DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H19-0249-25**	**Applicant:**	**Mr M Baker**
Proposal:	Erection of 4no. bungalows following removal of existing outbuildings on existing garden land		
Location:	Adjacent To The Firs Coronation Avenue Throckenholt		
Terminal Date:	13th 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
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 December 2024

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments

PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the erection of four single storey bungalows, following the demolition of outbuildings within the site. The bungalows are proposed to feature gable end roof forms, except for Plot 2, which is proposed to feature a hipped roof form.

Plots 1 and 2 are proposed to be detached, whereas plots 3 and 4 are proposed to be semi-detached. All of the dwellings are proposed to face to the north and to be accessed from a shared driveway off Old South Eau Bank.

Site Description

The application site is located to the south of South Eau Bank, on the edge of Throckenholt. The site comprises part of the garden for The Firs, which is located to the west of the site.

The site is located outside, though next to the settlement boundary of Throckenholt, as identified by the South East Lincolnshire Local Plan and the accompanying policies map.

The site is located within Flood Zones 1, 2 and 3, as identified by the Environment Agency's flood risk maps. Areas within the middle of the site are located within Flood Zones 2 and 3.

Relevant Planning History

H19-0362-20: (Full Application) New Vehicular Access (retrospective) - approved 16 September 2020

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on the South Holland website.

North Level Internal Drainage Board: No objections.

Environmental Protection: No comments regarding land contamination.

Historic Environment Officer: The applicant has not provided an assessment of the historic environment potential of the site, as outlined in the NPPF (paragraph 207). This site is in an area of The Fens that was widely settled during the later prehistoric and Roman periods. The proposed development is located in an area of Roman archaeological potential. Extensive cropmarks and nearby pottery finds indicate the presence of prehistoric or Roman activity both north and south of the South Eau Bank and it is likely that previously unrecorded archaeology of a similar nature could exist on this site at the foot of the bank. The Historic Environment Record (HER) confirms that the site is adjacent to several heritage assets: MLI22300 - Romano British Settlement, MLI22299 - undated cropmarks. MLI20515 - Undated Cropmarks and MLI22301 - Romano-British Settlement. The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

Lincolnshire County Council - Highways and SUDS: The proposal is for Erection of 4no. bungalows following removal of existing outbuildings on existing garden land which will utilise the existing access arrangements and sufficient parking and turning can be provided within the development site and therefore, it does not have an impact on the Public Highway. The existing access is not acceptable and will have to be made up to the County Council's specification. Highway Informatives 03, 06 and 08 are recommended.

Sutton St Edmund Parish Council: No response received.

Cllr L J Eldridge: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received, however, both responses are from the same household. Matters raised within the response are summarised below:

-The entrance to the proposed bungalows crosses land which is not within the applicant's ownership.
-The site is within a rural area and the proposed four bungalows close together would have a negative impact on the environment.
-The noise from numerous cars would have a detrimental impact.
-Cars pulling out onto the road would be unsafe as there is a blind bend.
-The proposed development would result in a loss of privacy.

The above referenced land ownership matter was queried with the applicant's agent. The agent provided extracts of the ownership boundaries of the site and clarified that part of the northern area within the site was not within the applicant's ownership. This did not include the access though. As such, the red line boundary was amended, and a period of re-consultation took place to allow time for consultees and members of the public to review the amended location plan.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the

development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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

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

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Flood Risk and Drainage;
-Heritage and Archaeology; and
-Biodiversity.

These matters are assessed in turn below.

Principle of Development

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

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

Throckenholt is identified within the category of 'Other Service Centres and Settlements'. Policy 1 sets out that within these types of settlements, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill.

In this case, the site is outside the settlement boundary of Throckenholt and as such the site is within the countryside in planning policy terms. The purpose of defining settlement boundaries is to provide a degree of certainty to the community and to developers about where the most sustainable locations for new development will be promoted, in line with Policy 1. The countryside is at the bottom of the settlement hierarchy, in the least sustainable location in the settlement hierarchy. More sustainable locations at the top of the hierarchy have the widest choice of sustainable travel modes. In contrast, within the countryside, less sustainable means of transport are available and residents largely dependent on their own vehicles for transport or sporadic bus services.

Policy 1 sets out 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.

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and for decision taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance7

provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Footnote 8 clarifies that this "includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

According to South Holland District Council's (SHDC) 5-Year Housing Land Supply Assessment (5YHLS) (31 March 2025), SHDC can demonstrate 6.4 years of housing land supply. The Local Plan is also not out-of-date. It is therefore not necessary to apply the tilted balance in favour of sustainable development in the determination of the current application.

Returning to the assessment of the proposals against Policy 1, it is necessary to consider whether the proposals are necessary for the location. It is also necessary to consider whether the proposals meet the sustainable development needs of the area in terms of economic, community or environmental benefits that would arise from the proposals. These matters are considered below:

-*Economic*: In economic terms, the construction of four dwelling could provide some short terms benefits in terms of construction employment. The proposals would not however result in longer-term benefits such as spending from occupants on local services and facilities as Throckenholt does not contain such services and facilities such as a local shop or pub. As such, the long-term economic benefits are unclear and the applicant has not set out how they consider that economic benefits would be delivered.
-*Community*: In community terms, four dwellings would provide a minor contribution to the district's housing supply, albeit in an unsustainable location. No affordable housing is proposed as the development would not meet the affordable housing threshold. The applicant has also not presented any specific community benefits.
-*Environmental*: In environmental terms, the proposal would provide a net gain in biodiversity of 11.64%, according to the submitted information. This is slightly above the minimum requirement of 10%. The submitted site plan shows limited planting and landscaping, other than a native hedgerow along the site boundaries. The development would therefore provide some environmental benefits in terms of some biodiversity gain. The homes could also be designed to mitigate and adapt to climate change, such as the provision of solar panels which are shown on the southern roof slopes. These measures are considered to be in accordance with the expectations of local and national policy, rather than specific benefits of the development.

The proposed development would therefore result in limited benefits. There is no explanation within the submitted documents as to why the proposed houses could not be accommodated elsewhere in the district in accordance with the spatial strategy. Within the initial planning statement, the only reference to policy 1 sets out that "The proposal contributes positively to the local built environment while ensuring compatibility with the settlement pattern". There are no references to policy 1 within the additional planning statement. Within the additional statement, the agent's case for the proposals sets out that as the site currently features a residential garden, the land is "already designated for residential use, and its modest development would not set a precedent for further encroachment into the open countryside". The fact that the site is used as a garden is however not sufficient to justify the proposals.

Both of the submitted planning statements set out other reasons to try to justify the proposed development. For example, reference is made to a bus stop which is located approximately 60m from the site. However, the bus stop offers very limited services, operating just twice per day to Spalding, and oncer per week to Wisbech. The statement sets out that "local services, amenities and employment opportunities are also located within a short distance, further supporting the case for small-scale, sustainable development in this location". However, the site is within a rural settlement with no services and facilities such as a local shop. The nearest town is Wisbech, which is approximately an 8.8-mile journey to the east. Any future occupants of the proposed dwellings would therefore be heavily reliant on their own vehicles, which is not considered to be a sustainable means of transport.

The additional planning statement sets out that the "site fits naturally within the settlement pattern of Throckenholt". Whilst there are dwellings to the north of the site which front Old South Eau Bank,

there are no dwellings on the southern side of the road in this part of Throckenholt which face northwards.

The planning statements refer to several planning decisions within the district as examples of similar proposals, "reinforcing the planning justification" for the proposals. Firstly, each site is considered on its individual merits and simply because other developments have been approved, this does not specifically justify the proposed development in this case. Furthermore, the examples referred to are not very relevant to the current proposals. For example, applications H19-0415-19, H19-0147-18 and H19-0967-22 were all for dwellings within defined settlement boundaries. Application H07-1178-18 was approved outside the settlement boundary, however, this application was approved in 2019 when SHDC could not demonstrate a 5YHLS and as such the tilted balance in favour of sustainable development applied.

The proposed development would not be in a sustainable location, having regard to its countryside location. Significant harm would be caused as a result, as conflict would arise with Policies 1, 11, 17 and 19 of the Local Plan, which seek to direct housing development in accordance with the settlement hierarchy, concentrating on the most sustainable settlements to enable access to everyday facilities and services.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan 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.

Policy 3 accords with the provisions of Section 12 of the NPPF, 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.

The application seeks consent for four bungalows, each featuring two bedrooms. The bungalows are proposed to face northwards and would be accessed via a shared driveway from Old South Eau Bank. Plots 1 and 2 are proposed to be detached, whereas plots 3 and 4 are proposed to be semi-detached. The bungalows are proposed to feature gable end roof forms, except for Plot 2, which is proposed to feature a hipped roof form.

Plot 1 is proposed to feature an L-shaped layout, with a side extension on the western side of the dwelling. Plot 1 measures approximately 4.3m up to the proposed ridgeline. Plot 2 would measure approximately 4.9m up to its roof ridgeline. The proposed layout of Plots 3 and 4 are mirrored as the dwellings would be semi-detached. Plots 3 and 4 are proposed to measure approximately 4.5m up to their roof ridgelines.

Throckenholt features mostly linear development, including a ribbon of development to the north of the site which includes various dwellings which differ in terms of their appearance and siting. For example, there is a mixture of two storey dwellings and bungalows. There are also various dwellings to the south-west of the site which face towards Coronation Avenue.

The site is set on lower ground than Old South Eau Bank and this is demonstrated on the submitted plan 'Site Topographical Information & Section'. There is also a degree of screening from the road frontage as there is a hedgerow next the site which runs next to the road. There is also a degree of screening to the south and east of the site due to the location of various trees and other vegetation.

The nearest dwellings to the site in Throckenholt include various dwellings on the north of Old South Eau Bank which includes some single storey bungalows. Other dwellings are located on Coronation Avenue to the west of the site and these dwellings face towards the west. There are no other dwellings south of Old South Eau Bank in this part of Throckenholt. Notwithstanding this, the proposed dwellings would be single storey, and as such their scale is not significant. Furthermore, the site is set on lower land than the road frontage and due to the positioning of existing trees and vegetation, the site is screened from the surrounding area to an extent. The scale of the proposed dwellings is similar to other dwellings within the area.

The proposed materials for the dwellings include red brickwork, slate roof tiles, horizontal timber cladding and black aluminium windows/doors. The materials on nearby dwellings vary, and include a mixture of brickwork and rendered facades. There is also an example of wood cladding on a dwelling (Rosyln) to the north of the site. The proposed materials would therefore not be incongruous and would therefore be suitable in principle, subject to securing further details regarding the exact specification details to ensure the materials are of an appropriate quality.

The proposed development would not cause an adverse impact on the character of the area, and the visual impact of the proposed development is acceptable. The proposing siting of the dwellings is nonetheless unsuitable due to the conflict with Policy 1 of the Local Plan.

Impact on Amenity

Paragraph 135 of the NPPF 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 Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Plot 1 features approximately 109sqm of internal floorspace, and includes two bedrooms. Plot 2 features approximately 100sqm of internal floorspace and includes two bedrooms. Plots 3 and 4 feature approximately 96sqm of internal floorspace and each feature two bedrooms. All of the dwellings therefore accord with the nationally described space standard for single storey two-bedroom dwellings, for which the minimum requirement is between 61sqm and 70sqm of internal floorspace, depending on the number of intended occupants. The dwellings would therefore provide enough internal living space to allow for a suitable standard of living.

The proposed dwellings would also each be provided with sufficient outdoor amenity space. Furthermore, due to the proposed siting and scale of the dwellings, the development would not result in an unacceptable degree of overshadowing.

Plot 1 would feature bedroom windows on the proposed eastern side elevation. No windows are proposed on the western side elevation of Plot 2 and as such this reduces the potential for overlooking between the dwellings. Provided a suitable boundary treatment is proposed between the dwellings, the bedrooms within Plot 1 should not result in an unacceptable degree of overlooking with the rear garden of Plot 2. The relationship between these properties is therefore acceptable.

There are no dwellings to the south of the site and the nearest dwellings to the north of the site are located on the opposite side of Old South Eau Bank. There would be suitable separation distances between the proposed dwellings and the dwellings to the north.

There are also suitable separation distances between the proposed dwellings and the nearest dwellings to the west. For example, the Firs features a rear garden which measures approximately 35m in depth. The proposed development would therefore not result in an unacceptable degree of overlooking with dwellings to the west and south-west of the site.

The proposed development therefore should not result in an adverse impact on the residential amenities of the occupiers of adjacent properties or future occupants. As such, the proposed development is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of its residential amenity impact.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

A shared driveway is proposed to serve the four bungalows from an existing access point which would be taken from Old South Eau Bank. Lincolnshire County Council's highways team have set out that the existing access would need to be upgraded to their specification to be acceptable. This could be secured by condition. The highways team have not objected in principle to the width or positioning of the access. The highways team consider that the proposed development would provide sufficient room for parking and turning. It should be noted that the site plan only shows one parking space for plot 1 and one space for plot 2, however, two parking spaces should be shown for each of the dwellings to accord with the parking standards set out within Appendix 6 of the Local Plan. There is however considered to be room for two parking spaces for each of the dwellings.

The proposed development would therefore accord with Policies 2, 3 and 36 of the Local Plan, and Section 9 of the NPPF in terms of highway safety.

Flood Risk and Drainage

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns. Paragraph 170 sets out that inappropriate development in areas at risk from 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 flooding elsewhere.

The site lies within Flood Zones 1, 2 and 3, as identified by the Environment Agency's flood risk maps. These maps 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.

Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is located in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. It is not considered that there are any site-specific reasons as to why the proposed four bungalows need to be located within Throckenholt as opposed to another settlement. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Section 8.1 of the submitted FRA sets out how the applicant considers that the sequential test has been addressed. The section is brief, setting out that the "site is an extension of an existing developed residential area", and that the "Sequential Test is satisfied, as no alterative lower-risk sites are available that meet planning objectives". No evidence is presented to demonstrate that this is the case. It is therefore considered that the sequential test has not been addressed.

Whilst it is recognised that large parts of South Holland are located within Flood Zone 3, there is

nonetheless a requirement to demonstrate that the sequential test has been addressed and passed This is not considered to be the case in this instance. Having reviewed online sources to check for land that is for sale, the LPA consider that there are other sites which are comparable with the application site, and which are available within lower risk flood areas. For example, a site was found for sale comprising 1696sqm of land was found in Gosberton off Baker's Yard which is within Flood Zone 1.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The proposed development would provide a minor contribution to the area's housing land supply, and this is afforded limited weigh, as set out previously within the principle of development section of this assessment.

In terms of whether the proposed development is safe, within the SFRA, the site is not identified within any specific hazard areas. As such, the SFRA does not recommend any specific mitigation in this case given that the proposed development is for a minor development rather than a major development. The submitted FRA does however set out that the finished floor levels are recommended to be set at 600mm above the predicted flood level.

Surface water is proposed to be discharged via a combination of soakaways, the existing watercourse near the site, and the mains sewer. This is acceptable in principle as this includes a sustainable form of drainage, however, no details have been provided to demonstrate the feasibility of the proposed drainage strategies. As such, it would be appropriate to include a condition requiring details of the soakaways if approval is granted.

The applicant has therefore failed to demonstrate if the proposed development could be accommodated within a more sustainable location with a lower risk flood rating. It is therefore considered that the proposed development has not passed the sequential test and would therefore conflict with Policy 4 of the Local Plan, and Section 14 of the NPPF, specifically Paragraphs 172 to 175.

Heritage and Archaeology

Section 16 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which could affect designated and non-designated heritage assets.

Paragraph 207 of the NPPF sets out that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy 29 of the Local Plan sets out that the historic environment within South East Lincolnshire will be conserved and where appropriate enhanced. Part C of the policy relates to archaeology and scheduled monuments.

Lincolnshire County Council's Historic Environment team have set out that the site is within an area of The Fens that was widely settled during the later prehistoric and Roman periods and that the site is within an area of Roman archaeological potential. Extensive cropmarks and nearby pottery finds indicate the presence of prehistoric or Roman activity both north and south of the South Eau Bank. The team therefore consider that it is likely that previously unrecorded archaeology of a similar nature could exist on this site at the foot of the bank. Furthermore, Lincolnshire's Historic Environment Record (HER) confirms that the site is adjacent to several heritage assets.

The proposed development and any temporary works associated with the development could have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. The Historic Environment Team have therefore recommended conditions to secure a mitigation strategy for investigating and recording any assets that might be present within the site. This would enable any remaining archaeology which currently survives on this site to be properly

assessed and recorded prior to their alteration or destruction. With the inclusion of such conditions, it is considered that the development would accord with the requirements of the NPPF and the Local Plan in terms of recording archaeological assets and mitigating against any loss of such assets.

Biodiversity

Policy 28 of the Local Plan outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly green space will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposal shall provide and overall net gain in Biodiversity.

Section 15 of the NPPF relates to conserving and enhance the natural environment. Paragraph 180(d) of the NPPF for instance sets out that planning decision should provide net gains for biodiversity. Furthermore, the delivery of biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of at least 10%.

In this case, the applicant has submitted a BNG calculation which sets out that a BNG of 11.64% can be delivered within the site. The council's ecology officer has not provided a consultation response for the proposals. Notwithstanding this, the provision of a net gain in biodiversity could be secured through a condition. With the inclusion of such a condition, it is considered that the proposed development would have an acceptable impact in biodiversity terms.

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.

In this case, it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives. In economic terms, there would be short term economic benefits associated with the construction of the dwellings through the provision of employment opportunities. This is afforded limited weight. As there are limited opportunities for future occupants to access local services and facilities through sustainable means of transport, it is considered unlikely that future occupants of the dwelling could work locally. The economic benefits resulting from the proposal are therefore minor and are afforded limited weight in favour of the proposal.

In community terms, the proposal would make a contribution, albeit small, towards housing supply in the district. No affordable housing is proposed. Whilst the provision of some market housing is of benefit, the Council can demonstrate a 5YHLS and are able to demonstrate a sufficient supply in more sustainable locations. This is neutral in the planning balance.

In environmental terms, the proposed development would potentially provide a net gain in biodiversity of 11.64%. This is slightly above the minimum requirement of 10%. Some planting is proposed including a hedgerow along the site boundaries, however, overall the proposed soft landscaping is minimal.

The minor benefits associated with the proposed development would not outweigh the harm that would result from the conflict with Policy 1 of the Local Plan by locating dwellings in an unsuitable location. The proposed development would therefore undermine the purpose of the Local Plan and the development is considered to conflict with Policy 1 of the Local Plan and the provisions of the NPPF when viewed as a whole.

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

The proposed development would result in the provision of housing outside of the settlement boundary within the countryside. The 'tilted balance' is not engaged at the present time, which means that the development is in an unsustainable location, at the bottom of the settlement hierarchy. Whilst there are some benefits weighing in favour of the proposal, these do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

It is also considered that the proposed development has not passed the sequential test in flood risk terms. As such, the proposed development would conflict with Policy 4 of the Local Plan, and Section 14 of the NPPF, specifically Paragraphs 172 to 175.

Recommendation

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