DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0147-26**	**Applicant:**	**Mr Roffe**
Proposal:	Demolition of existing barn & erection of one dwelling - approved under H20-1228-25. Modification of Condition 2 to allow amendments to previously approved plans		
Location:	Ivy House Farm Sutton Road Sutton St James		
Terminal Date:	13th April 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework December 2024

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

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks permission to amend condition 2 of planning permission H20-1228-25.

Full planning permission was granted under approval H20-1228-25 for the demolition of an existing barn and the erection of one dwelling on 05 February 2026.

The current application seeks to move the approved dwelling further into the rear of the plot due to foundation issues within the site.

Site Description

The application site comprises land at Ivy House Farm, which is located to the north-west of Sutton Road, approximately 600m to the north-east of Sutton St James. The site form part of a farmyard and the site itself contains one agricultural building. The site is mostly surrounded by agricultural fields; however there are equestrian facilities and a residential caravan located approximately 150m to the south of the site, on the opposite side of Sutton Road. There are some dwellings located to the north-east of the site, the nearest being Holland House and Home Farm.

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

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

Planning History

Application Site:

H20-0833-24: (Prior Approval Application) Conversion of agricultural building to dwelling - approved 25 November 2024

H20-0293-25: (Full Application) Demolition of existing barn & erection of one dwelling & garage - refused 04 August 2025

H20-1228-25: (Full Application) Demolition of existing barn & erection of one dwelling - approved 05 February 2026

Land to the South-West (Within Applicant's Ownership):

H20-0688-22: (Full Application) Proposed new dwelling for agricultural worker - refused 14 November 2023

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.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The Flood Risk Assessment from the original application (lodged 16/12/25) recommends surface water disposal to soakaway (infiltration) but we cannot see that the viability of this proposal has been evidenced. As per the FRA, we also advocate that ground investigation should be carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. Under this scenario the Board's previous written consent would be required under Byelaw 3. The Board recommends that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): We note that the applicant intends to treat foul waste using a package treatment plant, however we cannot see how they intend to dispose of treated foul water from this development. It would be helpful if the applicant could indicate the likely position of the package plant on a revised site plan. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Kindly note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: We note the presence of a watercourse which is not maintained by the Board (a riparian watercourse, marked 'Drain' on the site plan) adjacent to the north-eastern site boundary. Within the applicant's Design and Access Statement, it is stated that the existing site access will be upgraded to Highways specification. It is possible that there may be an historic piped watercourse (culvert) at the site entrance. Any proposal to alter an existing culvert, or to widen the entrance by extending across the existing open Drain with a culvert, would require the Board's previous written consent under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10: (No Works within 9 metres of the Edge of Drainage / Flood Risk Management Infrastructure) Whilst outside the direct scope of this proposed development, we are taking the opportunity to highlight the presence of two Board arterial watercourses adjacent to the wider site boundary outlined blue, these being G06 Childersgate Drain Branch (drain code DRN198P0601) located at the western site boundary and H38 South Holland Main Drain (drain code DR199G3804) to the north. The applicant is reminded that any works within 9 metres of the edge of a Board arterial watercourse require the Board's previous written consent under Byelaw 10. Likely acceptable works are summarised in the Board's Planning and Byelaw Strategy (see annex). Also, should the applicant seek to alter either watercourse then Section 23/Byelaw 4 requirements would also need to be met (see above). would the applicant not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would also be required under the Land Drainage Act 1991 (and Byelaw 4).

Environmental Protection: I have no comments to make regarding changes to condition 2. My previous comment on application H20-1228-25 remains the same for this location and I request a land contamination condition be applied at this location.

Lincolnshire County Council - Highways and SUDS: No objections. the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Lincolnshire County Council - Historic Environment Team: We reiterate our previous comments dated 13-01-26 in relation to H20-1228-25. No objection to modification of condition 2 imposed on H20-1228-25.

Ecology Officer: No response received.

Sutton St James 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 representations have been received from members of the public.

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 principle of development for the provision of a dwelling within the site has already been found to be acceptable through the approval of permission H20-1228-25. The current application only seeks to amend condition 2 by changing the approved plans. The access, parking arrangements and flood risk mitigation would remain unchanged. As such, the main issues and considerations in this case include the following:

- Section 73 Detail
- Design and Visual Impact;
- Impact on Residential Amenity; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Evaluation - Section 73

The proposal relates to the variation of Condition 2 of H20-1228-25, through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered. The effect of granting permission would be to issue a new permission with the relevant conditions amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'.

The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted". There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved".

In this instance, the subsequent amendments, submitted under this Section 73 application, have not varied the description of development.

In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of s.73 in respect of changes to condition which go beyond 'minor' amendments. It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the effect of the change will be significant".

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.

Approval has already been granted for a two-storey detached dwelling under permission H20-1228-25. The floor plans and elevations would remain unchanged. The current proposal seeks to amend condition 2 by changing the approved plans.

The only change would be the proposed alteration of the siting of the dwelling, approximately 6.2m further to the north-west of its previously approved position. According to the application form, the change is proposed due to a foundation issue. No further information has been provided to clarify what is meant by this. Notwithstanding the lack of information, it is considered that the proposed amended siting of the dwelling would be acceptable in visual terms.

Previously, it was considered that the proposal represented a betterment over the previously approved Class Q scheme that was approved under application H20-0833-24. As such, approval was granted for the dwelling as it was considered that the proposal would result in a better designed proposal than the Class Q scheme allowed for as a fallback position. The revised position of the dwelling would not change this, and the proposal is still considered to comprise a betterment. For example, the dwelling would be of a smaller scale compared to the prior approval Class Q scheme and the dwelling would be located partly within the footprint of the existing barn within the site. As such, the dwelling would not encroach significantly further into the countryside compared to the existing building within the site.

The external materials of the dwelling are not indicated within the submitted plans and the application form only indicates basic details such as the proposed use of facing brickwork, roof slates and uPVC and aluminium windows and doors. As such, it would be appropriate to secure further details of the proposed materials via a planning condition.

A garden area is proposed around the dwelling which is considered proportionate and suitable size. Hedgerow planting is proposed to enclose the garden area, providing a degree of screening and soft landscaping. As the proposal seeks to extend further into the countryside than previously approved under the Class Q scheme, it is considered appropriate to limit certain permitted development rights for dwellings, in the interests of visual amenity.

As such, the proposed development would have an acceptable impact on the character and appearance of the area, in accordance with Policies 2 and 3 of the Local Plan, and Section 12 of the NPPF.

Impact on Residential 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.

There are no dwellings next to the site and as such, the proposed development would not result in an unacceptable impact on any neighbouring dwellings. The nearest dwellings are located approximately 120m to the north-east of the site and there is a residential caravan located approximately 150m to the south of the site, on the opposite side of Sutton Road. The proposed change to the positioning of the dwelling 6.2m further to the north-west would not affect the amenity of the nearest dwellings.

The proposed change to the siting of the dwelling would reduce some of the back garden space; however, there would still be sufficient outdoor amenity space for future occupants. Ample indoor living space is proposed for the proposed dwelling.

The proposed development would result in an acceptable impact on the residential amenity of nearby dwellings and future occupants. Therefore, the proposal is considered to accord with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

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.

It was considered that the proposal would be exempt from BNG during the determination of application H20-1228-25 and the proposal remains exempt.

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.

It is considered that moving the approved dwelling from permission H20-1228-25 approximately 6.2m further to the north-west would be acceptable. The proposed changes would have an acceptable visual and amenity impact. The proposal would otherwise remain unchanged and as such, the previous conditions would be imposed again. As such, the planning balance is in favour of the proposals.

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, 11, 17, 28, 30 and 36 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.