

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0383-25 **Applicant:** S E King Building Contractors Ltd

Proposal: Demolition of existing barn & erection of 1 dwelling & garage

Location: Rear Of 210 New Road Sutton Bridge Spalding

Terminal Date: 17th June 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

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	0
WARD MEMBER	0	0	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	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the demolition of an existing barn benefitting from Class Q, approved under H18-0452-24, and erection of one dwelling and a garage to the rear of 210 New Road, Sutton Bridge.

Site Description

The site is located outside any defined settlement boundaries as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Holly Cottage is set opposite the junction connecting Old Fen Dike with Sandy Gate, across the road there are two properties. The barn is located to the rear of the site with a smaller barn located to the front of the proposed barn conversion site. A limited number of properties are sited within the immediate area due to it mostly being large open fields located in the countryside.

History

H18-0452-24 - Conversion of agricultural building to single dwelling - Approved

H18-0915-24 - Details of scheme to deal with contamination of land or pollution of controlled waters (Condition 7 of H18-0452-24) - Approved

Consultation Responses

South Holland Internal Drainage Board

Consent may be required under Byelaw 3, not currently required under Section 23 and is not applicable under Byelaw 10.

Environment Agency

Thank you for consulting us on the above application, on 25 April 2025.

Environment Agency position

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 dated March 2025, ref: ECL1276-2/G R MERCHANT, prepared by Ellingham Consulting Ltd and the following mitigation measures it details:

- Finished floor levels shall be set a minimum of 4.5 metres above Ordnance Datum
- Flood resistance and resilience measures shall be incorporated to 0.3 metre above the finished floor level

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

Reason

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.

Informatives

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

Lincolnshire County Council Highways Authority

Recommendation: No objection

The proposal is for Demolition of existing barn & erection of 1 dwelling & garage which will utilise the existing access arrangements and sufficient parking and turning facility can be accommodated within the development site to allow vehicles to enter and leave in a forward gear. Therefore, it does not have an impact on the Public Highway or Surface Water Flood Risk.

That said, the existing vehicle access is not appropriate for this current use as it is just an unbound material and therefore, it will need to be made up to the County Councils specification within the extent of the public highway appropriate for its proposed residential use.

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 to consider the surface water flood risk and drainage proposals for this planning application.

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Lincolnshire County Council Historic Places

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

I request a screening assessment form be completed and submitted with photographs. The screening assessment form is available at:

<https://www.sholland.gov.uk/article/11653/Planning-application-consultations>

These comments were removed following correspondence with Environmental Protection as this was discharged under a previous condition discharge application.

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 policy goes on to detail that development within 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2024) outlines, within Paragraph 61, that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 73 of the National Planning Policy Framework (December 2024) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly". This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within the postal area of Sutton St James, a Minor Service Centre. However, the site itself lies detached from the main built form or built-up area of Sutton St James, or any built-up settlement and lies beyond the clearly identified settlement boundaries for this settlement, as defined by Policy 1 and its associated inset maps.

Policy 1 states 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 site is located outside the Holbeach Settlement Limits, as defined within the South East Lincolnshire local Plan. It is therefore regarded as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

Principle of Development - Custom and Self Build

The proposal has not been specifically identified as a custom/self-build. In any event, in reviewing local policy in respect of self-build, the Self-build and Custom Housebuilding Act 2015 indicates that authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

Explanatory text accompanying Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan specifically refers to self-build & custom build dwellings and indicates at paragraph 5.3.5 that "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".

This latter point is particularly pertinent as it makes clear that permission should only be granted for such sites where there are no material considerations set out within the Local Plan that indicate otherwise. Similarly, an Inspector concluded in a recent appeal decision (APP/A2525/W/18/3218958), despite giving the statutory requirement regarding self-build and custom-build significant weight, that the appeal site was not a suitable location for that type of housing. This demonstrates the above point in practice. The site in this instance lies outside of the defined settlement boundaries and therefore fails to accord with this, in that the text clearly refers to the anticipation of sites being 'within the defined settlement boundaries'.

The South East Lincolnshire Local Plan makes no exceptions to its spatial strategy for previously developed land, for existing plots of residential land being subdivided, or for self-build. Policy 17 outlines that the provision of new houses will seek to meet the long-term needs of the plan area. However, with reference to custom and self-builders it suggests that the Local Plan will seek to meet these housing needs. It does not state that this should be done in a manner inconsistent with the Plan's spatial strategy policies, including through granting permissions. As such, regardless of the local authorities consideration of the development as 'custom build' or not, this would not result in the proposal being suitable in an unsustainable location without regard to outweighing benefits.

However, open market housing, which this self-build house would be considered to be, is not a development type that specifically requires a countryside location. This is particularly the case in this instance where the Council has a development plan that has been relatively recently adopted, with a spatial strategy setting out how the housing needs for the area will be met.

Principle of Development - Open Countryside

Returning to the principal matter in respect of the principle of development in the open countryside, 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.

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)".

The application site comprises land that currently sites an agricultural building and is not considered to meet the provisions of either of these policies. The proposal comprises one new residential dwelling located within the open countryside, located on land currently occupied by the aforementioned agricultural building, which is yet to be developed and as such, seeks to replace an agricultural building with one new dwelling. Therefore, when considered in its current form, in isolation of other matters, the proposal would not fall under the provisions of either Policy 22 (Replacement Dwellings in the Countryside) or 23 (The Reuse of Buildings in the Countryside for Residential Use) as the building is not residential in nature currently and the proposal seeks to entirely demolish the existing agricultural building and cannot therefore be considered as a 'conversion'.

The proposal, based on the detail above, therefore conflicts with Policies 1 of the South East Lincolnshire Local Plan, 2019 and therefore is at conflict with the South East Lincolnshire Local Plan. As such, the proposal would not be acceptable in principle.

Principle of Development - Class Q Fallback

Further to the above assessment of the principle of development, a significant consideration for this proposal relates to the 'Class Q fallback'. As the proposal site relates to the same site which recently benefitted from Class Q approval and as such, the development in this instance can be assessed as what is considered as a 'betterment' scheme.

Beyond this, specifically relating to 'Class Q development and its subsequent fallback, the Court of

Appeal case, 'Mansell vs Tonbridge and Malling Borough Council (2017)' provides a significant benchmark and consideration. This case concerned the grant of permission for a four dwelling scheme on land which was presently occupied by a single bungalow and agricultural buildings. The council in this case, granted permission forming the view that a fallback position was present given that the agricultural buildings 'could' be subject to a prior approval under Class Q, which 'could' have provided a resultant development of the same quantum of residential dwellings (three dwellings via Class Q and the retention of the existing bungalow).

This case, which was quashed by the High Court, was subsequently 'reinstated' through the Court of Appeal. With the Court of Appeal establishing through this case that where there is demonstrably a 'realistic prospect' of a 'permitted development' scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority.

In respect of a 'realistic prospect', this case highlighted that that of 'Sullivan L.J.'s judgment', in that "a 'real' prospect is the antithesis of one that is 'merely theoretical' (paragraph 20). The basic principle is that 'for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice' (paragraph 21)". This went on to detail that "when the court is considering whether a decision-maker has properly identified a 'real prospect' of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO".

As such, "in some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand". However, in the case of 'Mansell vs Tonbridge and Malling Borough Council', it was stated that to not consider the fallback of Class Q (even if there is not evidence of a specific proposal under Class Q), would "have been a failure to have regard to a material consideration, and thus an error of law". This clearly demonstrates the need to assess and review the fallback position in respect of Class Q development.

In any event, the court decision also reiterated that "They should remember too that the making of planning policy is not an end in itself, but a means to achieving reasonably predictable decision-making, consistent with the aims of the policy-maker. Though the interpretation of planning policy is, ultimately, a matter for the court, planning policies do not normally require intricate discussion of their meaning".

It stands to reason that, where the alternative new-build proposal offers either an enhancement to the setting, a reduction in density or betterment in overall development, when compared to the fallback, the development could (and perhaps should) be allowed to proceed.

In this case, the granting of the Class Q shows that the applicant has a 'real prospect' and clear desire to develop and maximise the value of the site. It is also considered that the general view of residential development is already established. An assessment as to whether the scheme is considered to be a betterment or enhancement will be discussed later in the report whilst the overall opinion is that the principle warrants a departure from SELLP Policy 1 due to benefitting from the previous Class Q approval.

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.

A main consideration for a betterment scheme such as this is that the new development would actually enhance and improve the setting of the area and would be an improvement on the extant barn which received the initial permission. The previous barn was approved to be constructed from larch vertical cladding for the walls with a zinc standing seam on the roof. As this granted a conversion, rather than demolition and rebuild, it ensured that the siting and appearance of the barn remained but would be somewhat upgraded during the conversion, as an appropriate conversion.

The proposed dwelling is to be constructed from traditional farmhouse blend facing brickwork, black cladding and oak posts whilst the roof would be made from natural slates and both the windows and doors would be made from grey aluminium. It would have a total height of 8300mm, a lower ridge of 5700mm and varying eaves levels which sit at 6000mm and 3300mm. In total, the floor space measures at 173sqm (ground floor) and 91sqm (first floor).

Whilst the applicant considers the design of the house to be 'better' than the existing barn and the previous approval for the conversion, this view is not shared. The previous conversion, was approved on the basis that the design maintained the agricultural appearance of the building, which was important in being able to reflect the rural nature and agricultural setting of the locality. However, the demolition and erection of the house proposed in this instance would have adverse effect upon the wider landscape and would result in the loss of a well-established agricultural building. Alongside this, it also does not appear similar to existing dwellings along New Road such as the one sited directly in front of it. Finally, the design is also not representative of the agricultural barn nor has an agricultural feel to it any capacity due to being a fairly urban and residential design which is vastly different to the rurality of the site. The design is not based upon any contextually related traits that are inherent in the existing barn (or approved conversion), furthermore there is no reference, nor compatibility with the types of dwellings that are already located within the locality.

Moreover, the design and access statement fails to justify the design rational in terms of its appropriateness to this location. The proposed dwelling through its design is considered then to have an urbanising effect upon this part of the countryside, rather than one that should be based upon the context its locational vernacular (which is open countryside), which is considered to result in visual harm to the character and appearance of the area, being completely at odds with its surroundings.

Overall the materials and design of the proposed dwelling appear relatively simple and basic to what would be expected to be seen in standard residential areas, as such, it fails to recognise the intrinsic beauty of the area being within the open countryside, appearing incongruous and which does not contextually relate to its immediate setting or to the wider area. As previously discussed,

the design of low quality and has limited architectural merit whilst not improving or enhancing the setting and is vastly different to the existing setting of the locality. As a result of this, the proposed dwelling which is to replace and demolition the existing barn would be harmful and incongruous. The design of the replacement dwelling is considered to be unacceptable and visually at odds with the locality and would adversely harm the character of the area. Furthermore, the applicant has failed to demonstrate a clear or overriding justification as to why such a design would or should be considered acceptable in this location.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character and appearance of the area due to it not being of high quality to be considered as a betterment thus taking away from the agricultural rurality of the area it is set within. and would therefore conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 and Paragraph 187b 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.

Firstly, there would be no material overlooking following the erection of the dwelling. Whilst there are ground floor windows facing 210 New Road, due to the nature and level of the ground floor these would not be able to look over the existing fence and there are no windows proposed on the elevation facing this dwelling. All other windows facing undeveloped agricultural land ensuring no material overlooking should occur here either. Due to the high flood risk in the area, the finished floor levels would need to be +4.5m above OD, this means they would need to be around 0.8m - 1.1m taking the overall height of the proposed dwelling to either 9100mm or 9400mm (approximately). There would be a shadow cast to the east, however, as this is undeveloped no issues should arise from this. On the opposite side, No. 210 could be materially effected by this. There is roughly 4.6m between the proposed dwelling and boundary meaning that when the sun rises in the east it would cast a shadow on the rear garden and rear window of 210 New Road. Notwithstanding this, any shadow that is cast would only be when the sun is rising and would decrease throughout the morning to eventually having no material harm.

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 within Flood Zone 3 of the Environment Agency's flood maps and Danger for All in the South Holland Strategic Flood Risk Assessment, as such, the Environment Agency have been consulted on this application. Firstly, the flood risk assessment states that 'The site has a low 'actual risk' of flooding'. The recommendations set out in the mitigation measures outline that the finished floor level of the dwelling should not be less than +4.5m OD (0.8m - 1.1m above surrounding ground level) and that there be 0.3m of flood resilient construction above the finished floor level. Alongside this, the Environment Agency have suggested a condition be imposed to the decision notice should the application be approved which reads as follows:

The development shall be carried out in accordance with the submitted flood risk assessment dated March 2025, ref: ECL1276-2/G R MERCHANT prepared by Ellingham Consulting Ltd and the following mitigation measures it details:

- Finished floor levels shall be set a minimum of 4.5 metres above Ordnance Datum*
- Flood resistance and resilience measures shall be incorporated to 0.3 metre above the finished floor level*

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

Reason

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.

As such, it is considered that should this conditioned be imposed and carried out that the flood risk on site would not be harmful or unacceptable.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 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 proposed new dwelling would have a total of three bedrooms, this would mean they are required to have at least two off street vehicle parking spaces. Not only would there be ample room on site for vehicles to park on the large drive/turning area, they would also benefit from a proposed garage. This garage has the capacity to store three vehicles, two in the car port and one in the garage itself. As such, there is adequate parking. LCC Highways were consulted on the application and raised no objection, their comments stated the following 'The proposal will utilise the existing access arrangements and sufficient parking and turning facility can be accommodated within the development site to allow vehicles to enter and leave in a forward gear. Therefore, it does not have an impact on the Public Highway or Surface Water Flood Risk. That said, the existing vehicle access is not appropriate for this current use as it is just an unbound material and therefore, it will need to be made up to the County Councils specification within the extent of the public highway appropriate for its proposed residential use'. As a result of this, two informatives have been recommended to be included on the decision notice providing the application is approved.

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.

A BNG Exemption Statement has been provided within this application stating that the development would be exempt from the statutory 10% requirements due to it being a self-build dwelling which is less than 0.5 hectares. Notwithstanding this, the statement goes into no detail about how the property is a self-build nor have the Local Planning Authority been provided any evidence that the applicant has signed up to the register. It is considered that if the Applicant was signed up to this register and agreed to a legal agreement the development would be exempt from the need for BNG under the above circumstances.

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 conclusions of the Ecological Impact Assessment Report state that with the implementation of RAMs, mitigation and compensation measures it is considered that the proposed works can be undertaken with a neutral impact upon all ecological feature on site. Alongside this, with the implementation of the proposed enhancements, habitats on site can be enhanced and permanent features installed to encourage wildlife to continue to be active in the local area. Finally, these proposals comply with the legislation and intentions of planning policies with regards to priority species and biodiversity by minimising impacts to biodiversity, where possible, and providing opportunity for an ecological gain.

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 proposal whilst contrary to the aims of SELLP 1 the applicant has a fall back in that the barn can be converted into a dwelling, under class Q, which has already been approved and is extant. On this basis the appeal case, 'Mansell vs Tonbridge and Malling Borough Council (2017)' is engaged. In such instances where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could (and perhaps should) be allowed to proceed. However, this fall-back position does not represent a fait accompli that any subsequent design or scheme should automatically be accepted.

In the case of the current application, following assessment of this proposal against its character merits, it is considered that the development, if allowed would have a harmful effect upon the local environment and wider landscape character. The proposal by virtue of its poor design is not commensurate with its immediate or broader setting and so would represent an incongruous feature, that appears to be devoid of any context. This proposal would therefore not offer an enhancement over what has previously been approved and would not represent betterment or enhancement of the area. Instead the design now proposed would represent a visually incongruous final development which would be starkly at odds with the rural setting and context of the application site, by introducing a suburban dwelling of limited architectural merit.

Given the level of character harm it is considered that the wider sustainability benefits to the community relating to this proposal would not outweigh the risk from flooding and on this basis the proposal would fail to pass part A of the exceptions test.

In this instance then, it is considered that the harm brought about by the development would not outweigh the benefits, given the fall-back for the site already enables the development of a single dwelling, which would be achieved through a more appropriate and sensitive conversion of this rural barn which is in-keeping with and preserves the character of the area and surrounding countryside. As such, the planning balance is not support of the development. The development would fail to accord with the requirements of the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole. Therefore, the proposal is unacceptable and recommended for refusal.

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 in accordance with Policies 4, 28 and 36 (Appendix 6), however adversely conflicts with Policies 2 and 3 in terms of design as the scheme is presented as a betterment yet causes impact to the agricultural location and is not considered to be of a high enough quality in architectural merit to be classed as a betterment. These are significant factors in this case that indicate against the proposal and outweigh the consideration in against 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.