

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H18-0748-26	Applicant:	Ms K Dayton
Proposal:	Conversion and partial reconstruction of existing barn into two dwellings		
Location:	Wingland Farm Gunthorpe Road Walpole St Andrew		
Terminal Date:	6th October 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
23	The Reuse of Buildings in the Countryside for Residential Use
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 4 - Achieving sustainable development
 Section 14 - Achieving well-designed places
 Section 15 - Promoting sustainable transport
 Section 17 - Pollution, public protection and security
 Section 18 - Managing flood risk and coastal change

Representations:

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

SUPPORT				
KINGS LYNN INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full application for the conversion and reconstruction of a barn/stables into two market dwellings.

The western unit (hereafter referred to as Plot 1) would be a two bedroom unit, with a floor area of approximately 92sqm. The width and depth would be approximately 18m by 6m respectively. The westernmost portion of this plot appears largely overgrown and without a roof. This dilapidated section measures approximately 47sqm.

The eastern unit (hereafter referred to as Plot 2) would be a three bedroom unit, with a floor area of approximately 101sqm, with a width of 13.6m and a depth of 11.5m. To enable the creation of the dwelling, a collapsed wing would have to be rebuilt. This area occupies approximately 74sqm of this unit.

Site Description

The site is outside of any settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and can therefore be within the countryside for planning purposes. It is located in the far south-eastern corner of the District, across the river Nene, and immediately adjacent to the boundary with Kings Lynn and North Norfolk Council. It is approximately 2km west of Walpole St Andrew.

The site is immediately adjacent to the residential dwelling of Wingland Farm House. It is comprised of an extremely dilapidated building, seemingly last used as a stable. The western and eastern wings of the building have collapsed. The roof of the building appears to have buckled in places.

Relevant History

No relevant site history

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Internal Drainage Board

Outline when land drainage consent would be required from the Board.

Highway and Lead Local Flood Authority

Additional information required

Can the applicant demonstrate on a plan the access will be at least 4.1m for the 1st 10m and constructed in accordance with LCC specification.

SELCP Ecologist

Ecological Considerations:

- The applicant has provided thorough ecological documentation therefore in my judgement providing sufficient ecological data to determine this application.
- We support all mitigation and enhancement recommendations provided in sections 6 and 7 of the PEA and request that they are required by condition.
- The emergence surveys undertaken for this development found that there were no bats using the building as a roosting site at the time of the survey and there was low foraging and commuting activity on site. We therefore have no concerns regarding the impact the proposed development will have on bats in the area.
- 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) is 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 SP24.

BNG Comments and Notes to applicant:

- BNG exempt - <2ha and non-priority habitat land

Environment Agency

In accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036, we object to this application due to the absence of an adequate flood risk assessment (FRA).

Reasons:

The submitted FRA, dated May 2026, ref ECL 1831, prepared by Ellingham Consulting Ltd does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance. In particular, the FRA fails to propose flood risk mitigation measures to ensure that occupants will remain safe over the lifetime of development.

Figure 3 of the submitted FRA does not reflect the depth data contained in Appendix B of the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The flood risk information shown in Figure 3 reflects the Environment Agency hazard maps, however, the SFRA hazard maps are the best available information to inform risk at this site.

The South East Lincolnshire SFRA indicates that the site has a future hazard classification of danger to all (including the emergency services) and could experience depths of 1-2m arising from a breach in the defences during a flood that has a 0.1% chance of occurring in any one year up to 2115.

Historic Environment Officer

Thank you for consulting us on this application. 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

Lincolnshire Wildlife Trust

No substantive comments

Environmental Protection

Noise

no comments

Contaminated Land

Following review of the screening assessment form dated 26th May 2026 with accompanying photographs, I request a precautionary land contamination condition be applied at this location as follows:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019

Kings Lynn and West Norfolk

"the Borough Council of King's Lynn and West Norfolk has no observations to make on the application."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2026 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Whilst the council have scored at least 161% for the Housing Delivery Test over the recent period, the Authority are presently unable to demonstrate a supply of deliverable sites equivalent to 5 years through the latest Housing Land Supply Assessment

Principle of Development

Policy Context - Local Plan

As previously outlined, the Authority are unable to demonstrate a five year housing land supply. Therefore, whilst the provisions of Policy 1, which are outlined below, are still relevant, it should be acknowledged that they are out of date as a result of this absence of housing supply. The weighting afforded to this point should be considered accordingly.

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

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

The site is outside of any settlement boundaries outlined within the SELLP. 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". As such, the site should be considered to be within the Countryside from a planning policy context. It is important to note that this Countryside designation is based off of settlement boundaries, as outlined in the SELLP, rather than the built form of the area. In light of this, dwellings which are not considered "isolated", as outlined in Paragraph 84 of the SELLP, can still be considered to be within the Countryside.

Appeal decisions APP/A2525/W/25/3362446, APP/A2525/W/22/3303340, and APP/A2525/W/25/3364588, amongst others, reinforce this interpretation of Policy 1. These decisions are explicit that the settlement boundary is a fixed point, which defines the classification of a unit and that all land outside of these defined boundaries are considered to be countryside. They cannot be ad hoc altered based on the built form of an area.

Policy 1 states that within "the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

Within the explanatory text of Policy 1, further discussion of what can be considered to necessitate a Countryside location can be found. Where the relevant criteria are met, this may include the conversion of existing rural buildings to dwellinghouses.

Policy 23 outlines when the reuse of buildings in the Countryside for residential use may be acceptable. Policy 23 outlines the following:

Proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building"

Policy Context - NPPF

It should be noted that the provisions of Section 4 of the NPPF, discussed below, are applicable, for the most part, irrespective of the housing land supply position of an Authority, due to the permanence of the presumption in favour offered by Section 4

The site lies outside of any settlement boundary, as outlined in the SELLP. The definition of "settlement" is found within Annex B of the NPPF, reading as follows:

"Settlement: Includes cities, towns, villages and other predominantly built-up areas, including land

which is allocated or has permission for development which will form part of the built-up area once the development is complete. This includes areas defined as a settlement in the development plan (whether using defined settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined). Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan. For the purpose of this Framework they also exclude villages which lie within and are defined as part of the Green Belt in the development plan."

The Framework is clear that settlements which are defined in a Local Plan would constitute settlements for the purposes of the NPPF. It is also clear that settlements would not include hamlets or scattered groups of houses. On this basis, it is considered that the settlement boundaries outlined in the SELLP are still wholly applicable here, and that the site should be considered as an outside of settlement location.

Policy S3(1) of the NPPF states:

"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
- b. Outside settlements, policy S5 should be applied"

As previously outlined, the site is outside of a defined settlement limit, and therefore, Policy S5 is relevant. This states:

"Only certain forms of development should be approved outside settlements (...) These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework".

Policy S5(1) proceeds to outline circumstances where a proposal for development outside of a settlement would be permissible. In particular, Policy S5(1c) states the following would be acceptable:

"The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building. In the case of proposals for a replacement building, it should be for the same use and not disproportionately larger than the one it replaces"

Footnote 25 proceeds to clarify that the existing building is to be assessed as the property as existing on the date of the publication of this Framework (17th August 2026).

Assessment of Principle

As outlined above, the proposal, as per the description of development, is for the conversion and partial reconstruction of an existing building. Policy S5(1c) of the NPPF outlines that the reuse of an existing building in the countryside would be acceptable in principle, subject to that building being of substantial construction and any alterations being proportionate to the host.

As discussed in greater detail below, the building is not of substantial construction. Large sections of the building are entirely collapsed. Other sections are in a poor state of repair and are evidently incapable of reuse (such as the collapsed roof on the western wing). Moreover, the poor condition of the existing building would mean that significant alterations are required in order to make the building habitable. These alterations would result in a disproportionate increase in the size of the building, compared to the existing structure, present at the time of the publication of the Framework. Therefore, Policy S5 of the NPPF has not been met.

Annex A of the NPPF states: "Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework."

No definition of "materially inconsistent" is provided in the NPPF. The requirements of Policy 23 of the SELLP are more robust than the NPPF, and on that basis Appeal Decision 6009598 deemed that only minimal weight should be attached to Policy 23. For the sake of completeness, and to expand upon the comments relating to the structural integrity of the building made in light of Policy

S5 of the NPPF, the below assessment of Policy 23 has been made.

Assessing the proposal against the five criteria of Policy 23, the following is considered:

1. Whilst the provided structural survey is noted, the building is evidently not capable of conversion without significant alterations and rebuild needed. Approximately half of Plot 1 and three-quarters of Plot 2 have no roof. The remaining roof has failed in large areas. The walls of the "open structure" (as labelled on drawing no P100) have collapsed in places and are incomplete. The westernmost block is shown on the structural survey as collapsed and covered in foliage. Other sections have been unable to be surveyed properly by the conductor of the structural survey due to the levels of manure in the buildings.

The structural survey has repeatedly identified concerns with the structural integrity of sections of the building. This includes, but not limited to, the following quotations:

"the roof structure to this section has fully collapsed" (page 2, paragraph 2)

"The wall to the rear is fully concealed by ivy and could not be visually examined. The finished floor to this section is covered in broken roof tiles and was considered too dangerous to access." (page 2, paragraph 2)

"Reinstatement of the masonry to this section would be required internally" (page 2, paragraph 3)

"preventing inspection of the finished floor" (page 2, paragraph 3)

"The roof to this section has fully collapsed with a truss remaining but bowing horizontally. The remaining section of roof has dropped, indicating that the truss has dropped at the far end. The ridgeline has been lost and excessive decay was evident within the remaining timbers" (page 3, paragraph 1)

"A purlin has failed on the front elevation along with the associated rafters and tiles have been lost from the affected area. The sarking board has partially failed. The roof has partially collapsed" (page 4, paragraph 1)

"comprises a roof that has failed with the purlin having snapped and rafters having collapsed. This has resulted in a valley joining an adjacent garage to have also collapsed, and the head of the brick wall to this bay has belied inwards" (page 5, paragraph 1)

"this has resulted in the roof sagging with the ridgeline dropping excessively" (page 5, paragraph 2)

"the masonry either end of the steel beam has rotated, with a crack developing three courses below wall plate level, indicating that the wall panel has rotated in an outward direction, being pushed by the roof as it drops and attempts to spread" (page 6, paragraph 1)

"The truss set between the collapsed valley and the long span section has split and is now supported off a timber post set in-board of the masonry. The masonry has moved outward relative to the bearing location of the truss, increasing the bending moment in the bottom chord and this, coinciding with maximum shear forces in the timber has caused the outermost fibres to fail." (page 7, paragraph 1)

"The roof structure to this bay has fully collapsed" (page 8, paragraph 1)

Beyond the structural issues, the proposal incorporates what is in essence an extension to the eastern side through the enclosure of an entirely collapsed section of the structure. This extension is considered to be significant in its own right.

The building would require significant, potentially fundamental, rebuilding works to become habitable. The extent of these works would go far beyond what would be reasonably expected under Policy 23. Criteria 1 is not met. It should be noted that these considerations of Policy 23 broadly align with those of S5 of the NPPF, and the above discussion can essentially be seen as supplementary to the previous discussion of S5.

2. What remains of the building is not unattractive, being a simple brick built structure. However, it is of no significant merit architecturally or historically, being a relatively typical structure with no clearly defining positive feature. Moreover, the screening of the building means that it offers limited character benefits to the area. Furthermore, any potential positive aspects of the stables are offset by the sheer scale of disrepair and decay of the wider unit. The existing unit is in such poor state that it is not in the whole worthy of retention. Criteria 2 is not met. That being said, only minimal weight is attached to this point, as per the Inspector's comments within Appeal 6009598

3. As a fairly typical brick stable block, the existing building is broadly in keeping with the rural character of the area. The conversion would be similarly typical of small barn conversions, and would therefore not immediately appear incongruous. That being said, only minimal weight is attached to this point, as per the Inspector's comments within Appeal 6009598

4.It has been stated that materials to match would be used. The existing stable door openings would for the most part be retained. Criteria 4 has been met. That being said, only minimal weight is attached to this point, as per the Inspector's comments within Appeal 6009598

5.The proposal would enhance the appearance of the existing site, due to the exceedingly poor condition of the existing site. Criteria 5 has been met. These points are discussed in further detail within the design section of this report; however, only minimal weight is attached to this aspect of Policy 23, as per the Inspector's comments within Appeal 6009598.

The proposal therefore would not conform to Policy 23, when taken as a whole, as the building is in such poor state as to be rendered unsuitable for conversion. However, only minimal weight should be attached to the conflict with Policy 23.

In addition to the above, the Authority's housing land supply position must be considered. The proposal would provide two dwellings, contributing to the Council's undersupply. Whilst this does carry weight in favour of the proposal, it should be noted that the nature of Policy S5 of the NPPF does not result in additional considerations being triggered here beyond the aforementioned weight.

Summary of Principle of Development

The proposal would be contrary to Policies 1 and 23 of SELLP, although minimal weight is attached to these points, and Policy S5 of the NPPF. It would represent unjustified development in the countryside, which would go far beyond the expectations of NPPF policy. The principle of development is therefore unacceptable.

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

Section 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines that "development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets".

In order to create well-designed places, Paragraph 2 outlines that proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The existing building is of such poor quality that the proposal would be enhancement, as the site would be neatened by the proposal. That being said, the building is of such poor quality that the full extent of works cannot necessarily be judged by the drawings shown, and therefore, the extent of works may create a divorce between existing and proposed which is damaging to the rural area. Moreover, the finished appearance would be dependant upon the quality of the brick match selected, as without a suitable match, there would be a clear patchwork effect, damaging to the

appearance of the site.

Existing openings have been largely maintained. Window detailing is good and the doors illustrated are reminiscent of stable doors. There is therefore a clear appreciation of the existing building, which lends itself positively to the final design. That being said, from the details provided, whilst the openings are retained, the doors and windows themselves would not be, creating a further separation to the previous use of the building.

The landscaping shown is of no significant benefit, with existing features being shown to be largely retained. Details of boundary treatments have not been provided and should be addressed via condition.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. Whilst the extent of works required is significant, taken in isolation of this, the design is fairly typical and is not of poor quality; and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 14 of the NPPF.

Impacts Upon Resident Amenity

DP3 of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals should "provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life".

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

No overlooking would arise as a result of the works, due to the single storey nature of the proposal. There would be some increased overshadowing to the plot to the west; however, this would only impact a limited area of garden, and therefore the actual impacts are limited.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Sections 14 and 17 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, Policy TR6(4) advises that "development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion."

Policy TR3 of the NPPF outlines that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. The policy outlines a series of principles to achieve these aims, with the expectation that all proposals should, so far as is relevant, conform to them. Policy TR3(2) is explicit that "The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development."

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public

transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. Adequate parking has been demonstrated.

The site is located in a reasonably isolated location, a significant distance to any defined settlement or service centre. The site is given a Connectivity score of 11/100 within the Connectivity Tool. When filtered to show a relative score for the Local Authority, it falls within band F, the fifth lowest classification (although it should be noted that this classification is somewhat offset by large portions of the District containing the Wash, which has no road infrastructure and is largely inaccessible during high tide). The nearest settlement would be Walpole Marsh, which is located within Kings Lynn and North Norfolk; however, this is a reasonably small settlement which does not appear to have the necessary day to day services required to support a residence. Moreover, pedestrian connection to this village is limited, with no clear footpaths or street lighting for the majority of the journey.

On this basis, it is considered that the proposal would be in a broadly inaccessible location, where occupants would be reliant upon private vehicles. As a result, the proposal would be contrary to the principles of Section 15 of the NPPF and significant weight is given against the proposal.

However, Policy T6 is clear that proposals should only be refused on highway grounds where this would have an unacceptable impact upon safety, rather than purely on accessibility. The proposal would not have an unacceptable adverse impact on the highway network or be unsafe, although the proposal does not wholly conform to the principles of accessibility within Section 15 of the NPPF and Policies 2, 3, and 33 of the SELLP.

Flooding Considerations

Section 18 of the NPPF relates to "Managing flood risk and coastal change". It requires a sequential approach to flood risk, in accordance with the decision making policies contained within this section. Policy F7 is clear that "development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere."

Policy F5(1) outlines that:

"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users."

Paragraph 3 expands on this, stating that:

"The strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test."

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

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

Within the SFRA the site is classed as danger for all, with a hazard depth of over 2m. It should be noted that the conclusions of the submitted FRA do not align with the depths and hazard ratings of the SFRA. As the SFRA is the adopted policy of the Council, and it has not been put forward by the Applicant that the discrepancy has emerged as a result of errors in the SFRA or updated modelling

data, there is no reasonable reason to diverge from the findings of the SFRA. This interpretation of the primacy and correctness of the SFRA is consistent with the comments of the Environment Agency.

Policy 4 of the SELLP states: "Change of use that would result in self-contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported."

The proposal is therefore fundamentally in conflict with Policy 4, which would prevent development of this nature in this hazard zone. The flood depths are so significant that a clear safe refuge could not be created internally, as this would result in unacceptable floor to ceiling heights. Moreover, the extent of building works required to flood proof a dwelling to make it safe for its lifetime would go beyond the requirements of Policy S5 of the NPPF.

Similarly, Policy F7 of the NPPF states:

"Where development is proposed in a location known to be at risk from any form of flooding, now or in the future, it should be refused unless:

- a. Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons which justify a different arrangement;
- b. The development will be safe throughout its lifetime taking account of the vulnerability of its users;
- c. Any residual risk can be safely managed, and safe access and escape routes are included where appropriate, as part of an agreed emergency plan;
- d. The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;"

The proposal is not considered safe for its lifetime, as outlined previously. Nor is it located in the lowest area of flood risk, and no reason to justify an alternative arrangement has been provided. No emergency plan has been provided. No substantial details of flood resilience have been provide, in light of the aforementioned inconsistencies of the FRA; and moreover, the extent of works required to facilitate this may go beyond what could reasonably be expected for a conversion. Given the extent of flooding on the site, it is considered that there is a tangible risk to life and property, which would wholly unacceptable given the lack of mitigation.

The conclusions of the Council, that the site is unsuitable from a flood risk perspective which are based upon the current FRA (which is considered to be a flawed document), are consistent with the comments from the Environment Agency, who have objected to the scheme. In light of these comments, and the clear flaws within the FRA, it is considered that there is clear and convincing potential for harm to property and persons, which have not been suitably mitigated.

The proposal directly conflicts with Policy 4 of the SELLP with regards to flood risk. The development could not be made safe for its lifetime and would therefore also be contrary to Section 18 of the NPPF.

Biodiversity Net Gain

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

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

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

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

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

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

The site is less than 0.2ha and would therefore be exempt from the standard condition.

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 represents unacceptable development in the countryside. The extent of remedial works required to enable a conversion are beyond what could reasonably be expected under Policy S5 of the NPPF. The principle of the conversion is therefore unacceptable.

The proposal would fail to ensure the dwellings are safe for their lifetime and would therefore conflict with Policy 4 of the SELLP and Section 18 of the NPPF.

Weight should be given in favour of the proposal due to the Authority's absence of a five year housing land supply. Nevertheless, the weight afforded to the contribution from two dwellings, would not be so great as to outweigh the fundamental conflicts with policy identified here.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

Human Rights

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

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

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

Conclusion

Taking these factors into consideration, the proposal is considered contrary to Policies 1, 4, and 23 of the SELLP, as well as Sections 4 and 18 of the NPPF. There are no significant factors in this case that would outweigh the harm identified; therefore, the planning balance is against the proposal.

Recommendation

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