

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0812-25 **Applicant:** Mr T New

Proposal: Proposed Change of Use of Storage Building from part Commercial, part Domestic to Fully Domestic

Location: Station House French Drove Gedney Hill

Terminal Date: 31st December 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
30 Pollution

National Guidance**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY	0	0	0	2

BODIES				
--------	--	--	--	--

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the change of use of a building from part commercial and part domestic, to fully domestic. The building is intended to be used as an ancillary space for Station House which is a dwelling located to the north-west of the building.

Site Description

The site comprises land at Station House, which is located to the south-east of French Drove. The site covers an area of 1.3 hectares, however, the building that is proposed for the change of use only covers a small part of this wider site. The site is mostly surrounded by agricultural fields. There is a caravan park and a blinds shop on the opposite side of French Drove, to the north-west of the site.

The site is located outside any defined settlement limits as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is partly within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H19-1672-04: (Full Application) Extension to offices and re-roof and re-clad existing building to match - approved 15 February 2005

H19-0552-10: (Full Application) Extensions and alterations to dwelling, erection of detached triple garage and change of use of existing business unit into residential annexe - approved 07 October 2010

H19-0148-14: (Full Application) Details of ground investigation - desk study report (Condition 7 of H19-0552-10) - approved 27 March 2014

H19-0998-15: (Full Application) Change of use of land to domestic garden and erection of quadruple garage - approved 09 December 2015

H19-0256-18: (Full Application) Proposed storage building and extension to domestic curtilage - approved 17 April 2018

Consultation Responses

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

Fenland District Council: No comments.

Peterborough City Council: No comments.

Lincolnshire County Council - Highways and SUDS: The access remains unchanged and there is sufficient space to allow for parking. The proposal will not have an adverse impact on the public highway. Highway informative 08 is recommended.

North Level Internal Drainage Board: No objections.

Environmental Protection: No comments.

Ecology Officer: No response received.

Sutton St Edmund Parish Council: No response received.

Cllr L J Eldridge: 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, no letters of representation have been received.

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 2024 (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;
- Flood Risk; and
- Biodiversity Net Gain.

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. The site is outside any defined settlement boundary and as such, is within the countryside in planning policy terms.

The proposal seeks to change the use of an existing building from part commercial storage and part domestic to fully domestic. Therefore, the building would be used as an outbuilding for Station House. No external changes are proposed to facilitate the change of use.

According to the application form, it is proposed to change the use of the building from 25% commercial and 75% domestic to fully domestic. The building was granted consent under permission H19-0256-18. No planning conditions were included within this permission setting out the percentage ratio between commercial and domestic storage; however, a supporting letter was

approved which clarified that the intention was to use 25% of the building for business purposes and the remainder of the building was to be used for personal storage.

Whilst the building is considered to be of a significant size for an outbuilding, the building is already in place and as such, the scale of the building was already found to be acceptable through the determination of application H19-0256-18. Only 25% of the building was intended to be used for business purposes and if there is no longer a need for commercial storage within the building, it would be acceptable for the building to be used for residential ancillary purposes. A planning condition can be included to clarify that the building should only be used as an ancillary building for Station House. Therefore, the principle of development is acceptable provided the development accords with the Local Plan in terms of other materials considerations.

Flood Risk

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.

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

The site is within Flood Zone 3 as identified by the Environment Agency's flood risk maps. Certain types of development within Flood Zone 3 are required to pass the sequential and exception tests. However, Paragraph 176 of the NPPF sets out that applications for changes of use should not be subject to the sequential or exception tests in terms of flood risk.

The development would not increase the impermeable area within the site as no extensions are proposed and it is not considered that the development would not pose an increase in risk to people. Therefore, it is considered that the proposed development accords with Policy 4 of the Local Plan and section 14 of the NPPF in terms of flood risk management.

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.

When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements as the proposal is considered to fall under the 'de minimis' exemption.

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 development hereby proposed does not materially harm the character or appearance of the locality, or the amenity of nearby residents. Therefore, the proposed development accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is 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 accord with Policies 1, 2, 3, 4 and 30 of the Local Plan, along with the identified sections contained within the NPPF. There are no 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 approved

under delegated authority.