DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-1075-24**	**Applicant:**	**Mr D Snaith**
Proposal:	Erection of single dwelling, garage and pool		
Location:	Land Between 55-81 Station Road Surfleet Spalding		
Terminal Date:	17th February 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
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
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

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission (some matters reserved) for a dwelling, garage building and a pool on land between 55-81 Station Road, Surfleet. Approval is sought for the access only. The proposed layout, scale, appearance and landscaping are therefore reserved matters.

Site Description

The site comprises a parcel of agricultural land that is located to the south-east of Station Road within Surfleet. There would be open agricultural land between the site and the nearest dwellings which are located to the west and to the east. There is a flower storage building, Snaith Flowers, located to the east of the site. The River Glen is located to the south of the site.

The site is located within the settlement boundary of Surfleet, as identified within the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

The site is located within Flood Zone 1, however, an area of Flood Zone 3 is located adjacent to the south-eastern boundary of the site.

Relevant Planning History

H17-1454-89: (Outline Application) Residential development - approved 14 September 1990

H17-0467-00: (Outline Application) Residential development - refused 05 July 2000 - appeal submitted and dismissed 08 January 2001

Land to the south-west of the site:

H17-1212-03: (Outline Application) Erection of agricultural dwelling - refused 16 February 2004

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS:

First Response (17 January 2025): No objections. The proposal is for Outline planning permission with access to be considered for the erection of a single dwelling, garage and pool. They are proposing that the dwelling will have 4+ bedrooms. The visibility will be acceptable as it is open fields either side of the plot. The access will go over a watercourse and so approval will be needed from the Internal Drainage Board. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority (LPA) to consider the surface water flood risk and drainage proposals for this planning application Highways Informatives 03, 08 and O/L are recommended.

Second Response (27 January 2025): I have been reconsulted on this amendment - but it is for the LPA to assess the FRA as it is a minor application. Therefore, my response dated 17/01/25 still stands.

Environmental Protection: I request that a precautionary land contamination condition be applied at this location.

Welland and Deepings Internal Drainage Board: No comments.

Lincolnshire Wildlife Trust: No response received.

Natural England: No response received.

Ecology Officer: No response received.

Surfleet Parish Council: No response received.

Cllr S A Slade: No response received.

Cllr J Avery: No response received.

Cllr E J Sneath: No response received.

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

Development Plan

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.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Amenity Impact;

-Proposed Access and Highway Safety;
-Biodiversity; and
-Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

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

The site is within the settlement boundary of Surfleet, which is a Minor Service Centre. Policy 1 of the Local Plan set outs that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

The site is not allocated for residential development. The site was assessed by the local planning authority during the preparation of the Local Plan in terms of its suitability for development. The site was identified as part of the wider parcel of land under reference Site SUR004 within the South East Lincolnshire Strategic Housing Land Availability Assessment. The site was discounted due to concerns that development within the site could result in an increase in flood risk elsewhere due to the need to raise the levels within the site by 1m.

As the site is within the settlement boundary of Surfleet, the principle of residential development could be considered to be acceptable, however, this is subject to whether the proposal is acceptable in terms of other material considerations including the visual impact of the development.

Design and Visual Impact

Paragraph 135 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. Paragraph 135 also 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.

Policy 2 of the Local Plan 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.

Policy 3 of the Local Plan 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.

As the application is in outline form only, and consent is only sought for the proposed access, it is not necessary to fully assess the impact of the proposals at this stage. It is only necessary to consider whether the site has the capacity to accommodate a suitable design that would have an acceptable impact on the character of the area.

An indicative layout has been submitted which shows one detached dwelling set back from the road frontage behind a building which is presumed to be the proposed garage, however, the building is not labelled on the plan. Another building is also shown indicatively behind the dwelling.

Whilst the site is located between existing development and could therefore be considered as an

infill site, the site is located within the middle of a wider field. The field is flat and open, with the River Glen located to the rear. There are residential dwellings located to the west of the site, the nearest of which is 55 Station Road. The dwellings to the west are set within linear plots which vary in depth due to the location of the River Glen to the south. Whilst there are some cul-de-sac developments within Surfleet, including opposite the application site, most of the settlement is characterised by linear development. Due to the proposed siting of the development within the middle of the open field, leaving gaps on either side of the site, the proposed development would diverge from the existing settlement pattern and introduce an incongruent form of development. Paragraph 135(c) of the NPPF sets out that development should be sympathetic to the local character of an area. It is therefore not considered that the proposal would be sympathetic or appropriate within the street scene.

The site levels are also relevant in terms of assessing the potential impact of the development. According to the submitted Flood Risk Assessment, Environment Agency LIDAR data shows that site levels are typically between +4.0m OD and +4.1m OD. The carriageway level of Station Road adjacent to the site is +4.5m OD. The land at the south-eastern boundary of the site rises up to +4.6m OD alongside the River Glen. As set out within the 'Flood Risk' section within this report, it would be necessary to set the finished floor levels of the development 1m above the existing levels. This would worsen the visual impact of the dwelling due to its proposed siting within the middle of the field.

Paragraphs 129 to 130 of the NPPF set out the importance of ensuring that proposals are appropriately designed. Paragraph 130(c) sets out that local planning authorities should refuse application which fail to make efficient use of land. The proposed siting of the dwelling within the middle of an open field is not considered to be an efficient use of land.

The planning history within the site and near to the site is also relevant. Application H17-0467-00 sought outline consent for residential development within the wider field within which the current application site is located. The application was refused in 2000 and dismissed on appeal in 2001. The inspector considered that the visual impact of residential development within the site would have been unacceptable. The inspector recognised the linear form of development within Surfleet, including the almost continuous line of ribbon development on the northern side of Station Road. At the time the appeal was considered, there were development gaps on the southern side of Station Road and the inspector considered that the appeal site provided uninterrupted views of the countryside. The inspector considered that gaps in the settlement represented important features in the character of the village and the loss of the open aspect would be detrimental to the area. The appeal was determined prior to the adoption of the current Local Plan and therefore carries limited weight in the determination of the current application. Furthermore, some of the gaps that were referred to by the inspector have now been filled within development. Notwithstanding this, the site contributes to the character of the area by providing open views of the countryside. The proposed siting of the dwelling within the middle of the field would therefore detract from the existing character of the area.

As such, although the application is in outline form only, it is necessary to consider the appropriateness of the siting of the development within the application site. The proposed development would be an incongruent form of development that would not respond positively to the prevailing character of the area. As such, the proposed development would not accord with Policies 2 and 3 of the Local Plan, or sections 11 and 12 of the NPPF.

Amenity Impact

Policies 2 and 3 of the Local Plan also set out that the impact of proposals on residential amenity is a main consideration when making planning decisions.

The site is not adjacent to any dwellings and there would be sufficient separation distances between the site and the nearest dwellings. Although consent is not sought for the proposed layout, it is likely the site could accommodate a dwelling that would have an acceptable impact in terms of the amenity of the nearest dwellings and any future occupants of the dwelling within the site.

Proposed Access and Highway Safety

Paragraph 116 of the NPPF sets out 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 would be severe, following mitigation.

Policy 2 of the Local Plan sets out 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 Local Plan, 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.

Consent is sought for the proposed access to the site, which is proposed to be taken from Station Road, on the north-western boundary of the site. Within the indicative layout, the access is proposed to serve one dwelling. Lincolnshire County Council's highways team have not raised any objections to the proposed access and have only recommended informatives should planning permission be granted.

The proposal would therefore have an acceptable impact on highway safety in and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Section 8 of the Regulations outlines the following:

"The biodiversity gain planning condition does not apply in relation to planning permission for development which:
(a) consists of no more than 9 dwellings;
(b) is carried out on a site which has an area no larger than 0.5 hectares; and
(c) consists exclusively of dwellings which are self-build or custom housebuilding"

Policy 28 of the Local Plan requires all applications to demonstrate BNG. However, Paragraph 20 of the National Planning Practice Guidance on BNG, states the following:

"It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain. Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework."

The application form indicates that the proposed dwelling is self-build and is therefore exempt from the requirement to provide BNG. The local authority agrees with this given that the proposal is in outline form only and the proposed design can therefore be bespoke for the site, when finalised at the reserved matters stage. Typically, the local planning authority would require the applicant to provide a legal agreement to ensure the proposals is constructed as a self-build dwelling. As such, the development is exempt from the requirement to provide BNG.

There is therefore no requirement for the proposal to demonstrate BNG in line with both national legislation and the Local Plan. The proposal would therefore accord with Policies 28 and 31 of the

Local Plan and Section 15 of the NPPF.

Flood Risk

The site is within Flood Zone 1, as identified within the Environment Agency's flood risk maps. There is an area of Flood Zone 3 to the south-east of the site where the River Glen is located.

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.

The site is identified within the following hazard areas within the SFRA; 'Danger to Most', 'Danger to Some' and a low hazard area. Appendix C of the SFRA sets out recommended mitigation for development within such areas. For the proposed development, the site is at risk of flooding with depths between 0.5m and 1.0m. To accord with the recommendations of Appendix C, the finished floor levels of the development must be set 1m above ground level, with flood resilient construction to a height of 0.3m. With appropriate mitigation, it is therefore considered that the proposed development would have an acceptable impact in terms of flood risk and as such the proposal would accord with Policy 4 of the Local Plan, and section 14 of the NPPF.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development in this instance would provide one dwelling, providing a very minor contribution to the supply of homes within the district and more specifically, Surfleet. This is a minor contribution and is afforded little weight. The proposed development would provide a minor economic benefit in terms of providing employment during the construction phase of the development. Similarly, this is afforded little weight. The local planning authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment (6.4 years as of 31 March 2024). Therefore, full weight can be attributed to the policies in the South East Lincolnshire Local Plan 2019.

The prevailing character of residential development within the immediate surrounding area is mostly linear in form, with some cul-de-sac developments within Surfleet. Due to the siting of the proposed dwelling within the middle of an open field, the proposed development would be at odds with the prevailing character of the area and would therefore comprise an incongruent form of development. The proposed development would therefore also not represent an efficient use of land, contrary to the aims of the NPPF. The minor benefits would not outweigh the harm that would result from the inappropriate siting of the dwelling in this case. As such, the proposed development would not accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal would conflict with Policies 2 and 3 of the Local Plan and sections 11 and 12 of the NPPF. The harm that would result from the inappropriate siting of the dwelling and the divergence from the character of the area is greater than the minor benefits of providing one dwelling.

Recommendation

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