

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0293-25 **Applicant:** Mr B Roffe
Proposal: Demolition of existing barn & erection of one dwelling & garage
Location: Ivy House Farm Sutton Road Sutton St James
Terminal Date: 8th August 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
19	Rural Exception Sites
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

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and 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

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	1	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the demolition of a barn and the erection of a dwelling with an attached garage. The proposed dwelling features two storeys, including various sections which feature gable end roof forms. The attached garage features a jerkinhead roof form.

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 forms part of a farmyard, including an agricultural building which is proposed for demolition. The site is mostly surrounded by agricultural fields. There are however equestrian facilities and a residential caravan located approximately 150m to the south of the site, on the opposite side of Sutton Road. There are 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

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: I cannot see that the applicant has identified a drainage

strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS) , therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees. Byelaw 3 (Treated Foul Water) I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Section 23, Land Drainage Act 1991 I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) located to the north of the site's entrance. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Byelaw 10 There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Historic Environment Team: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Environmental Protection: No comments.

Environmental Protection: I request a standard 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. Highway Informative 03 is recommended.

Sutton St James Parish Council: No response received.

Cllr L J Eldridge: No response received.

Lincolnshire Bat Group: 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, 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;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Paragraph 84 of the NPPF sets out that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

"a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential building; or
e) the design is of exceptional quality, in that it:
i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

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. The nearest settlement to the site is Sutton St James, for which the settlement boundary is approximately 600m to the south-west of the site. The site is therefore within the countryside in planning policy terms. Part D of 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.

It has not been demonstrated that residential development is necessary in this location; for example, in conjunction with agriculture or other rural based business. Moreover, the site is physically divorced from Sutton St James. In the absence of footways and given the distances involved it would be difficult to access Sutton St James or other larger settlements for the day to day needs of future occupants without the use of a private car. Therefore, the proposal does not accord with Policy 1 and would not normally be considered a suitable site for new housing.

The application is accompanied by a Design and Access Statement, within which the section entitled 'Planning Principle' sets out the proposed justification for the dwelling. This section is brief and to summarise, the section sets out that a development that is permitted under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 can be considered as a fallback position. Class Q approvals can therefore for a material consideration in the determination of planning applications as they represent a potential fallback scenario that could be constructed. The Design and Access Statement subsequently sets the following:

"On the basis of the above, that 1 dwelling can be developed under H06-1043-21 that the barn in question is not within a Conservation Area of Listed Buildings (which is a requirement of Class Q) the principle of the erection of 1 new dwelling involving the demolition of the existing building is acceptable.

A development of 4 No dwellings following demolition of existing buildings has been granted in South Holland under reference H23-0794-21, therefore the precedent has already been set."

Reference is made to prior approval H06-1043-21 which relates to another site in Gedney. It is, therefore, presumed that the statement meant to refer to Class Q approval H20-0833-24 which relates to the current site.

Prior approval has been granted to change the use of the existing agricultural building within the site into a dwelling under reference H20-0833-24 on 25 November 2024. This consent related to the building within the site that is proposed to be demolished under the current proposals.

Caselaw has demonstrated that Class Q consents are a legitimate fallback position when considering alternative proposals for development of the same site. The relevant legal principles relating to fallback were set out in *R v Secretary of State for the Environment and Havering BC* (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test:

"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is "yes", a comparison must be made between the proposed development and the fallback use."

The notion of the Class Q fallback position was also comprehensively dealt with at the landmark Court of Appeal case, *Mansell vs Tonbridge and Malling Borough Council* (2017). This case established that that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority. Therefore, where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could be allowed to proceed.

The local authority considers that there is a realistic prospect that the Class Q conversion could take place. Consent has recently been granted and the developer has three years to complete the development. Therefore, it is necessary to consider whether the proposed dwelling is preferable to the fallback option.

The site is set on lower ground than Sutton Road as the site slopes downwards. The area around the site is relatively flat and open. There are some hedgerows and trees in the wider area, and some seemingly derelict buildings immediately to the south of the site.

The existing barn is currently mostly open sided, however, there is some cladding on the building. Within the approved scheme under Class Q permission H20-0833-24, it was proposed to install larch vertical cladding and facing brickwork from the ground level up to 600mm. The other proposed materials included a zinc standing seam roof, grey aluminium windows and doors, and black metal rainwater goods. The proposed larch cladding would add a rural element to the appearance and would respect the existing form of the building and its rural setting. The proposed external alterations were considered to be appropriate and the visual appearance of the barn conversion was considered to be acceptable.

The proposed dwelling under the current application is proposed to feature red brickwork. The dwelling would be taller than the existing barn. For example, the tallest part of the barn measures approximately 5.5m in height, whereas the proposed dwelling would measure 9.3m in height at its tallest. Furthermore, the built form of the dwelling and attached garage would comprise nearly double the built form of the approved barn conversion that was permitted under permission H20-0833-24. The dwelling would also protrude further into the open countryside than the approved barn conversion as the dwelling is proposed to be positioned further to the north of the existing structure.

The proposed design of the dwelling is considered to be disjointed due to the various sections of the dwelling, multiple roof heights and different roof forms. The Design and Access Statement does not

refer to how the design for the dwelling has been devised. The statement does not refer to whether the features and materials have been chosen to respond to the surrounding area and context. It is not considered that there is sufficient justification for the proposed dwelling within the countryside and an acceptable design was approved for the conversion of the barn within the site under permission H20-0833-24. The proposed dwelling would urbanise the site to a much greater degree than the approved scheme under permission H20-0833-24. This would harmfully jar with the rural character of the site and its immediate environment. It is not considered that the appearance of proposed dwelling would represent a scheme of such quality, or represent such a substantial improvement on the approved scheme under permission H20-0833-24 to justify a departure from Policy 1 of the Local Plan.

The proposed development would, therefore, not accord with Policy 1 and there is insufficient justification for the proposed dwelling within a relatively isolated and unsustainable location. The proposed development would also not accord with Policy 19 of the Local Plan or Paragraph 84 of the NPPF as it is not considered that the proposed dwelling would be justified under any of the relevant criteria, for example as a rural exception site.

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 a detached dwelling and garage. The main part of the dwelling features three sections, each with a gable end roof form and each section is a different height. The main part of the dwelling measures approximately 27m in length and 10m in width at its widest. The different parts of the dwelling measure 7m, 9.3m and 5.8m in height.

The garage is proposed to be located in front of and to the side of the main dwelling. The garage features a jerkinhead roof form and the structure is proposed to be connected to the main dwelling with a smaller extension featuring a gable end roof form. The garage is proposed to measure 6.7m in height up to its ridge line.

As set out above, the multiple sections of the dwelling, and various roof forms result in a disjointed design that does not respond positively or sympathetically to the character or appearance of the area. The site is within a relatively rural area and the site itself is set within open flat land. The proposed built form and the large residential curtilage would have a detrimental impact on the character and appearance of the area. The proposed built form of the dwelling and attached garage would comprise nearly double the built form of the approved barn conversion that was permitted under permission H20-0833-24. Whilst the suitability of a design is not only based on the quantitative built form, this further underlines the inappropriate nature of the proposal.

The proposed development would therefore not accord with Policies 2 and 3 of the Local Plan, nor would it accord with Paragraph 135 of the NPPF.

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.

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. Ample indoor living space and outdoor amenity 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.

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 sets out 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The proposal seeks to use the existing access from Sutton Road to the south-east of the site. The existing access is largely unsurfaced, and it is proposed to upgrade the access to the standards and specifications which are required by Lincolnshire County Council's (LCC's) highways team. The highways team have not raised any concerns with the proposals and have recommended the inclusion of Highway Informative 03, which sets out guidance on the requirements for upgrading the access. There is ample room for parking and turning within the site.

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

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.

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 site is not within an identified hazard area as identified by the SFRA.

Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. As the site lies within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is 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 in areas with the lowest probability of flooding. It is acknowledged 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 SFRA as a basis to apply the sequential test. 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 recognised that the vast majority of the council area is within Flood Zone 3 and there are limited

opportunities for new housing within lower risk flood areas. There is a fallback position as prior approval has previously been granted for a residential conversion of the existing building within the site to a dwelling. It is therefore considered that the sequential test is passed.

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."*

As set out above, the site is not within an area with a hazard rating as identified within the SFRA. The submitted FRA sets out recommended flood risk mitigation for the proposed dwelling. This mitigation includes the recommendation that the finished floor level of the dwellings should be set at least 0.5m above the surrounding ground level. This accords with the recommendations of the SFRA and it is, therefore, considered that the exception test is passed.

The application form does not indicate the proposed surface water drainage strategy. It is therefore unclear if a sustainable drainage system is proposed such as the use of soakaways. It is considered that if the application was to be approved, a condition would be required to investigate the feasibility of soakaways and to only use an alternative drainage strategy if soakaways were not feasible.

It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Biodiversity Net Gain

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

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

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

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

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

The application is accompanied by a BNG Exemption Statement which sets out that the applicant considers that the proposal is exempt as the proposal would not affect more than 25sqm of habitat. It is considered that the proposal would be exempt as the site does not comprise more than 25sqm of habitat.

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 proposed development would result in the provision of housing outside of the settlement boundary of Sutton St James. The site is therefore within the countryside in planning policy terms, within the least sustainable location for development within the area's settlement hierarchy, as identified by Policy 1 of the Local Plan. The 'tilted balance' in favour of sustainable development is not engaged at the present time, as the local planning authority can demonstrate 5 years of housing land supply. The limited benefits that would be provided by the proposals do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

The proposed development would comprise inappropriate development outside the settlement boundary of Sutton St James. The development would result in significant harm to the character and appearance of the site and the locality. The proposal would therefore not accord with Policies 1, 2, 3, 10, 11 and 19 of the Local Plan and the provisions of the NPPF when viewed as a whole. There are material considerations that weigh against the proposal and as such, the planning balance is against 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

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.

Recommendation

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