DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0311-26**	**Applicant:**	**Mr & Mrs J Taylor**
Proposal:	Erection of 2 Self-Build Dwellings & Garages		
Location:	Adj. Rose Cottage King John Bank Walpole St Andrew		
Terminal Date:	27th May 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
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 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
KINGS LYNN INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application seeking permission for the erection of two self-build dwellings and garages at land adjacent to Rose Cottage, King John Bank, Sutton Bridge.

Site Description

The site is located outside any defined settlement boundary and is therefore in the open countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The site is deeply rural with a minimal number of dwellings being sited within close proximity to it. The agricultural fields within the immediate area dominate the landscape and therefore support the open countryside setting. Furthermore, it should be noted that the South Holland boundary is runs parallel with the site and abuts Kings Lynn and West Norfolk.

History

No relevant site history.

Consultation Responses

Sutton Bridge Parish Council

At a meeting on 28th April 2026, Sutton Bridge Parish Council resolved to comment on the application to draw the Planning Authority's attention to current planning policy; to ensure that the development is in line with the policy, as it is outside the planning envelope and located in a rural setting.

Kings Lynn Internal Drainage Board

Byelaw 3 - Consent may be required

Section 23, Land Drainage Act 1991 - Consent not currently required

Byelaw 10 - Not applicable

Lincolnshire County Council Highways & SUDS

Deferral: LCC is not currently in a position to support the application and requests further assessment, supporting evidence, revisions and/or dialogue, as set out in the response.

ADDITIONAL INFORMATION REQUIRED

Visibility is to be demonstrated in accordance with Manual for Streets for both access points.

Kings Lynn & West Norfolk Borough Council

The LPA comment is that this application is not in a sustainable location

Environment Agency

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment, by Ellingham Consulting Ltd, dated March 2026, ref. ECL1797/GR MERCHANT LTD, and the following mitigation measures it details:
- First floor finished floor levels shall be set no lower than 2.4m above existing ground level (5.7-5.8mAOD)
- Development will be a minimum of 2 storey
- The ground floors of the properties hereby approved shall be used as garage, WC, utility or bath/shower room only, and for no other habitable accommodation.

These mitigation measures shall be fully implemented prior to occupation and subsequently retained and maintained thereafter throughout the lifetime of the development.

Reasons

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

Lincolnshire County Council Historic Environment

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

South Holland District Council Environmental Protection

No comments regarding land contamination.

Ecology

Comments

Ecological Considerations:

- We believe that the habitats on site have the potential to support reptiles and/or amphibians. Reptiles and amphibians are protected in the UK through legal frameworks like the Wildlife and Countryside Act 1981. Therefore, we request that a detailed methods statement outlining the proposed approach to works is provided pre-commencement. This should include a Risk Assessment Method Statements (RAMs). The RAMs should specifically address amphibians and reptiles, detailing measures for avoidance, protection and compliance with relevant legislation and best practice guidance.

- We believe that the habitats on site have the potential to support nesting birds. It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, we request a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 31st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.
- We request that a total of 1 integrated universal nest brick (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) in incorporated into the external fabric of the proposed building. This should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, in accordance with best-practice guidance such as British Standard BS 42021:2022.
- We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) is added to the dwelling.
- In both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site and the bricks must be installed during the construction phase and retained thereafter for the lifetime of the development.
- These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14.

BNG Comments and Notes to applicant
- BNG Exempt - Self Build

Public Representation

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

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates 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 meet the service needs of other local communities. This goes on to detail that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside".

The application site in this instance lies beyond the settlement boundary of any defined settlement, and as such, as outlined under Policy 1, is within the open countryside countryside. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

Development within the countryside is limited to that where it "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". Independent dwellings within the open countryside, which do not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle.

In this regard, and in considering the settlement boundaries further, it is highlighted that these matters have been clearly set out, including through recent appeal decisions. The Inspectors Report associated with Appeal APP/A2525/W/25/3362446 stated that "There is no clause within the LP (Local Plan) which indicates that the defined settlement boundaries should be reconsidered in the event development is permitted outside of their limits". To this end, the decisions by the Planning Inspectorate have been clear that there is no policy need to reconsider settlement boundaries, in light of development within the intervening years since the Local Plan's creation.

Within the Reasoned Justification section of Policy 1, Paragraphs 3.2.15, 3.2.16 and 3.2.17 broadly outline when a proposal may be considered "necessary to such a location". These include, but are not limited to: applications relating to agriculture and forestry, appropriate tourism uses, reuse or replacement of an existing asset, housing for Gypsy, Traveller and Travelling Showpeople accommodation or to meet the specific housing needs of a settlement. The final point is in relation to rural exception sites.

The proposal comprises two new residential dwellings located within the countryside and therefore does not fall under the provisions of the above.

The Inspector's comments within APP/A2525/W/22/3313330, APP/A2525/W/24/3343297, APP/A2525/W/25/3362446, APP/A2525/W/25/3364588 and 6001518, amongst other appeals, have also been used to consolidate this interpretation of Policy 1. Paragraph 21 of the Inspector's Report for APP/A2525/W/22/3313330 outlines that the South East Lincolnshire Local Plan, 2019, "advocates containment within settlement boundaries other than in selected cases". Furthermore, Paragraph 8 of appeal decision APP/A2525/W/25/3364588 sets out the following at Paragraph 8:

"The proposed development is in clear conflict with Policy 1 of the Local Plan, as it lies outside the defined settlement boundary. Although its proximity to the settlement edge, the enclosing effect of existing vegetation and surrounding development, and the designation of Holbeach as a location suitable for directed growth may offer some justification, along with limited short-term economic benefits, these factors do not outweigh the fundamental policy conflict".

Returning to the assessment of the principle of development in light of the above, the site does not

necessitate a Countryside location, failing to meet any of the exceptions to Policy 1 outlined the SELLP. Likewise, as established and addressed further below, the development of a self-build dwelling is not justification for a Countryside location or a break with the principles underpinning the spatial strategy of the Local Plan. To this end, the proposal is at conflict with Policy 1 in this regard and would not be acceptable in principle.

In terms of the three dimensions of sustainable development, the following has been considered:

- An economic role:
The development may give limited support to the local economy through employment opportunities associated with some elements of construction and fitting out, and future occupants may support local services. This is a minimal and predominantly limited benefit. Notably, it is also considered that this is temporary and is not isolated to the development proposed, nor is this attributed as a result of the location proposed - these limited benefits can be attributed to any like application, including those within policy compliant and more sustainable locations.

- A social role:
The proposal would make a contribution, albeit minor, towards housing supply in the District. However, no explanation has been submitted as to why the development cannot be accommodated within an existing settlement boundary. The proposal may introduce additional occupants; however, given its countryside location, the 'wider' benefits as required by Policy 1 are minimal.

- An environmental role:
The environmental objective identifies the need to protect and enhance our natural, built, and historic environment. It has not been demonstrated that the development is necessary in this location and how it would protect/enhance the existing character of the area. The development of an undeveloped parcel of land would, in fact, offer notable environmental impacts.

The site therefore comprises a countryside location in policy and locational terms; this is evidently development that is contrary to Policy 1 of the South East Lincolnshire Local Plan (2019), being an unsustainable location for housing and as such, would not be viewed favourably in principle.

Principle of Development - Custom and Self Build

Pertinent to housing need is Section 2 of the Self and Custom Housebuilding Act, 2015, which states that: "an authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period." To this end, and as reaffirmed within Footnote 28 of the NPPF, the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The definition contained within the Act is as follows:
"In this Act "self-build and custom housebuilding" means the building or completion by:
(a)individuals,
(b)associations of individuals, or
(c)persons working with or for individuals or associations of individuals,
of houses to be occupied as homes by those individuals."

In this case, South Holland District Council have published a position in respect of the Self and Custom Build Register, which has subsequently been updated further in January 2026.

It is acknowledged that the Self-build and Custom Housebuilding Act 2015 places a duty on all Local Planning Authorities to grant enough suitable permissions on serviced plots to meet the need set out in the self-build register, for each year, within a 3 year reporting period. Self and custom build housing is defined as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can either be market or affordable housing.

The aforementioned Act requires that all authorities must have granted sufficient planning consents for enough serviced plots, which are suitable for self and custom build to meet the demand for the period. In this regard, demand is measured by the number of people joining the Council's Self and Custom Build Housing Register.

The latest figures published in January 2026 shows that between the 31 October 2022 and the 30 October 2025, South Holland District Council received 34 applicants for entry onto its register. "In response to this demand, the Council has granted permission for 50 dwellings that comprise 34 self and custom build dwellings supported by a unilateral undertaking or a biodiversity net gain exemption plus 16 others where the applicant evidence on planning applications, condition discharge, modifications and Building Regulation applications indicate a person rather than a building company during this period".

The Council has therefore, met and exceeded the requirements of the legislation by having granted sufficient Self and Custom Build permissions to meet the registered demand. Therefore, the Council has currently fulfilled its requirements, in meeting the registered demand for the preceding three years.

However, it is acknowledged that demand has substantially increased in recent years, primarily due to the exemption for Self and Custom Build Developments from Biodiversity Net Gain requirements. There is, therefore, a requirement to demonstrate an equivalent increase in the number of Self and Custom Build permissions granted. The Council has three years in order to grant enough permissions to meet this demand in order to comply with this duty, which it is presently achieving.

Whilst the requirement for providing Self and Custom Build housing is acknowledged, such developments must be in accordance with the policies set out within the SELLP as a whole. The requirement to provide Self and Custom Build development does not attract such overriding weight, that is should outweigh the fundamental spatial planning policies within the SELLP which directs suitable locations for residential development through its spatial strategies.

Whilst the SELLP does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17 provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the SELLP states:

"Within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met."

Policy 17 expands upon this briefly, outlining that the "Local Plan will also seek to meet the housing needs of custom and self-builders as they may come forward." Paragraph 5.9.4 of the reasoned justification for this policy reiterates that "opportunities for infill development within Settlement Boundaries can also meet the known interest registered by self and custom house builders".

In other words, proposals for self-build dwellings should be consistent with the Development Plan as a whole and appropriately located within settlement boundaries.

This approach has been confirmed within Appeals APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted. No such justification or search for sites has been presented to the Council at this time.

The Council is supportive of Self and Custom Build housing, and will continue to meet the required number of granted planning approvals to comply with the Self and Custom Housebuilding Act 2015. Furthermore, the Council does consider that weight should be afforded to Self or Custom Build proposals in line with National requirements. The Council will not however, support Self and Custom Build housing where it fundamentally conflicts with the Locational Strategy or other policies within the SELLP.

Whilst South Holland District Council will need to grant sufficient suitable developments in order to meet the uplift in Self and Custom Build demand, it has three years in which to do so. As such there is no compelling need at this time to grant Self or Custom build developments which would

otherwise conflict with the SELLP. The requirement to meet demand for Self and Custom Build housing does not overcome the current planning applications fundamental policy conflict with the SELLP, and therefore the proposal is not considered to be acceptable in principle.

As the Council has currently exceeded its requirements in relation to Self and Custom Build, the weight afforded to this in the determination of this current planning application alone is insufficient to warrant a departure from the SELLP in this instance. Whilst weight is rightly afforded to the Self and Custom Build nature of the proposal, in light of the above, it is considered that only limited weight should be attached to this matter in the determination of this planning application owing to the proposals lack of compliance with the SELLP.

Furthermore, it is considered that the limited benefits of one single Self and Custom Build dwelling in this specific location (particularly given the Council is able to demonstrate it is meeting the requirements of the Self and Custom Housebuilding Act 2015) is not considered to overcome the fundamental policy conflict, and does not attract sufficient weight to outweigh the proposals clear lack of compliance with the Development Plan in the planning balance, or justify a departure from the Spatial Strategies of the SELLP'.

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

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details 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 (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Development proposals should also ensure that developments 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.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it 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.

The proposal has been submitted in outline form and has been submitted under the basis that all matters are reserved. It is not therefore possible to assess the resultant siting, layout or form of the residential units, given that these matters are reserved for latter approval. However, an indicative site layout plan has been provided within the application, which demonstrates the potential siting of two dwellings on site. This details two detached dwellings with individual accesses and driveways.

This indicative plan shows the potentially positioning of the dwellings and how they could sit within

the site with them being set back from the road and somewhat level with the existing neighbouring dwelling. It should be noted that, despite two dwellings on either side of the vacant site, development within the vicinity is sporadic and sparse and the area is predominantly within a rural setting and is surrounded by agricultural fields. It is therefore considered, due to the openness of the site and the expanse of undeveloped fields paired with the sporadic nature of the nearby areas, the site is within and forms part of the open countryside, as outlined above.

As such, the development would result in a loss of open landscape via developing on current vacant land and therefore combining two separate groups of dwellings to form a minor example of ribbon development which is vastly adverse to the existing rural setting and would more suitable to a more urban area.

Taking account of the design, scale and nature of the development, although it remains indicative, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the rural nature of the character and appearance of the area and would therefore conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/ Land Users

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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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.

Although it remains indicative, due to the size of the site there could be adequate separation distances between the proposed dwellings and the two nearby dwellings on either side. This should therefore ensure there would be no material overshadowing or overlooking once a formal design has been submitted, this would however be assessed at a later date.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details 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 site lies within Flood Zones 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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is located within Flood Zone 3 of the Environment Agency's flood maps as well as being within Danger for All as shown in the South Holland Strategic Flood Risk Assessment, as such, the site has a notably high overall flood risk. The main sources of flooding have been outlined as drainage network, surface water, fluvial, tidal, reservoir and ground water flooding. The overall summary of these risks are outlined as the probability of the development flooding from localised drainage systems being low, however the failure of the Chalk Lane Sluice would increase the level of risk at the site.

Alongside this, due to the standards of the defences and the probability of the site flooding from any EA system is less than 1% annually for a fluvial event and less than 0.5% annually for a tidal event. There would be a naturally increase over time due to climate which must be taken into consideration also. There is a residual risk associated with a breach of the tidal defences and in the event of a breach the flood depth would be up to 2.4m. Finally, the proposed development increases the impermeable area and has the potential to increase the rate of surface water runoff from the site.

In order to combat the issues as outlined above, the following mitigation measures have been suggested. It has been recommended that both dwellings are a minimum of two storeys with there being no habitable accommodation on the ground floor whilst the first floor is also 2.4m above the surrounding ground level. These recommendations are in line with the Environment Agency's comments which suggest a condition be included within the decision notice, should the application be approved. The condition fundamentally suggests the same points as the mitigation measures and therefore will be attached if the application is approved. It is considered that the mitigation measures would ensure that the development is safe for the residents on site; however further assessment should be made in relation to the Sequential and Exception Test.

As outlined above, the Sequential and Exception Test must be applied on site and thoroughly assessed to ascertain whether the development passes both. Firstly, the Flood Risk Assessment outlines that *"Large parts of the South Holland district that are near the River Nene lie within Flood Zone 3. As such, the opportunities to undertake the development at an alternative site with a lower flood risk are limited"*.

Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test

should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

It is considered that a settlement-wide search of Sutton Bridge should have been undertaken as this is the nearest settlement with this being in line with the NPPF. However, the FRA does not contain a site search exercise and thus it is unknown as to whether there are areas of lower flood risk. The information set out within the FRA regarding each test is considered to be insufficient in order to assess the acceptability of the site from a sequential perspective, this is not considered to be passed.

Furthermore, the Exception Test is also considered to not be met. The FRA outlines that site is considered to provide sustainability benefits through the proposal contributing to the Local Plan's housing targets whilst the mitigation measures also incorporating climate change allowances and provides a solution which is sustainable for the next 100 years. It is not considered that two new dwellings would provide a suitable contribution to the Local Plan housing targets whilst the LPA are also able to provide a suitable 5-year housing land supply.

The application form outlines that foul sewage would be discharged from the site via a package treatment plant with surface water being discharged through a soakaway. Kings Lynn Internal Drainage Board have been consulted on the application and have provided the following comments in relation to the drainage details provided. Firstly, in relation to Byelaw 3 (Surface Water) the viability of the proposal disposing surface water via infiltration has not been evidenced and it is therefore recommended that ground investigation is carried out out to determine if this is possible. If this is not possible, the applicant must discharge surface water to a watercourse and therefore consent would be required under Byelaw 3. Moving on from this, in regard to Byelaw 3 (Treated Foul Water), the use of a package treatment plan to dispose of foul waste has also not been indicated on how they intend to dispose of treated foul water. If it proposed to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

The board outline that they are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this is required to be confirmed by the applicant. Should this proposal include works to alter a watercourse consent would be required under the Land Drainage Act 1991. Finally, there are no board arterial watercourses within or adjacent to the site boundary and therefore Byelaw 10 is not applicable.

Overall, when considering the development on balance, it is considered that the development has not passed the sequential and exception test in flood risk terms and as such, the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), 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.

The number of bedrooms within each dwelling has not been confirmed within this submission due to the application remaining at outline stage, however, the site and driveway is considered to support a sufficient number of vehicles. Whilst LCC Highways have not commented specifically to state they have no objections due to them requesting visibility be demonstrated, it is considered that there would not be a material harm to the safety of the highway.

In any case, due to the issues raised throughout this report the LPA deemed it inappropriate to request further information and amendments for an issue which would not overcome the main issues.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance could be exempt from the statutory 10% Biodiversity Net Gain requirements. The application has been submitted as two self-build dwellings with the BNG Exemption Statement outlining that the proposal would be exempt as it comes under the self-build/custom housebuilds. Notwithstanding this, there has been no evidence to show that the applicant or potential home owners are on the self-build register nor has a unilateral undertaking been submitted within the application.

Biodiversity & Ecology

Beyond this, Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:
"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

The Ecology Team have outlined that they believe the habitats on site have the potential to support reptiles and/or amphibians as well as nesting birds. Due to the protection over such animals, they have requested certain conditions relating to the methods of the proposed works and limiting the time when such works can be carried out. They have also requested that one integrated universal nest brick and one integrated bat box be included within the walls of the proposal dwellings, with the details of this being submitted pre-commencement to ensure they are in an acceptable place.

Whilst these would be suitable and appropriate conditions to ensure the ecological support of the site, due to the issues outlined within the report the LPA are unable to support the proposal and therefore will not be attaching such conditions in this regard.

When taking the above into account, whilst the development in this instance may be exempt from the mandatory 10% net gain, it would remain appropriate, given the context of Section 15 of the National Planning Policy Framework (December 2024) and requirements of Policy 28 of the South East Lincolnshire Local Plan (2019), that conditions are attached, requiring a level of Biodiversity and ecological enhancement, including that impacting upon small species.

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 proposed development would result in the provision of housing within the countryside, within the least sustainable location for development within the area's settlement hierarchy, as identified by Policy 1 of the Local Plan. The 'tilted balance' in favour of sustainable development is not engaged at the present time, as the LPA can demonstrate a 5 year housing land supply. The limited benefits that would be provided by the proposals do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

Although the application is in outline form only, it is considered that the development would harm the character and appearance of the site through the urbanisation of the open countryside. Therefore, the development would not accord with Policies 1, 2 and 3 of the Local Plan.

Furthermore, the proposal has not passed the sequential test as required by Policy 4 of the Local Plan and Section 14 of the NPPF.

There are significant material considerations that weigh against the proposal and as such, the planning balance is against the development.

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 is considered to be conflict with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). These are significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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