said, the existing use is agricultural, and comparable lights could be installed in conjunction with an agricultural use without the need for consent. On that basis, it is considered excessive to resist the proposal solely on this point.

The proposed use appears to be independent of the existing dwellinghouse at Bridge Farm. As such, there is the potential that there would be increased noise disturbance arising from the proposal. This is especially true as a result of the long and early opening hours. That being said, the existing use of the site is agricultural. This use does not have restrictions on hours of operation, and therefore, one could reasonably expect a comparable level of disturbance, at comparably unsociable hours, as a result of the existing agricultural use. Moreover, the submitted noise assessment demonstrated that impacts could be mitigated adequately. As such, only limited weight is attached to this point.

As detailed above, the proposed padel court is considered to have an unacceptable impact upon the environment, including disturbance to nearby residences. As such, the proposal would be contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019). However, as this harm is unquantified, the weight attributed is adapted accordingly. Moreover, these matters could be reasonably resolved through minor adaptations or the submission of information via condition.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) 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 South East Lincolnshire Local Plan (2019), in conjunction with Appendix 6, sets out minimum vehicle parking standards. For B.1 uses (which the office would fall within) a minimum of 1 space per 30sqm is required, meaning that approximately 12 spaces would be required. No exact

level of parking is provided for indoor sports uses, with an assessment being on a case by case basis.

Adequate parking has been provided for the proposed offices. Turning to the Padel area, should all courts be used simultaneously and all users come in separate vehicles, then 10 spaces would be required. This figure does not include staff parking demands or those seeking to purely use the Pilates studio. Should there be any overlap between sessions on the court, then it is likely demand would exceed provisions of parking spaces. Therefore, the proposal is considered to have failed to provide adequate parking, and is contrary to Policy 36 in this regard.

As stated previously, it is an underpinning principle of the National Planning Policy Framework (December 2024) and South East Lincolnshire Local Plan (2019) that sites should be accessible via sustainable methods of transport. Whilst the site is within a cycle route, being 2.5km from the town centre, with a distance of over 500m to the nearest bus stop (and a route which includes crossing an A road), it is not considered that the site would be wholly accessible via sustainable methods of transport. On this basis, the proposal would be contrary to the principles of sustainability that underpin Policies 2, 3 and 33 of the South East Lincolnshire Local Plan (2019) and Section 9 of the National Planning Policy Framework (December 2024) .

However, the provisions of Paragraph 116 of the National Planning Policy Framework (December 2024) are clear 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." It is not considered that there would be a severe or unacceptable impact with respect to highway safety or residual impacts. To this end, it would be inappropriate to refuse the application on highway grounds; however, weight can be given against the proposal on the basis of unsustainable access.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the National Planning Policy Framework (December 2024). However, the site would provide insufficient parking and would not be accessible via sustainable methods of transport. As such, the proposal would be contrary to the principles of Section 9 of the National Planning Policy Framework (December 2024) and the provisions of Policies 2, 3, 33 and 36 of the South East Lincolnshire Local Plan (2019).

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) 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 National Planning Policy Framework (December 2024) 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 National Planning Policy Framework (December 2024) 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 National Planning Policy Framework (December 2024). 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 South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

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

Within the SFRA the site is classed as danger for all, with a hazard depth of 1m.

Beginning with the change of use of the barn to offices, Paragraph 176 of the National Planning Policy Framework (December 2024) states "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test". On this basis, the conversion element of this proposal would not need to pass the sequential test and would be in accordance with Paragraph 176 of the National Planning Policy Framework (December 2024).

That being said, no such allowances would be made for the Padel courts, which would classify as Class E(d) indoor sports. A sequential test for retail has been provided; however, this evaluation did not take into account flood risk. On this basis, there is no evidence before the Council which would suggest that the site is sequentially preferable from a flood risk perspective, particularly given the insufficient quality of the sequential retail test.

In any event, the standing advice provided by the Environment Agency in these circumstances requires the submission of an evacuation plan. This has not been provided. As such, even if the proposal could be considered sequentially preferable, which in this instance it is not, the proposal fails the exceptions test as the use cannot be said to be safe for its lifetime.

The objections from the IDB, on drainage grounds, have been withdrawn. An extension drainage strategy has been provided, showing that additional surface water could be readily accounted for. On this basis, the surface water strategy is considered acceptable.

Overall, when considering the development on balance, it is considered that the proposal is contrary Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) 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 submitted biodiversity net gain documentation is considered acceptable. Should the proposal be approved, the standard net gain condition, under Schedule 7A of the Town and Country Planning Act 1990, would be applied.

A PEA has been submitted, following comments from the SELCP Ecologist. This shows a high level of likelihood of protected species on site. It was therefore the recommendation of the report to produce bat emergence surveys and barn owl surveys. These do not appear to have been conducted. The LPA therefore cannot conclude that there would not be an unacceptable impact upon protected species. The protections under the Wildlife and Countryside Act 1981 and Conservation of Habitats and Species Regulations, 2017 are valid therefore, and the potential harm to protected species is a significant material consideration.

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 is considered to be located in an unsustainable, out of settlement location. Whilst the provisions of the National Planning Policy Framework (December 2024) are acknowledged which allow for the creation of rural businesses in certain scenarios, the weight afforded to the proposal by these paragraphs is considered limited here. The proposal has not demonstrated that the site is sequentially preferable, and in any event, the site would not be suitably accessible or contribute to the sustainable development needs of the area to a sufficient degree. Inadequate justification for the selected location and demonstration of need has been provided.

The proposal would result in additional built form within the Countryside. This development bears no relation to the existing built form of the area, and would therefore act as an urbanising factor which detracts from the appreciation of the Countryside. The proposed lighting arrangements would be similarly detrimental to the appearance of the area and residential amenity.

The proposal has not demonstrated that the Padel courts would be sequentially preferable from a flood risk perspective. In any event, the proposal would not be safe for its lifetime, as no evacuation plan, as requested by the Environment Agency has been provided.

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 1, 2, 3, 4, 7, 24, 33 and 36 of the South East Lincolnshire Local Plan (2019), as well as Sections 12, 14, and 15 of the National Planning Policy Framework (December 2024). 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.