

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0979-24 **Applicant:** Mrs M Stone
Proposal: Proposed conversion, extension and change of use of barn to kennels
Location: Adj 8-9 Grange Farm Hospital Road Sutton Bridge
Terminal Date: 21st May 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
07	Improving South East Lincolnshire's Employment Land Portfolio
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - 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	0	1
OTHER STATUTORY BODIES	1	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the proposed conversion, extension and change of use of a barn, to be used as kennels adjacent to 8 - 9 Grange Farm, Hospital Road, Sutton Bridge.

The site proposes a total of 17 kennels, to allow for a minimum of 17 dogs. The supporting statement submitted alongside this proposal identifies that the applicants would anticipate that some dogs would be kept together in the same kennel if from the same household, which could equate to a number in excess of 17 dogs.

The facilities would be offered for day-care or boarding, to allow for short term stay (daytime only); or boarding for longer term stays. Typically, these would be offered Monday - Friday for more short stay, and anything from over the weekend to multiple weeks for longer stays.

The submission proposes to be open daily between Monday - Sunday, with drop off/collection times being between 7am - 9am and 4pm - 7pm Monday to Friday, and 8am - 10am and 4pm - 6pm Saturday and Sunday. There is expected to be a total of 10 - 20 visitors to and from the site per day, with this varying depending on the number of day care customers; albeit this has not been supported by any transport statement. Finally, the following list has been supplied in terms of number of staff:

- 1x Owner/Manager
- 2x Work Experience Students
- 1x Part-time Walker.

Site Description

The application site comprises existing built form, considered to be barns, on land adjacent to 8 - 9 Grange Farm; a residential property to the east of Sutton Bridge and to the west of the South Holland District border to Kings Lynn and West Norfolk.

The site, whilst benefiting from a somewhat rural capacity, being located outside of any defined settlement boundaries and therefore in the open countryside as detailed within the South East Lincolnshire Local Plan, 2019 (SELLP), is sited within a cluster of residential plots.

History

H18-0222-13 - Extensions and alterations to existing dwelling - Approved

Consultation Responses

Environment Agency

Environment Agency position: We have no objection to the proposed development; however, we

would like to draw your Local Authority's attention to the following information.

Flood Risk:

The site has a future hazard classification of 'Danger for Most' (includes the general public) and could experience flood depths of 0.5 - 1.0m and 1.0 - 1.6m 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. We advise that flood risk mitigation measures are implemented where practicable.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Lincolnshire County Council Highways

I understand that this application is for the change of use of barn to kennels. The applicant has stated in the supporting statement that the proposal will house 17-20 dogs offering facilities for day-care or boarding with opening hours Monday-Friday (7-9am and 4-7pm) and Saturday/Sunday (8-10am and 4-6pm) effectively a 2-hour slot for 10-20 visitors per day including 3no. full time and 1no. part time staff members with 4no parking spaces.

The highway authority is of concern with the proposed number of parking spaces that has been allocated for this business use, as stated above and there could be more demand for parking than what is proposed. Therefore, we would ask the applicant to provide further clarification of details for the proposed businesses operations and advise if spacing of visiting times and pre-booking arrangements of appointments is requested. Essentially, we need to know how many vehicles will be on site at any one time to ensure sufficient parking provision has been accounted for and to ensure vehicular movements of those arriving for an appointment, would not meet those departing from an appointment that has ended, if visiting times were equally spaced, including sufficient parking provision for staff members.

We should also point out at this stage, that the existing access arrangements are not sufficient in its current form to support this application, and the access would have to be widened to 4.1 metres as a minimum for the safe passage of two-way vehicular movements and upgraded to LCC specification within the extent of the highway boundary as currently, this is just an unbound material.

SELCP Senior Ecologist

Summary: There has been sufficient evidence provided to approve the BNG assessment for determination. It is evident that BNG will achieve 10% gains. Bat emergence and re-entry surveys will be required pre-commencement as per the PEA recommendations.

Documents reviewed:

- BNG Statutory Metric
- BNG assessment
- Preliminary Ecological Appraisal (PEA)

Comments:

Ecological Considerations:

- The applicant has provided a thorough ecological report, Biodiversity Net Gain Statutory Metric and PEA, therefore in my judgement has provided sufficient ecological documentation for the application.
- I support all mitigation recommendations provided by the ecologist in the PEA.
- Due to the current building on site being classified as having moderate suitability for bat roosting potential, we require at least 2 bat emergence/re-entry surveys to be completed pre-commencement. See below some recommendations from the PEA that I would like to highlight concerning these surveys.
- The surveys should be completed during the optimal survey period (mid-May to August) and the surveys should be completed at least 3 weeks apart from each other.
- One of the surveys should be a dawn re-entry survey and the other should be a dusk emergence survey (with support of night-vision aids).

- 4 surveyors are required to provide full coverage of the buildings elevations during these emergence/re-entering surveys.

BNG Comments:

- I have reviewed the BNG plan submitted within this application, and conclude that the metric calculations are rigorous, and that the authority can have confidence in their conclusions. In this case the metric indicates that 10% net gain can be achieved on-site with a predicted overall gain of 10.18% in Habitat.

Conclusion: There has been sufficient evidence provided to approve this BNG assessment for determination.

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.

South Holland District Council Environmental Protection

I request a screening assessment form to be completed for this application and submitted with photographs. The screening assessment form is available at:
<https://www.sholland.gov.uk/article/11653/Planning-application-consultations>.

Based on the insufficient information provided by the applicant we would be unable to support this application in its current form. Details of numbers of dogs, proposed exercise arrangements and kennels construction would be needed in order to assess the potential impact on nearby residents, given the close proximity of residential properties. The current information on the covered area suggests this would not provide suitable noise attenuation. A suitable and sufficient noise report should be provided.

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.

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.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Planning Considerations

Principle of Development and Sustainability

Policy 1

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 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 any defined Settlement Limits or boundaries, as defined within the South East Lincolnshire local Plan (2019). 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.

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". In this instance, the support towards the 'sustainability needs for the area' afforded by the proposal have not been put forward, with no evidence of such being demonstrated within the submission, and in this instance, are not considered to be sufficient as to accord with Policy 1 in any event, when viewed in isolation.

Therefore in context of this, the proposal, to provide a business incorporating dog boarding and day care within this location, would not usually be considered necessary, nor appropriate. As such, the proposal does not strictly accord with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle.

Notwithstanding this, beyond the consideration that the proposal does not necessarily accord with Policy 1, given that the nature of the proposal comprises a commercial activity, including the need for staff, Policy 1 is supported by Policy 7 and as such, the proposal must also be assessed against Policy 7.

Policy 7

Policy 7 of the South East Lincolnshire Local Plan (2019) relates to 'Improving South East Lincolnshire's Employment Land Portfolio'. This Policy details that: *"New employment*

development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:" that seven specific criteria, which outline the acceptability of the application for new employment sites, are met.

The criteria are as follows:

- a. the development does not conflict with neighbouring land uses
- b. there is no significant adverse impact upon the character and appearance of the area
- c. the design is responsive to the local context
- d. there will be no significant adverse impact on the local highway network
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map

The development proposes to convert the existing barn, to utilise the built form to support the dog business. As clearly stated in the policy wording, *"New employment development/businesses... outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings"*. As such, it is evident that the conversion of an existing built form for its use as a business, can be supported in principle under Policy 7. In this instance, the proposal involves the conversion/re-use of a redundant building.

It should be noted, however, that in this case, the built form to be converted lies within an open countryside location. Within the 'Reasoned Justification' for Policy 7, paragraph 4.2.10 details that *"National planning policy supports the conversion of existing buildings and well-designed new buildings in the Countryside for economic development. Therefore, the provision and expansion of Other Employment Sites, including those in the Countryside, will be supported where it can be demonstrated to be sustainable and consistent with the requirements of Policy 7. However, the desire to promote rural employment must be balanced with the need to protect the existing character of the Countryside"*. Paragraph 4.2.11 also details that *"Policy 7 aims to ensure that growth happens in the right places (both from the market's perspective and to meet sustainability objectives) and will ensure that resources can be focused on delivering a small number of quality, attractive business locations. Together with other policies in this Local Plan, this approach helps ensure that the right infrastructure and conditions can be delivered to give businesses the confidence to invest in the area."*

In regard to development within the Open Countryside, paragraph 88 of the National Planning Policy Framework (December 2024) details that: *"Planning policies and decisions should enable:*
a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;*
b) *the development and diversification of agricultural and other land-based rural businesses;*
c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship"*.

Paragraph 89 goes on to detail that *"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist"*.

The proposal in this instance, albeit comprising the re-use and conversion of an existing barn, would result in a dog care and boarding business within an open countryside location. The site would not

be readily accessible from other modes of transport beyond dependency of a private motor vehicle and as such, is evidently an unsuitable form of development for the context of the site, given the extensive vehicular movements identified within the submission, this being up to 20 movements per day.

The proposal does not lie adjacent a settlement as required by para 89, and in respect of alternative, outside settlement locations, the proposal fails to be "sensitive to its surroundings" or offer "opportunities to make a location more sustainable".

Whilst Policy 7 does allow for the re-use of buildings outside of the defined or existing employment sites, considered under 'other Employment Sites', stating that "development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings", the justification for this aspect of the policy is clear in that it would be supported in instances where "it can be demonstrated to be sustainable and consistent with the requirements of Policy 7". The proposal in this case lies within a fairly rural location, not within proximity to any settlement nor within proximity to any transport links. The proposal would have sole reliance on private vehicles and comprises a unsustainable location, being a clear conflict with this requirement. In any event, Policy 7 does not state that this should be supported in such instances that are in direct conflict with the spatial strategy of Policy 1, in which this proposal is considered to be.

As such, the proposal seeks permission for the re-use of an existing building, to form a dog care and boarding business within an unsuitable countryside location. The proposal would be at direct conflict with Policy 1 and 7 of the South East Lincolnshire Local Plan (2019), and would fail to accord with the provisions of Section 6 of the National Planning Policy Framework (December 2024). It is therefore considered that the proposal would not be acceptable in principle.

In addition to the assessment of principle, the proposal must be assessed against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety, flood risk, and biodiversity which are discussed in turn as follows.

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.

To allow the barn to be functional as a dog business, an extension has been proposed to the front of the site. This extension to the front would be made from a timber frame, and clad with black timber cladding; whilst the roof would be constructed from cladding to match. Further to this, the new existing external solid walls are to be painted white. The eaves of the extension would be slightly higher than the existing where as the ridge would be dropped to allow for it to appear somewhat subservient. Finally, there would be some slight changes externally, to the side and rear elevations.

It should be noted that by extending from the front of the barn, this would impact upon, and lessen the overall existing agricultural character of the site. The current layout, design and appearance, which in part is formed through the 'u-shape' layout and style, is in keeping with the rural agricultural context of the area that it is located within. The proposed extension, which would alter this form, layout and context, coupled with the proposed change in use, would substantially erode this sense of agricultural character, changing the overall context, feel and design.

In a similar light, the proposed materials that would be used would conflict with the agricultural style of the barn as existing. As previously outlined, the proposed extension would be formed using a timber frame, and clad with black timber cladding, with the new and existing external solid walls being painted white. Whilst the use of a white finish would match existing residential properties in the area, it would still contradict the other sections of the barn which feature black timber cladding. It is also considered that the extension is of a poor quality design, which does not enhance the area or the existing barn, and renders the built form being out of keeping and harmful to the character and street scene of the locality.

Irrespective of the design concerns, there would be an impact on the character of the area following the change of use. The existing character, solely being agricultural, would feature significant change if the development was approved as it would now operate in a somewhat commercial capacity. This would create further harm to the impact of the character, further making the development unacceptable in this instance.

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 and would therefore be conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 of the South East Lincolnshire Local Plan (2019), relating to 'Pollution' details that "Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:...

2. the amenities of the area; or
 3. the natural, historic and built environment;
- by way of:...
5. noise including vibration..."

It is evident, through policy 30, that development proposals must therefore ensure that they are appropriate with regard to noise pollution and development proposals will not be permitted where there is an unacceptable impact in this regard.

Furthermore, Section 15 of the National Planning Policy Framework (December 2024), relating to 'Conserving and enhancing the natural environment', details under paragraph 187 that "Planning policies and decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions...".

The proposal seeks permission for the conversion of an existing barn, to be utilised for dog care and boarding. The supporting statement, provided as part of the application, details that this would comprise a total of 17 kennels, to allow for a minimum of 17 dogs (with the potential for there being at least 20).

The facilities would be offered for day-care or boarding for both short and long term stays. The hours of operation would be week-wide, being provided Monday - Sunday, with drop off/collection times being between 7am - 9am and 4pm - 7pm Monday to Friday and 8am - 10am and 4pm - 6pm Saturday and Sunday.

The supporting statement also details that there is expected to be a total of 10 - 20 visitors to and from the site each day, whilst there also being a total of 4 members of staff; albeit, this detail and extent of movement has not been supported through a transport survey, statement or assessment.

A key matter of concern regarding this proposal relates to the potential noise increase and noise pollution in relation to the impact caused to the residential amenities of neighbouring occupiers, given the proposals closeness to residential properties, and the potential for there being a high level of harm caused.

This concern has been shared by SHDC's Environmental Protection team, whose comments detail that *'Based on the insufficient information provided by the applicant we would be unable to support this application in its current form. Details of numbers of dogs, proposed exercise arrangements and kennels construction would be needed in order to assess the potential impact on nearby residents, given the close proximity of residential properties. The current information on the covered area suggests this would not provide suitable noise attenuation. A suitable and sufficient noise report should be provided.'*

Whilst it should be noted that the supporting statement illustrates a number of dogs, this is an indicative and approximate quantum of dogs, with the statement stating that "We are looking to install a total of 17 kennels which will allow us a minimum of 17 dogs. We would also anticipate that some families would have multiple dogs within their household and would prefer their dogs to be kept together within the same kennel". As such, the submission has not been explicit in regard to the total quantum of dogs to be accommodated by the proposal.

In light of this, the overall harm arising from such development is challenging to specifically quantify. Notwithstanding this, even when assessing the proposal in respect of the minimum number of dogs stated, this being 17 dogs, in which the Local Planning Authority could limit through condition, this total number is notable, atypical within an area of residential properties, and could easily give rise to potential noise disturbance and harm that would adversely impact neighbouring residents.

Beyond the consideration of the number of dogs, the remaining concerns raised through the consultation response received from Environmental protection remain valid and relevant. The submission lacks in detail, surrounding the proposed exercise arrangements for the dogs whilst under the care of the business, given that it is unlikely, particularly during longer term stays, that dogs would be confined to their kennel for the entire duration of their stay. Furthermore, no details have been provided in respect of the kennels construction, nor any measures to mitigate against the potential noise arising from such a use.

It is noted that there are two residential properties located adjacent the proposed site, located on the opposite side of the road, within close proximity to the proposed kennels. Likewise, there also a dwelling immediately adjoining the application site; whilst this dwelling, No.8-9, is currently occupied and owned by the applicant of this application, it is not a power under the jurisdiction of the Local

Planning Authority that this dwelling would be owned or occupied by the applicant indefinitely. As such, an assessment must be made in respect of the potential harm or impact caused to the occupants of this dwelling, irrespective of this being the current owners or future occupants of the site, as a suitable level of living conditions must be ensured.

These properties are within a close proximity to the site and therefore have the potential to be adversely impacted following the change of use. The comments raised by Environmental Protection outline the lack of detail accompanying the submission, with further detail being required in order to adequately assess the resultant impact on these neighbouring residents. The current information provided for the covered area suggests that it would not provide any suitable noise attenuation, nor does the proposal, when viewed as a whole, offer any evidence of noise insulation or mitigation measures in respect of lessening any potential noise.

Whilst this information could potentially be supplied through an amendment, it should be noted that the submission fails to provide a suitable and sufficient noise report in any case, which would take time to be prepared and submitted. Irrespective of this, given the matters raised within this report (above and below), it is apparent that the proposal, in its current form, would give rise to an unacceptable impact upon the residential amenities of neighbouring occupiers. The use, particularly when considering the number of dogs, is likely to result in high levels of noise through barking.

Overall, the high number of dogs on site, coupled with the extensive hours of operation, when considering the hours of each day and the week-long opening of the use, would give rise to an unacceptable adverse impact upon the residential amenities of neighbouring occupier's. Furthermore, this resultant use and impact would be at odds with the more tranquil character of such a countryside setting.

Beyond the concerns of noise omitted from the dogs themselves, in relation to the extant properties; there is also concerns surrounding the increase in vehicle movement to and from the site. The covering letter proposes that there would be around 10 - 20 visitors each day, for drop off and pick ups, between 7am - 9am and 4pm - 7pm Monday - Friday and 8am - 10am and 4pm - 6pm.

The visits towards the start and end of the day would be at early/late times respectively, which would give rise to disruption at unusual working times. Alongside this, towards the end of the days on the weekends would also be unusual hours for working on the weekend and could cause further harm through this. These matters are exacerbated by the extensive hours of operation, comprising a week-long opening coupled with extensive hours of operation. This is again exacerbated by the current countryside location in which the proposal lies, meaning that the existing vehicular movements are lower than those in more built-up areas.

It is therefore considered that if the change of use was granted, due to the high number of dogs, extensive hours of operation (which is likely to include overnight boarding), intensified vehicular movement and travelling to and from the site, proximity to residential properties and the lack of detail and infrastructure to limit the impact of noise, the application would adversely harm the residential amenity of the occupier's of neighbouring dwellings within the immediate area. This would be at direct conflict with Policy 2, 3 and 30 of the South East Lincolnshire Local Plan (2019).

As detailed above, the details of the development in terms of number of dogs, frequency of use, times of operation and number of visitors to the site would cause significant and unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered to conflict with the provisions of Section 12 of the National Planning Policy Framework (December 2024), and Policies 2, 3 and 30 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".

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.

Due to the property being within Flood Zone 3 and Danger for All within the SFRA, the Environment Agency have been consulted to ensure no harm would be caused from a flood risk point of view. Their comments raised no objections to the scheme but wanted to raise the following points:

Flood risk

The site has a future hazard classification of 'Danger for Most' (includes the general public) and could experience flood depths of 0.5 - 1.0m and 1.0 - 1.6m 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. We advise that flood risk mitigation measures are implemented where practicable.

Following on from this, a Flood Risk Assessment has been submitted within the application detailing the following mitigation measures -

- there is a water entry strategy allowing flood water to enter the building and drain freely from it;
- the main electrical supply and switchboard are elevated above the flood level;
- the user of the site should register to receive flood warnings from the Environment Agency to reduce the vulnerability of people at the site; and
- the user of the site should identify the actions to be undertaken in the event of receiving a flood warning

These proposed mitigation measures are considered to be acceptable to ensure there is no increase in flood risk on site or elsewhere.

It is also noted that, in respect of drainage, the IDB have requested further detail in respect of infiltration testing. However, this could be sought by way of condition or through amendment/additional information, but given the recommendation before us, has not been sought in this instance.

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.

Lincolnshire County Council have been consulted, as Local Highway Authority, and have raised within their consultation that there is a need for more information. The comments detail that:

"The applicant has stated in the supporting statement that the proposal will house 17-20 dogs offering facilities for day-care or boarding with opening hours Monday-Friday (7-9am and 4-7pm) and Saturday/Sunday (8-10am and 4-6pm) effectively a 2-hour slot for 10-20 visitors per day including 3no. full time and 1no. part time staff members with 4no parking spaces.

The highway authority is of concern with the proposed number of parking spaces that has been allocated for this business use, as stated above and there could be more demand for parking than what is proposed. Therefore, we would ask the applicant to provide further clarification of details for the proposed businesses operations and advise if spacing of visiting times and pre-booking arrangements of appointments is requested. Essentially, we need to know how many vehicles will be on site at any one time to ensure sufficient parking provision has been accounted for and to ensure vehicular movements of those arriving for an appointment, would not meet those departing from an appointment that has ended, if visiting times were equally spaced, including sufficient parking provision for staff members.

We should also point out at this stage, that the existing access arrangements are not sufficient in its current form to support this application, and the access would have to be widened to 4.1 metres as a minimum for the safe passage of two-way vehicular movements and upgraded to LCC specification within the extent of the highway boundary as currently, this is just an unbound material".

Given the impacts raised throughout this report, the LPA do not consider the proposal to be acceptable and as such, have not sought clarification or amendment in this regard, as it was considered unreasonable for the applicant to submit amended plans, for a proposal to be refused in any event.

In an instance whereby the LPAs decision was subject to an appeal, a condition would be requested to ensure that such matters were provided and addressed.

Notwithstanding this, there would a significant increase in vehicle movement to and from the site if the change of use was permitted. A total of 17 vehicles could be travelling to and from the site each day proving a maximum amount of movement could be 34 vehicles. Due to the rural location of the site, this increase would be vast and has the potential to adversely harm the area. The lack of a transport statement should also be noted in this instance with no exact movement being confirmed.

Biodiversity Net Gain

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

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

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

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

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

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

When taking the above into account, the development in this instance is required to provide the statutory 10% Biodiversity Net Gain requirements.

The Councils Ecology Team were consulted on this application with their comments stating that sufficient evidence has been provided to approve the BNG assessment with it being evident that BNG will achieve 10% gains. Bat emergence and re-entry surveys will be required through pre-commencement conditions in line with the PEA Recommendations.

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 inappropriate development outside the defined settlement boundary. The development hereby proposed would materially harm the character and appearance of the locality and the amenity of nearby residents.

The benefits of the proposal are limited. Whilst an additional provision of dog care would be provided and a business formed, this would result in adverse impacts in turn. Likewise, it could be noted that a redundant barn is to be converted and brought into use; however, the proposed works are also considered to be unacceptable, through the extension proposed and as such, this is also of very little weight in this instance.

As such, when viewed as a whole it would create an unacceptable and harmful development, that is at conflict with local and national policy.

In this instance, the policy conflict and material considerations weigh against the proposal and as such, the planning balance is not in favour of the development.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to be contrary to Policies 1, 2, 3 and 7 of the South East Lincolnshire Local Plan (2019), in particular regards to the unsustainable location, impact on the character of the area and the impact on the amenity of local residents, alongside the provisions of Section 12 and 15 of the National Planning Policy Framework (December 2024).

These are significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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