DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0645-26**	**Applicant:**	**Mr K Groves**
Proposal:	Proposed demolition of existing barn benefiting from Class Q approval under H20-0124-24 and construction of dwelling, associated garage block and external works		
Location:	Barn At Land Adjacent Holly Cottage Old Fen Dike Sutton St James		
Terminal Date:	24th September 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
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 3 - Decision-making policies
Section 4 - Achieving sustainable development
Section 6 - Delivering a sufficient supply of homes
Section 14 - Achieving well designed places
Section 15 - Promoting sustainable transport
Section 18 - Managing flood risk and coastal change
Section 19 - 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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the proposed demolition of an existing barn benefitting from Class Q permission, approved under H20-0124-24, and construction of dwelling, associated garage block and external works.

The proposed dwelling would have a total height of 9300mm and would be around 5000mm to the eaves. It would have a total floor space of 204sqm (139sqm and 65sqm). Alongside this, it would be constructed from Hoskins Old Farmhouse brick, anthracite box profile PVC wall sheeting, anthracite standing seam steel roof sheeting and anthracite uPVC joiner.

Beyond this, a detached garage has been proposed to the front of the dwelling which would have a total height of 6300mm, an eaves height of 2800mm and would have a total footprint of 44sqm.

Site Description

The site is located outside any defined settlement boundaries as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Holly Cottage is set opposite the junction connecting Old Fen Dike with Sandy Gate, across the road there are two properties. The barn is located to the rear of the site with a smaller barn located to the front of the proposed barn conversion site. A limited number of properties are sited within the immediate area due to it mostly being large open fields located in the countryside.

History

H20-0583-07 - Replacement dwelling - Refused

H20-1079-07 - Replacement dwelling, including wind turbine (re-submission of H20-0583-07) - Approved

H20-1369-07 - Details of landscaping and boundary treatment (Condition 3 of H20/1079/07) - Approved

H20-0686-08 - Proposed detached double garage - Approved

H20-0124-24 - Conversion of barn into single residential unit - Approved

H20-0945-24 - Proposed demolition of existing barn benefiting from Class Q approval under H20-0124-24 and construction of dwelling, associated garage block and external works - Refusal

H20-0517-25 - Proposed demolition of existing barn benefiting from Class Q approval under H20-

0124-24 and construction of dwelling, associated garage block and external works - Approved

Consultation Responses

North Level Internal Drainage Board

No objections - Any connections to the existing drainage network, for either surface or treated water will require land drainage consent.

Lincolnshire County Council Historic Environment

Thank you for consulting us on this application.

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Lincolnshire Bat Group

Please can we request that Bat survey on this property.

Lincolnshire County Council Highways & SUDS

Recommendation for No objection subject to:

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that 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.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and
drainage proposals for this planning application.

Comments:

The access exists and they have shown on the proposed block plan that it will be upgraded to Lincolnshire County Council Specification. There is sufficient parking and turning on site. Visibility onto Old Fen Dike is good. The proposal will not have an adverse impact on the public highway.

Informatives

Highway Informative 06

This application is a minor application, and it is the LPA's responsibility to satisfy themselves that the risk from surface water flooding is acceptable. It is noted that the proposal is located in an area at risk from surface water flooding. We therefore suggest that, to assist the LPA, a Flood Risk Statement is submitted which considers this risk and any necessary mitigation.

Ecology

Summary: We will require further detail to be provided to demonstrate the baseline habitat condition assigned for this application. Once this has been provided, we can provide further comment and establish whether 10% net gain will be achieved onsite

Documents reviewed:
- BNG Metric
- Ecological Impact assessment
- BNG Baseline and Proposal Plan
- Biodiversity Gain Plan
- BNG condition assessments

Comments

Ecological Considerations:
- We support all mitigation and enhancement recommendations provided in sections 6 and 7 of the EIA and request that they are required by condition.
- We would like to note that the habitat area that was surveyed was a smaller land area than the red line boundary for the site. However, having reviewed the site details I do not believe that there would be any further detail or survey required for the sections of habitat that are missing from the EIA and therefore we are confident in the outcomes of the EIA.
- We request that a total of 1 integrated universal nest brick (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) in incorporated into the external fabric of the proposed building. This should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, in accordance with best-practice guidance such as British Standard BS 42021:2022.
- We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) is added to the dwelling.
- In both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site and the bricks must be installed during the construction phase and retained thereafter for the lifetime of the development. These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14.

BNG Comments and Notes to applicant
- While the level of detail provided in the BNG documentation is comprehensive, I believe that we would like some more evidence to be provided of the baseline grassland habitat condition. While I am confident that modified grassland is a suitable habitat type, I believe that the condition could be moderate condition rather than poor condition. Would the applicant be able to provide further plant quadrat data and photos of the baseline grassland habitat to evidence the reasoning for the condition assigned.
- We would also like further clarification on who will be managing the two new sections of grassland post-development. These must be managed as public open space, independently from the dwellings and therefore excluded from the PD rights of the dwellings. We suggest that a condition be included in the permission that defines these two areas to be independent from the domestic curtilage.
- Furthermore, having reviewed the number of trees being planted onsite, it appears that only 9 trees are to be planted in sections of land outside of the PD rights of the dwellings. Therefore this alters the number of trees being planted as trees proposed within vegetated gardens must be classed as vegetated garden and not individual trees as stated within page 59 of the BNG user guide.
- We cannot confidently know whether 10% net gain will be achieved onsite for habitat area units until further evidence has been provided to demonstrate to baseline condition of the modified grassland. Conclusion: We will require further detail to be provided to demonstrate the baseline habitat condition assigned for this application. Once this has been provided, we can provide further comment and establish whether 10% net gain will be achieved onsite.

Comments After Submission of Additional Information

Thank you for getting these to me. These are great and have answered my queries regarding the baseline habitat type as well as the proposed tree planting onsite.
- We are now confident that the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 14.07% in Habitat units.
- We shall require a biodiversity gain plan to be provided pre-commencement for this application.

South Holland District Council Environment Protection

I have reviewed Goldfinch Environmental Ltd, Tier 1- Contamination Risk Assessment for proposed residential development land adjacent Holly Cottage. Old Fen Dike, Sutton St James, Report Ref:

1062/1, Dated: March 2026. I am in general agreement with the findings of this report. My request for a precautionary land contamination condition remains the same as requested in previous planning application H20-0124-24 for this location. The precautionary land contamination condition is as follows:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity

Evaluation

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above .

The policies and provisions set out in the National Planning Policy Framework (updated August 2026) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development and Sustainability

Policy Context - Spatial Strategy

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to

satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within 'Minor Service Centres', 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. This policy goes on to detail that development within 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

Section 6 of the National Planning Policy Framework (2026) outlines that it is a fundamental aim of the planning system to *"support the delivery of a substantial increase in the supply of homes, by ensuring that a sufficient amount and variety of land can come forward where needed"*. This section also ensures that land with permission is developed without any unnecessary delay.

The application site in this instance is within the postal area of Sutton St James, a Minor Service Centre. However, the site itself lies detached from the main built form or built-up area of Sutton St James, or any built-up settlement and lies beyond the clearly identified settlement boundaries for this settlement, as defined by Policy 1 and its associated inset maps.

Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside".

The site is located outside any defined settlement boundary, defined within the South East Lincolnshire Local Plan. It is therefore regarded as being within the countryside in policy terms.

In this context, Policy 1 states:
"In 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."

The supporting text for Policy 1 outlines examples of development which is necessary in the countryside. This includes accommodation for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)", as well as development for agricultural or forestry purposes.

Outside of Settlement Development

In addition to the above considerations and as previously stated, the site is lies outside of any settlement boundary, as outlined in the Local Plan. The definition of "settlement" is found within Annex B of the NPPF, reading as follows:
"Settlement: Includes cities, towns, villages and other predominantly built-up areas, including land which is allocated or has permission for development which will form part of the built-up area once the development is complete. This includes areas defined as a settlement in the development plan (whether using defined settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined). Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan. For the purpose of this Framework they also exclude villages which lie within and are defined as part of the Green Belt in the development plan."

The Framework is clear that settlements which are defined in a Local Plan would constitute

settlements for the purposes of the National Planning Policy Framework (2026). It is also clear that settlements would not include hamlets or scattered groups of houses. On this basis, it is considered that the settlement boundaries outlined in the South East Lincolnshire Local Plan, 2019 are still wholly applicable here, and that the site should be considered as an outside of settlement location.

Policy S3(1) of the NPPF states:
"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
b. Outside settlements, policy S5 should be applied"

As previously outlined, the site is outside of a defined settlement limit, and therefore, Policy S5 is relevant. This states:
"Only certain forms of development should be approved outside settlements (Ã¢?¦) These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework".

Policy S5(1) proceeds to outline circumstances where a proposal for development outside of a settlement would be permissible.

Assessment - Spatial Strategy

As previously stated, the site is outside of any defined settlement limits, and should be viewed to be within the countryside for the purposes of Policy 1 of the South East Lincolnshire Local Plan, 2019, and Policy S5 of the National Planning Policy Framework (2026).

It is not considered that the proposal would meet any of the criteria outlined within Policy S5(1) of the National Planning Policy Framework (2026).

The definition of previously developed land within Annex B of the NPPF is clear that "previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings". The existing land cannot therefore be considered previously developed.

The proposal is, in essence, applying for a replacement building, seeing as it would involve the replacement of an agricultural building. In this regard point c is clear that "in the case of proposals for a replacement building, it should be for the same use". The previous Class Q permission has not yet been implemented (further discussion of this point can be found later in this report), and therefore, the replacement of this building with a residential use would not represent a replacement of the same use, and therefore point c is not met.

The proposal site would not constitute an infill plot in the traditional sense of the term, and therefore point e is not applicable. The provisions of all other criteria are not met also.

Likewise, the proposal does not represent any of the "necessary" developments outlined in Policy 1 of the Local Plan. There is no overriding reason presented by the Applicant as to why this development necessitates this location. On that basis, the requirements of Policy 1 have not been met.

The proposal would therefore be contrary to Policy 1 of the Development Plan and Policy S5 of the National Planning Policy Framework (2026).

Fallback Positions

The relevant legal principles relating to fallback positions were set out in R v Secretary of State for the Environment and Havering BC (1998). In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted 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 comprehensively dealt within the Court of Appeal case, Mansell vs Tonbridge and Malling Borough Council (2017). It established that where there is

the possibility 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. Whilst the Mansell case referred explicitly to Class Q fallbacks, the overarching principles of the decision, and the R v Secretary of State for the Environment and Havering BC case, are still applicable, in the a proposal ought to have a possibility of being implemented in order to be given due weight.

It stands to reason that, 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 (and perhaps should) be allowed to proceed.

Notwithstanding the above, H20-0517-25 granted permission for a standalone dwelling on the site, utilising a Class Q fallback position. In light of this, irrespective of the Class Q fallback position offered and the possibility of this coming forward, the site's most relevant fallback position is under H20-0517-25.

Consistent with the relevant cases previously mentioned above, there is a realistic possibility of the extant permission being implemented within the relevant time frame. Therefore, the assessment of principle should focus upon whether the proposal would represent a betterment. Further discussion regarding whether the proposed dwelling would represent a betterment is found throughout the report, with this being made within the context of this fallback position.

That being said, to briefly summarise the report to follow, the proposal is considered to represent a betterment over the scheme approved under H20-0517-25. The design of the newly proposed dwelling is of greater merit than the approved scheme, particularly in terms of the proportions of the dwelling.

Principle of Development - Summary

The proposal would represent a market dwelling within the countryside. Therefore, the development would be contrary to the provisions of Policy 1 of the South East Lincolnshire Local Plan, 2019, and Policy S5 of the National Planning Policy Framework, 2026. However, the previous approval, H20-0517-25, for a single dwellinghouse represents a realistic fallback position, with the possibility of implementation. Accordingly, the scheme must be assessed on the grounds of a betterment over this existing scheme.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 14 of the National Planning Policy Framework (2026) specifically relates to 'Achieving well-designed places' and details that the objective of the policy is to "promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 1 of DP3, contained within Section 14 of the National Planning Policy Framework (2026), states that development proposals should respond to their context to integrate with and enhance their surroundings. This can be achieved through the arrangement of plots and buildings, use of materials and architectural features, as well as the restoration, reuse and integration of heritage assets. Notwithstanding this, it should not preclude innovation or change where it is considered to be appropriate, particularly where an increased scale or density can be justified.

In order to create well-designed places, Paragraph 2 states proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These include, liveability, climate, nature, movement, built form, public space and identity.

Further to this, Paragraph 3 goes on to establish that proposals should be refused if, without clear justification, they conflict with Paragraph 1 or the relevant aspect of the principles within Paragraph 2, as outlined above. Alongside this, explicit design standards set out within the development plan must also be taken into consideration. Substantial weight should be given to compliance with development plan policies when it comes to assessing the design quality of proposals.

Finally, Paragraph 5 outlines that substantial weight must also be given to any form of "outstanding or innovative designs which promote high levels of sustainability, or which help raise the standard of

design more generally within an area". Any examples of this design must however also be consistent with the overall form and layout of their surroundings.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 14 of the National Planning Policy Framework (2026), 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.

As outlined above, the dwelling would be constructed from Hoskins Old Farmhouse brick, with anthracite box profile PVC wall sheeting to the garage, anthracite standing seam steel roof sheeting. These materials are considered to be acceptable and would ensure an appearance consistent with the rural setting. The brickwork would broadly align with traditional redbrick agricultural buildings which are commonplace throughout South Holland, and which represent a positive vernacular presence in the countryside. In tying the appearance of this scheme to this vernacular building type, the proposal is better rooted in its sense of place, creating a more positive design which better reflects the principles of the Framework and the National Design Guide, than the scheme approved under H20-0517-25. The retention of steel roof sheeting further reinforces this agricultural character, and represents a suitable appropriation of the existing barn on the site.

The dwelling would have an approximate height of 9300mm to the ridge and a height to 5000mm to the eaves. To the rear, there is a single storey projection which has an approximate maximum height of 4200mm. The proposed dwelling would have an approximate footprint of 164sqm, in addition to the 52sqm of the car port. The ground floor would have a total internal floor space of 139sqm whilst the first floor would measure roughly 65sqm.

Whilst the scale of the proposed dwelling is large, the resultant impact upon the character and appearance of the area is lessened, due to the sites significant separation from the highway. This ensures that the built form is not viewed as a dominant or oppressive addition within its surroundings. Furthermore, when compared to H02-0517-25, the orientation of the dwelling has changed to no longer appear front on with the road. This lessens the visual bulk of the proposal.

The proposed scheme has been reduced in scale compared to the extant permission (H20-0517-25). There has been a reduction in the width of the principal elevation by approximately 5m, and a minor reduction in the eaves height also. This reduction in scale would lessen the overall visual bulk of the proposal, in turn lessening its impact upon the area. The reduction in scale can be seen as a betterment over H20-0517-25. The rear projection has dropped in height to appear more subservient.

The car port to the front has been noticeably reduced in scale and mass which helps bring more attention toward the dwelling itself and expands on the betterment design as a whole.

The incorporation of the barn large barn style sliding door would ensure a continuation of the rural aesthetic. Similarly, the heavy use of glasswork on the north-west elevation is reminiscent of the openings one would expect in an agricultural barn. The incorporation of these features together would ensure the design reads as a imitation of rural agricultural buildings, reflecting the historic character of the area, and ensuring that the principles of Policy DP3 of the Framework are met.

Likewise, the layout of the site would appear to be a pastiche of the traditional courtyard arrangement of farmyards in Lincolnshire. The proposal can therefore be seen as an embodiment of the vernacular, and has taken appropriate visual clues from the existing built form of the wider area. The requirements of the National Planning Policy Framework have been met in this regard.

The layout is considered to be acceptable and would provide adequate space, accommodation and light throughout.

Along with the main layout of the dwelling itself, details of the boundary treatments have been submitted. This includes a 1.2m post and rail fence and gate, 1.8m close boarded fence, 1.2m electronic gate and 1.8m mesh fence. The outer most boundaries would feature a 1.2m high post and rail fence on the front, east and rear elevation, whilst the west would feature a 1.8m close boarded fence. Within the site itself, various 1.2m post and rail fences and a 1.8m mesh fence would separate the rear garden from the rest of the site. Finally, a 1.2m electronic gate would be

located on the access with a separate 1.2m post and rail gate to the rear providing a separate access. The materials, siting and design of the boundary treatments in this regard are considered to be acceptable and would cause no material harm.

On balance, it is considered that the proposal would represent a betterment over H20-0517-25. The proposal clearly reflects the built form of the wider area, by becoming a pastiche of a traditional brick built barn. The proposal therefore embodies the principles of DP3(2) of the NPPF, and would better reflect the model vernacular of the district in comparison to H20-0517-25. Likewise, the reduction in scale would significantly reduce the perceived bulk and relative landscape impact, thereby reducing the visual impact of the development and enabling it to the better ingratiate itself into the environment.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 14 of the National Planning Policy Framework (2026).

Impact on Residential Amenity/ Land Users

Policy DP3, Paragraph 2 of the National Planning Policy Framework (2026) states that development should create places that promote liveability, with a particular focus on healthy, mixed, vibrant and integrated communities. Any examples of public space should be safe, secure, inclusive, and accessible for all.

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

The separation distances are all over 70m to the nearest neighbouring properties, it is therefore considered that if a dwelling were to be erected on this parcel of land it would have no adverse impact on the amenity of residential properties. There would be no issues surrounding overshadowing or overlooking nor would it have any overbearing impact. Naturally, during construction, minimal additional noise pollution would be caused as a result of the development. Any neighbouring dwellings should not be greatly harmed through an increase in noise due to the aforementioned distances set between them.

The boundary treatments featured throughout would also help reduce any potential amenity concern with the adjoining neighbour as a 1.8m high fence would be sited along the western elevation where necessary.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 14 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

Section 18 of the NPPF relates to "Managing flood risk and coastal change". It requires a sequential approach to flood risk, in accordance with the decision making policies contained within this section. Policy F7 is clear that "development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere."

Policy F5(1) outlines that:
"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users."

Paragraph 3 expands on this, stating that :
"The strategic flood risk assessment covering the area of the proposed development and the Flood

Map for Planning should provide the evidential basis for applying the sequential test."

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

As explicitly stated within Policy F5(3), the SFRA should be used in conjunction within the Environment Agency's maps to assess the sequential test. Within the SFRA the site is classed as an area of no hazard, with no identifiable hazard depth now or in 2115.

The submitted Flood Risk Assessment outlines that the site has extant permission for the conversion of an agricultural building to form a dwelling, they consider that this permission establishes the principle for a dwelling to be on site and that the proposed dwelling within this submission seeks to replace what could be converted under Class Q. It can therefore be determined that the dwelling in this regard cannot be located elsewhere as the Class Q Permission only applies to land within close proximity to the barn capable of conversion. Furthermore, the site has a naturally low level of flood risk, as discussed above, and is considered to be a suitable place from a flood risk perspective for a new dwelling. The sequential test is therefore considered to be passed.

Policy F6 of the NPPF states:
"In areas falling within flood zones 2, 3a, or 3b (as defined in Annex F, table 1):
a. Development proposals should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, table 3; and
b. In certain other circumstances set out in Annex F, table 3, in addition to satisfying the sequential test in policy F5 where applicable, development will only be appropriate where an 'exception test' is satisfied"

Annex F, table 2 of the NPPF defines the proposed use as More Vulnerable. As such, the proposal is not considered to be incompatible with the flood risk, as outlined in Annex F; however, it is considered necessary to apply the exceptions test.

Policy F6(1)(b) states:
"The exception test involves demonstrating that the development would meet all the following criteria:
i. Provide wider sustainability benefits to the community that outweigh the flood risk;
ii. Be safe for its anticipated lifetime in accordance with policy F7; and
iii. Not increase flood risk elsewhere and, where possible, reduce flood risk overall."

Assessing the proposal against these criteria, the following is considered, due to the proposal being for a single dwelling only, it would naturally not provide wider sustainability benefits to the community, however, there is little by way of flood risk that would need to be outweighed. Furthermore, the mitigation measures provided within this submission state that it is recommended for the floor level of the dwelling to be 0.3m above the surrounding ground level with a further 0.3m of flood resilient construction above the finished floor level. The proposal also comprises a two-storey dwelling and thus provides safe refuge in the event of a flood. From this, it can be considered that the proposal would be safe for its anticipated lifetime and therefore be in accordance with Policy F7.

Finally, there would naturally be an increase in impermeable surface due to a dwelling being constructed on currently undeveloped and vacant land, this would increase the flood risk elsewhere however the flood risk for the area is considered be relatively low and would therefore not increase this to a harmful extent in any case. The proposal can therefore be considered to pass the Exception Test also.

An informative has been requested to be included onto the decision notice by Lincolnshire County Council Highways & SUDS with respect to the risk from surface water flooding. They have suggested that a Flood Risk Statement be submitted that considers this risk and suggests necessary mitigation. It is considered that the information provided outlines the scheme would not result in a significant increase in surface water flooding.

As previously stated, the proposal must be considered in light of the existing permission on the site, H20-0517-25. The two proposals, due to their comparable siting, are at the same risk of flooding. However, the significant reduction in the scale of the proposal would mean a reduced level of surface water runoff, thereby reducing the pressure on the land to accept the runoff. The proposal can be seen as a betterment in this regard, albeit a monor one.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk

Highway Safety and Parking

Section 15 of the National Planning Policy Framework (2026) specifically relates to 'Promoting sustainable transport'. Paragraph TR6 (4) advises that "Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

A total of three bedrooms have been included within the dwelling and therefore a minimum of two vehicle parking spaces must be provided for off-street parking. The site features a large gravelled parking/turning area which is capable of supporting a high number of vehicles, a car port is also sited within this area which has room for two vehicles. It is therefore considered that suitable space has been provided for at least two vehicles alongside space to allow for such vehicles to exit the site in a forward gear.

Lincolnshire County Council Highways have raised no objections to the scheme and have concluded that the proposed development would not be expected to have an unacceptable impact upon the highway safety or result in a severe residual cumulative impact upon the local highway network. They go on to state that *"The access exists and they have shown... that it will be upgraded to Lincolnshire County Council specification. There is sufficient parking and turning on site. Visibility onto Old Fen Dike is good"*.

The access is unchanged compared to H20-0517-25. There would be no significant change in the expected vehicular movements between H20-0517-25 and this application. On that basis, the proposal cannot necessarily be seen as a betterment over this previous scheme, although it would equally have no detrimental impact either.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 15 of the National Planning Policy Framework (2026).

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.

There is nothing before the Council which would indicate the proposal should be exempt, on the basis that the proposal was submitted prior to the amendments to the Act introduced by The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026.

The submitted metric has indicated a 14.07% net gain. This is marginally less than the 14.2% gains outlined under H20-0517-25. That being said, the Ecologist comments under H20-0517-25 outlined concerns regarding the methodology of this metric, outlining that the actual net gains on the site are likely to be lower than 14.2%. No such concerns have been raised here following the receipt of a revised metric. Accordingly, it can be assumed that the actual net gain achieved under H20-0517-25 would be lower than those proposed here.

The benefits arising from the net gain would be supplemented by the installation of additional measures, including swift bricks and bat boxes. These measures will ensure suitable gains on site.

Planning Balance

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

The proposal comprises development outside the defined settlement boundary and proposes a single, new built, residential dwelling. In this regard, the proposal is at direct conflict with Policy 1 of the South East Lincolnshire Local Plan (2019) and Section 4 of the Framework.

That being said, the site benefits from an extant permission under H20-0517-25. As per the principles of R v Secretary of State for the Environment and Havering BC (1998) and Mansell vs Tonbridge and Malling Borough Council (2017), this previous permission does have a possibility of implementation. It would therefore represent a valid fallback position, and consequently the proposal must be assessed as a "betterment" proposal. The proposal is considered to represent a more coherent design, at a reduced scale, which would represent a betterment over the previously approved H20-0517-25.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

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

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with Sections 14, 15 and 18 of the National Planning Policy Framework (2026).

Although the proposal conflicts with Policy 1, a justification has been made through the scheme being a clear betterment dwelling in comparison to the previously approved Class Q proposal, and is therefore considered to be acceptable.

Recommendation

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