

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0494-26 **Applicant:** Mr Doran

Proposal: Change of use of land to allow siting of 6 residential caravans ancillary to existing dwelling for use by gypsy/travelling families

Location: Rolmar Saltra Middle Road Tydd St Mary

Terminal Date: 6th August 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
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
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

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	1	0	0	2
RESIDENTS	6	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the change of use of land to allow the siting of 6 residential caravans for use by Gypsy / Traveller families. According to the submitted information, 5 of the caravans would be used for residential occupation whereas the final caravan would be used as respite space for one of the proposed occupants.

The caravans are proposed to be occupied by family members and their dependents of the applicant, and it is considered that the occupants would be from the Gypsy / Traveller community. The description of development sets out that the caravans would be ancillary to the existing dwelling (Rolmar Sultra); however, it is not considered by the Local Planning Authority (LPA) that the caravans would be ancillary as they are proposed to be occupied separately by various households even if they are related to the applicant. This was queried with the applicant's agent and it was requested to change the description of development to remove reference to the caravans being ancillary; however, the agent did not respond setting out whether they agreed to the proposed change. Notwithstanding this, the proposals have been considered on the basis that the proposed caravans would be occupants by up to 5 households.

Site Description

The site comprises land at Rolmar Saltra, which is located to the south of Middle Road. There are various dwellings and agricultural buildings located on Middle Road; however, the area has a relatively rural character given the prevalence of agricultural land.

The site is approximately 320 from the eastern edge of Tydd St Mary. Common Way, Wisbech Road and Middle Road are located between the site and Tydd St Mary.

The site comprises the existing access and driveway for Rolmar Saltra which is taken from Middle Road, and land to the south of the dwelling.

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

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

Planning History

H21-0948-77: (Full Application) Use of land for parking lorry, provision of turning space and alteration of access at Roman Saltra, Middle Road, Tydd St Mary - approved 07 December 1977

H21-0980-77: (Outline Application) Erection of general purpose agricultural building at Roman Saltra, Middle Road, Tydd St Mary - approved 07 December 1977

H21-0556-79: (Full Application) Erection of agricultural shed at "Roman Saltra", Middle Road, Tydd St Mary - approved 02 July 1979

H21-1379-79: (Full Application) Use of land for parking of lorry, provision of parking and turning area, and erection of temporary building at Middle Road, Tydd St Mary - approved 12 February 1980

H21-0174-82: (Full Application) Continuation of use of land for parking of lorry with turning space - approved 04 May 1982

H21-1330-89: (Full Application) Change of use to light industrial workshop - refused 09 March 1990

H21-1060-89: (Full Application) Proposed conversion of agricultural shed to light engineering workshop - refused 20 September 1989

H21-1347-89: (Full Application) Retention of dwelling, without complying with agricultural habitation condition - approved 09 January 1990

H21-0524-22: (Full Application) Replace existing flat roof over garage with pitched roof, alterations to gable over front porch and extension to eastern elevation - part retrospective

Consultation Responses

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

SHDC Environmental Protection:

No comments regarding land contamination.

Lincolnshire County Council - Highways and SUDS:

The access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. Highway informative 06 is recommended.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is 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. In this case, consent would be required under Byelaw 3. The Board recommend 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): 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. Please 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: I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a 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 arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Ecology Officer:

We have no significant concerns regarding the ecological impacts of this proposal. We recommend that the applicant remains ecologically mindful, and that all works cease if there is any risk of impacting nesting birds or protected species, with advice sought from a suitably qualified ecologist. We also recommend the inclusion of ecological enhancements on site, such as bird and/or bat boxes, either integrated into the building fabric or installed as wall-, pole-, or tree-mounted features.

There are no BNG documents submitted with this application (H21-0494-26) but we believe that this application requires BNG as it would not pass as a self build/custom build development and the baseline and post-development map show that >25 sqm of habitat will be affected by the development. We will require the following documents to be provided to meet the BNG requirements:

- A completed Statutory Biodiversity Metric spreadsheet (not extracts or a pdf version).
- Condition assessments of baseline and proposed habitats, noting which criteria are (or are projected to be) passed and which are not.
- Assessors' notes on any assumptions made in the metric.
- Baseline and post-development habitat maps. o A biodiversity net gain plan describing management and monitoring prescriptions for at least 30 years.

Environment Agency:

NPPF Annex 3 classifies development types according to their vulnerability to flood risk. PPG Table 2 provides guidance on which developments are incompatible with certain Flood Zones. This site lies within Flood Zone 3a, which is land defined by your Strategic Flood Risk Assessment as having a high probability of flooding.

The proposed development is classed as highly vulnerable in accordance with Annex 3 of the NPPF. Table 2 of PPG makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

In addition, the site has a future hazard classification of predominantly 'Danger for Most' (includes the general public) and could experience flood depths of 0.25 - 0.5m and 0.5 - 1m arising from a breach in the defences during a flood that has a 1% chance of occurring in any one year up to 2115.

The proposed development is also contrary to Policy 4 of the South East Lincolnshire Local Plan 2011-2036, which states 'Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding'.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

Lincolnshire County Council - Historic Environment:

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.

Tydd St Mary Parish Council:

The Parish Council strongly object to this application on the following grounds:

- Overdevelopment of the site, there is no evidence to show ancillary accommodation for family members is needed.
- There is not enough site area to provide 6 static caravans, 6 touring caravans, parking for occupants and amenity buildings whilst allowing sufficient vehicle access and manoeuvrability Highway safety. Middle Road is a narrow road with no footways and limited visibility, it is a road with a national speed limit of 60mph and could be considered dangerous without any footways
- Drainage and Flooding, there are no details of either foul or surface water provision for the site, nor is there a flood risk assessment Waste Storage and collection, given the addition later this year of waste bins replacing waste bags, there is no plan Impact on rural character, there is no visual impact assessment or landscaping plan.
- Biodiversity net gain, there are no BNG documents, as flagged by SHDC in their reply to this application.
- Impact on Neighbouring properties, Middle Road is a quiet rural lane with very low-density building, this development would cause major impact on the area with regards to noise, traffic, lighting and loss of privacy.
- Lack of local amenities and infrastructure, the local school is oversubscribed, there is very little local transport, a lack of utilities in the area, local doctor and dentist surgeries are oversubscribed.
- Archaeology, this area is a medieval settlement, there is no archaeological survey with this application
- Site management, no plan.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Lincolnshire County Council - Traveller Liaison Officer: No response received.

SHDC Private Sector Housing Community And Neighbourhood Services: 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, 8 representations have been received from members of the public. One of these representations is a petition signed by 146 people; however, this only represents one representation. The key matters raised are summarised below:

- This development which is outside of the settlement boundary of Tydd St Mary.
- The proposal represents an overdevelopment of the site and an intensification of the residential use of the site.
- The proposed number of units is out of scale to the size of the site and would become an intrusive feature in the landscape.
- The proposal will have a dominating effect on the character of the neighbourhood.
- The character of the village will be irreparably damaged should permission be granted.
- If permission is granted, this could encourage the development of 6 permanent dwellings at the rear of the property which would result in concerns relating to access for emergency services.
- The use of the area for an additional 6 units would be out of keeping with the form of the neighbouring development within the locality. There are just 5 bungalows and 2 houses in the immediate vicinity.
- The proposed access to the site is on a narrow road which has no national speed limit, no street lighting, and inadequate passing places. Access to the A1101 is at a junction which is acknowledged as being a high risk accident spot.
- There would be an increase in vehicle movements to and from the site, there is inadequate parking manoeuvring space within the site.
- The site is situated in a flood risk zone and is not served by mains drainage. Insufficient information has been provided regarding surface and foul drainage arrangements.
- The proposal has the potential to increase noise levels, external lighting and disturbance to nearby households.

- Other concerns include groundwater contamination, effluent seeping and surface ponding.
- The site should be subject to biodiversity net gain.
- The area where the 6 units are proposed had been an orchard up to the purchase by the applicant in 2021. This has since been removed.
- The area is known to have a high archaeological potential as shown by the results of recent metal detection results and this should be taken into consideration where any development involves ground disturbance.
- There is insufficient capacity within local infrastructure.
- There would be an increase in rubbish generated from the proposals and there is insufficient space for the storage of such rubbish.
- The submission contains inaccuracies such as the number of existing and proposed parking spaces, the lack of reference to the existing tree and hedges in the site, and the reference to the site being within 20m of a watercourse (which is not the case).

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority (LPA) 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.

As the proposal is for traveller accommodation, the government's policy paper 'Planning Policy for Traveller Sites' (last updated 12 December 2024) is also relevant in this case.

Furthermore, the Boston and South Holland Gypsy and Traveller Accommodation Assessment (2016) is also considered to be relevant in this case. For example, the primary objective of the Assessment is to provide a robust assessment of the current and future need for Gypsy, Traveller and Travelling Showpeople accommodation across the two authority areas. The study was also prepared in the context of the publication of the revised Planning Policy for Traveller Sites in 2015.

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 and Sustainability;
- Provision of Gypsy / Traveller Accommodation;
- Whether there is an Identifiable Need for this Development;
- Assessment in terms of Policy 20 of the Local Plan;
- Design, Layout and Impact on the Character and Appearance of the Area;
- Impact on Residential Amenity;
- Highway Safety and Parking;
- Flood Risk and Drainage; and
- Biodiversity Net Gain and Ecological Impact; and
- Contamination Assessment.

These matters are assessed in turn below.

Principle of Development and Sustainability

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 and 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.

Within the supporting text of Policy 1, paragraph 3.2.17 further explains that certain forms of housing may be justified in the countryside by way of exception, including accommodation for Gypsies, Travellers and Travelling Showpeople under Policy 20 of the Local Plan.

Therefore, the proposal is capable of falling within the type of countryside exception which is allowed for by Policies 1 and 20. This is assessed further in the following section.

Accommodation for Gypsies, Travellers and Travelling Showpeople

Based on the submitted information and therefore, to the best of the knowledge of the LPA, the proposed occupants would be family members or extended family members of the applicant and their dependents who are of Gypsy / Traveller origin.

Policy 20 of the Local Plan relates to the provision of accommodation for Gypsies, Travellers and Travelling Showpeople. The policy makes provision for allocated sites and also for windfall provision as the policy acknowledges that additional needs may arise during the Local Plan period.

As the proposal is for Gypsy / Traveller accommodation, the Equality Act 2010 requires due regard to be had to the need to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not. This includes minimising the disadvantages connected to that characteristic.

The nomadic habit of life of Gypsies and Travellers is linked to their culture; however, there can be benefits associated with the provision of a settled base to balance the traditional way of life of Gypsies and Travellers with the practical realities of modern living, such as providing access to work, education and healthcare. As such, there are equality benefits in delivering accommodation that balances a cultural preference to live in a way that facilitates a traditional nomadic way of life with the practicality of a settled base. This balance is usually achieved through the provision of static caravans with space for touring caravans. For planning purposes, caravans are considered culturally appropriate accommodation for Gypsies and Travellers and bricks and mortar housing is not.

The Government's Planning Policy for Traveller Sites (December 2024) sets out the following definitions within Annex 1:

"For the purposes of this planning policy, "pitch" means a pitch on a "gypsy and traveller" site and "plot" means a pitch on a "travelling showpeople" site (often called a "yard"). This terminology differentiates between residential pitches for "gypsies and travellers" and mixed-use plots for "travelling showpeople", which may / will need to incorporate space or to be split to allow for the storage of equipment."

The policies contained within the Planning Policy for Traveller Sites provide a steer in relation to plan making and decision making for proposals for traveller sites.

For example, Paragraph 3 sets out the following:

"the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community."

Paragraph 4 sets out the following:

"to help achieve this, government's aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning*
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
- c. to encourage local planning authorities to plan for sites over a reasonable timescale*
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development*
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
- g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions*
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. for local planning authorities to have due regard to the protection of local amenity and local environment."*

In relation to sites in rural areas, Policy C of the Planning Policy for Traveller Sites document sets out that *"when assessing the suitability of sites in rural or semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community"*.

Furthermore, Policy H relates to 'Decision-taking' and sets criteria for consideration in determining planning applications for traveller sites. In particular, paragraph 24 states:

"Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
"a) the existing level of local provision and need for sites;
b) the availability (or lack) of alternative accommodation for the applicants;
c) other personal circumstances of the applicant;
d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites'
e) that they should determine applications for sites from any travellers and not just those with local connections."

Paragraph 25 sets out the following:

"Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure".

Policy 20 of the Local Plan relates to the development and 'Accommodation for Gypsies, Travellers and Travelling Showpeople'. This policy sets out a framework for assessing proposals for gypsy, traveller and travelling showpeople accommodation. The policy is considered to be sound and in accordance with the DCLG advice, providing sound and clear criteria for the assessment and consideration of applications for gypsy and traveller sites, having been subject to considerable public consultation and scrutiny, the scrutiny and amendment of the Planning Inspectorate and adoption by South Holland District Council and Boston Borough Council.

Policy 20 allocates two sites for gypsy and traveller accommodation; however, there is provision for additional sites to be considered. For example, Policy 20 states the following:

"Additional needs which may arise during the Local Plan period will be met through the determination of planning applications on other, unallocated sites. Planning permission will be granted for proposals on such sites provided they meet the following criteria:

1. will be adequately provided with appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management;

2. will not have a significant adverse effect on the amenities of existing local residents or adjoining land users (and proposals must therefore give careful consideration to layout, landscaping, external lighting schemes, and the type of business uses that would be appropriate (if mixed residential and business use is proposed)); and

3. will be successfully assimilated into both their immediate environs and the wider landscape.

and

a) provide occupants with an acceptable standard of amenity;

b) are not located adjacent to uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land;

c) respect the scale of the nearest settled community;

d) will not place undue pressure on local infrastructure;

e) will not adversely affect heritage assets or areas of importance to nature conservation;

f) will not prejudice highway safety or give rise to problems of parking or highway access;

g) for sites for permanent residential use they: i. provide occupants with access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport; ii. are suitable (or capable of being made suitable) for mixed residential and business use; iii. are not located within Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed; and

h) for sites for transit or stopping place use, are not located within Flood Zone 3b and, if located within Flood Zone 3a, the Sequential and Exception Tests have been passed."

The application is accompanied by a document entitled 'Personal Circumstances of Proposed Occupiers'. This document has been kept private as it contains private and sensitive information; however, the document sets out why the applicant considers that the 6 caravans are necessary in this instance. To summarise, the applicant wishes to provide accommodation for family members from the Gypsy / Traveller community and 5 of the caravans are proposed for occupation and the remaining caravan is proposed as a respite space for one of the occupants.

Whether there is an Identifiable Need for this Development

As part of the preparation of the Local Plan, an independent Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken on behalf of the Joint Planning Unit, and the report was published in November 2016.

In terms of need, the GTAA concluded that at the time of publication there were 5 Gypsy or Traveller households identified in South Holland and 37 'unknown' households. Therefore, the Local Plan acknowledges that there is both a 'known' and 'unknown' unmet need for additional Gypsy / Traveller residential accommodation within its district between the period 2011-36.

Paragraph 5.12.4 of the Local Plan states the following:

"The GTAA identifies an 'unknown' need for up to 16 additional residential pitches for gypsies and traveller households (up to 3 in Boston Borough and up to 13 in South Holland. 'Unknown' needs are those which may arise from gypsy, traveller and travelling showperson's households who were not interviewed by the GTAA consultants. This 'unknown' need will be met by determining planning applications, taking into account the provision of the NPPF, Planning Policy for traveller sites and the policies of this Local Plan (in particular Policy 20))."

In this case, significant weight is also afforded to an appeal decision relating to land at Emmanuel House, Holbeach Drove (LA ref: H09-0087-22 and PINS ref: 3300517). The appeal decision is dated 31 October 2022. Within the appeal decision, Inspector concluded that Policy 20 is not framed so as to resist additional Gypsy and Traveller sites beyond the identified need (Paragraph 12), and that the GTAA is out-of-date and does not fully account for future demand, including in-migration (Paragraph 13). That reasoning is directly relevant to the assessment of this proposal.

In this context, the proposal, which seeks permission for a single Gypsy/Traveller pitch, is modest in scale and would make a contribution towards meeting an identified and ongoing need within the District. This is a material consideration that weighs in favour of the development.

Assessment in terms of Policy 20 of the Local Plan

The proposals are assessed against the above criteria of Policy 20 in turn below.

"1. will be adequately provided with appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management"

The applicant's agent has set out that the caravans will use the existing electricity connection and water from the dwelling at Rolmar Sultra, stating that "the electricity will need to be upgraded and possibly the water". Upgrading these supply sources is dependent on the relevant utility providers and this would be subject to a process that is separate from the planning system. Given the site's proximity to a grid connection, it is considered that there could be scope to upgrade the utility supplies.

According to the submitted application form, a package treatment plant is proposed to manage waste-water. A package treatment plant requires an effluent disposal route for treated water to run-off to or be disposed of. The submission does not clarify where water is proposed to be disposed of; however, it is considered that further details could be secured via a planning condition to ensure that waste water is managed appropriately.

In terms of recycling and waste management, limited information has been provided as to how this would be managed. Further detail was requested; however, no further information was provided. Notwithstanding this, it is considered that a planning condition could be included to require details of a refuse storage area and a refuse collection area to be provided as it is considered likely that there would be room for such areas within the site given the size of the site.

"2. will not have a significant adverse effect on the amenities of existing local residents or adjoining land users (and proposals must therefore give careful consideration to layout, landscaping, external lighting schemes, and the type of business uses that would be appropriate (if mixed residential and business use is proposed))"

It is noted within the public representations that there are concerns with the potential commercial use of the site in future. The proposal is for a residential use rather than a commercial use and this could be restricted via a planning condition for clarity.

It is noted that concerns have been raised within the public representations regarding the potential disturbance to the amenity of neighbouring properties. The site is within a semi-rural area; however, there are dwellings located next to and near the site including the following:

- Fenflora (to the east);
- The Bungalow (to the north-east on the opposite side of Middle Road);
- Westwood (to the north on the opposite side of Middle Road);
- Denemour House and Arcadia (to the west); and
- The Old Police House (located further to the west next to Wisbech Road).

The proposed caravans would be located to the rear of the existing dwelling at Rolmar Sultra. The nearest dwellings to the site on the southern side of Middle Road appear to feature rear gardens of various depths. The nearest northernmost caravans would be approximately 30m from the dwelling located at Fenflora to the east, and approximately 26m from the end of the rear garden of Denemour House to the west.

Although the caravans would not be directly adjacent to the nearest dwellings, the proposals would result in 5 additional households living within the site, which would inevitably increase the comings and goings to the site and would likely result in an increase in noise to an extent.

Based on the likely separation distances and the overall size of the site, it is considered that the impact of an additional 5 households within this site would not represent a form of development of a nature and intensity that would warrant refusal of planning permission on the grounds of having a significant adverse effect on the amenities of existing local residents or adjoining land users.

"3. will be successfully assimilated into both their immediate environs and the wider landscape."

The site is relatively well screened from view along Middle Road by existing boundary treatments, Rolmar Sultra and other buildings. There are also trees and hedgerows along Wisbech Road to the west of the site which filter views of the site from the west. Given the screening in and around the site, it is not considered that the proposal will have a material impact on the character and

appearance of the area and can be successfully assimilated into the immediate environs and wider landscape.

"3a) provide occupants with an acceptable standard of amenity"

a) The application site is located in the countryside where existing built development is limited. There are residential dwellings located to the east, west and north of the site. There are also glasshouses to the east of the site and an established flower business Fenflora. It is understood that flowers are packed within the site. Although the site is next to an established business, it is not considered that the business operations are likely to have an adverse impact on the amenity of future occupants of the caravans. Furthermore, Rolmar Sultra is already next to Fenflora and it is not considered that the proximity of the business has resulted in an adverse amenity impact.

The site plan shows how 6 caravans could be located within the site and although it appears that there would be sufficient space for caravans and outdoor amenity space, the measurements of the static caravans on the site plan do not match up with the elevation and floor plans. As such, it is unclear which plan is correct and although this has been queried with the applicant's agent, no further information has been provided.

Notwithstanding the lack of clarity within the submitted plans, it is considered likely that the pitches would be of a sufficient size. Furthermore, SHDC's environmental protection team have not raised any objections on amenity grounds.

"3b) are not located adjacent to uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land"

b) The site is not located adjacent to any known uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land.

"3c) respect the scale of the nearest settled community"

c) Although it is noted that concerns have been raised within the public representations regarding the scale of the development, it is considered that 6 caravans represents a modest scale of development. It is considered that the site respects the scale of the nearest settled community which in this case is the village of Tydd St Mary.

"3d) will not place undue pressure on local infrastructure"

d) It is not considered that an additional 6 caravans in this location would place undue pressure on local infrastructure. It is noted that concerns have been raised with the capacity level of services within Tydd St Mary such as the local primary school. It is unclear if the school is currently oversubscribed; however, if it is there are other schools within the wider area.

"3e) will not adversely affect heritage assets or areas of importance to nature conservation"

e) There are no designated or non-designated heritage assets next to the site, nor areas of importance to nature conservation. Tydd St Mary Conservation Area is located approximately 150m to the west of the site on the opposite side of Wisbech Road. There is a degree of screening between the site and the Conservation area such as mature trees, hedgerows and existing buildings. Furthermore, Lincolnshire County Council's historic environment team have not requested any further investigation of the site in terms of potential archaeological assets.

"3f) will not prejudice highway safety or give rise to problems of parking or highway access"

f) Lincolnshire County Council's highways team have been consulted on the application and have not objected to the proposal on highway safety grounds. Although it is noted that concerns have been raised relating to the safety of the proposals in highways terms, including the proximity of a junction with Wisbech Road and Main Road, as the county council's highways team have not set out concerns in relation to this, it is considered that the proposal would not prejudice highway safety.

Notwithstanding this, as set out previously, the accuracy of the site plan is unclear as the dimensions of the caravans do not match up with the submitted floor and elevation plans. The site plan does not indicate where parking is proposed and no plans have been submitted to show how vehicles could be parked within the site including cars and possible touring caravans. Despite the

lack of information though, due to the size of the site, it is considered that there is room for parking within the site.

"3g) for sites for permanent residential use they:

i. provide occupants with access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport;

ii. are suitable (or capable of being made suitable) for mixed residential and business use;

iii. are not located within Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed; and"

In terms of part i, the nearest primary school is located within Tydd St Mary, although access to the school involve crossing Wisbech Road which is likely to be a deterrent to walking or cycling. There is also a village store and a pub. It is likely that the occupants of the site will seek employment elsewhere and frequently have their own businesses. Given that the Council has in recent times granted permission for Gypsy and Traveller sites in locations where such facilities are equally as close to, if not further away than this application site, the location is considered to be acceptable in this instance.

In terms of part ii, the application states the proposal would be for residential purposes only and as set out previously, this could be secured via a planning condition.

iii. The site is located within Flood Zone 3 and the Environment Agency have objected to the proposal. Matters relating to flood risk and discussed in more detail later in the report demonstrating that this part of the policy has not been complied with.

"h) for sites for transit or stopping place use, are not located within Flood Zone 3b and, if located within Flood Zone 3a, the Sequential and Exception Tests have been passed."

h) Part h is not applicable to this particular proposal.

Design, Layout and Impact on the Character and Appearance of the Area

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, requiring development to feature 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.

It is acknowledged that Gypsy and Traveller sites, by their nature, can have the potential to introduce visual change within rural areas, particularly where they involve the siting of caravans and associated domestic paraphernalia. As such, careful consideration must be given to their siting, layout and screening to ensure that they assimilate appropriately into the landscape.

In this instance, the application site benefits from a relatively high degree of existing enclosure, including close-boarded fencing, established hedgerows and tree planting along the site boundaries and within the wider area. This provides effective screening from the public realm, particularly from Middle Road, and limits the visual prominence of the site within the wider landscape.

The site is not located within a visually sensitive or designated landscape and is relatively contained within its immediate context. As a result, views into the site are limited and filtered, and the development would not appear as a prominent or incongruous feature in the wider countryside.

The introduction of 6 caravans and the associated domestic activity from the development would inevitably result in some degree of visual change when compared to the existing circumstances on site. However, given the scale of development and the boundary treatments and existing buildings around the site, this change is not considered to be harmful or to result in a material adverse impact

on the character or appearance of the area.

Any potential visual impacts arising from external lighting or materials could be appropriately controlled by condition if necessary.

Therefore, the proposal could be appropriately assimilated into its surroundings and would not result in unacceptable harm to the character or appearance of the area. Therefore, the development accords 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.

As set out previously, a number of public representations have been submitted setting out concerns with the impact of the proposal on neighbouring amenity, including a potential increase in noise and disturbance. As set out previously, the impact of the proposals on the amenity of nearby dwellings has been considered as this is required by Part 2 of Policy 20 and this was found to be acceptable on balance.

The proposal would also provide an acceptable standard of amenity for future occupiers of the site, with sufficient space, facilities and separation from neighbouring uses.

Therefore, the proposal would not result in unacceptable harm to the amenity of neighbouring occupiers and would provide a suitable living environment for future residents in accordance with Policies 2 and 3 of the Local Plan and the Section 12 of the NPPF.

Highway Safety and Parking

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

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

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

Policy 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 vehicular access for Rolmar Saltra which is taken from Middle Road to the north of the site. There is a boundary wall and existing entrance gates to the site and the existing access is relatively wide, measuring approximately 5.5m in width.

Lincolnshire County Council's Highways Team have not raised objections to the proposed access, parking arrangements or potential vehicular trips to and from the site as a result of the proposals. Therefore, it is considered that the proposal would have an acceptable impact in terms of highway safety in accordance 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.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps. This is land defined by South East Lincolnshire Strategic Flood Risk Assessment (SFRA) as having a high probability of flooding.

The proposed siting of caravans within the site for permanent residential use falls under the category of 'highly vulnerable' as defined by Annex 3 of the NPPF. As the proposal is for a highly vulnerable use within Flood Zone 3, Planning Practice Guidance sets out that 'development should not be permitted' (079 Reference ID: 7-079-20220825).

Furthermore, the site has a future hazard classification of predominantly 'Danger for Most' as identified by the SFRA and the site could experience flood depths of 0.25 - 0.5m and 0.5 - 1m arising from a breach in the defences during a flood that has a 1% chance of occurring in any one year up to 2115.

Although the site is located within Flood Zone 3 and a Danger for Most hazard area, Policy 4 of the Local Plan does acknowledge that most of the land in South Holland is at a high risk of flooding (for example within Flood Zone 3), and as such, the policy identifies the need to facilitate development in a way that is resilient to flooding. However, Policy 4 does specifically state that "Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding".

The Environment Agency has objected to the proposal due to its location and flood risk classification.

A similar situation arose on another site located on land at The Orchards, Blazegate near Gedney. An application for 5 Gypsy / Traveller pitches was refused on 29 January 2024 (LPA ref: H06-0532-23) due to the site's location in Flood Zone 3 and the conflict with Policy 4 and Section 14 of the NPPF. An appeal was subsequently submitted and was allowed on 05 July 2024 (PINS ref: 3339458). The appeal site was also within Flood Zone 3 and within a Danger for Most hazard area. Within the appeal decision, the inspector considered that Policy 4 "generally allows for development in flood zones 3 and 3 subject to a number of criteria, including where a site specific flood risk assessment identified the predicted flood risk level and demonstrates flood resistance and resilience measures" (Paragraph 6).

In the case of the appeal, it was considered that an appropriately detailed FRA had been submitted and there was agreement between the LPA and the appellant that the flood risk at the appeal site primarily arose from a failure or breach of the sea defences, comprising an embankment that was approximately 7km from the site. Two breach scenarios were modelling and the data showed that were either event to happen, there would have been little impact on the site. For example, flood water could reach the site, but it would be very shallow (less than 0.25m) and slow moving and was, therefore, considered to be a low hazard. The inspector considered that future occupants would have the opportunities to evacuate the site before dangerous depths were reached.

In this case, the application is accompanied by a Flood Risk Assessment; however, the document does not appear to have been prepared by a Flood Risk Consultant and it is not considered that sufficient modelling or data has been provided to clarify the potential risks and breaches that might affect the site and how such risks can be mitigated against.

Policy 4 of the Local Plan sets out that applications should be supported by a site-specific flood risk assessment which should identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source. It is not considered that the proposal accords with this requirement.

In accordance with Policy 4 and Paragraphs 173, 174 and 175 of the NPPF, the proposal is required to pass the sequential test. As the NPPG states that the proposal should not be permitted, the exception test is not applicable.

In terms of the sequential test, the submitted FRA does not contain any evidence of alternative sites that have been considered and discounted. This is typically required in accordance with advice from the NPPG and the SFRA. The FRA sets out that the sequential test is passed as the development "is unlikely to flood" and that the proposal is for the existing owner's family who are members of the Gypsy / Traveller community and as such, they struggle to find land that can be used residentially.

Although the circumstances of the proposed occupants have been taken into account, it is considered that insufficient information has been provided to show if other sites could be used instead that are at a lower risk of flooding. Notwithstanding this, within the aforementioned appeal decision (PINS ref: 3339458), the inspector set out the following at Paragraph 13:

"The Council accept there are no public gypsy and traveller sites in the district and do not dispute there is no availability for the appellant and his family on other private sites. This demonstrates there are no other sequentially preferable sites, and hence the sequential test is passed."

The LPA acknowledge that there is a need to consider sites for additional Gypsy and Traveller Pitches and there remains a recognised shortfall in provision across the District, including 'unknown need' identified within the Gypsy and Traveller Accommodation Assessment. This establishes a clear need for additional sites, which is a relevant consideration in applying the Sequential Test and supports a flexible, realistic approach to site selection. As such, it is considered that the sequential test is passed in this case.

Notwithstanding this, it is still considered that the submitted FRA contains insufficient detail to show how flood risk has been fully addressed and how it could be appropriately managed. Therefore, it is considered that in the absence of a satisfactory site-specific flood risk assessment, there is insufficient information to fully assess the flood risks of the proposed development. As such, there would be a conflict with Policy 4 of the Local Plan and Section 14 of the NPPF.

Biodiversity Net Gain and Ecological Impact

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 Statement within which it is claimed in Section 4.2 that the proposal would be exempt as the proposal would be:

- Below the size threshold and not impacting a priority habitat;
- A householder application; and
- A self-build and custom build application.

It is considered that the BNG Statement is incorrect as the proposal is evidently not a householder

application, nor is it a proposal for self-build dwellings. Therefore, the LPA considers that the proposal is not exempt and that a BNG Assessment should have been provided. This was queried with the applicant's agent; however, no further information was provided.

Although the NPPG advises that it is generally inappropriate to refuse an application solely on the grounds that the biodiversity gain objective will not be met, it remains necessary to consider whether a BNG condition would be capable of being successfully discharged. As the development would not benefit from an exemption, the BNG requirement would apply. In the absence of sufficient supporting information detailing the baseline biodiversity value of the site, it is not considered that the requirements of the BNG condition could be met. Therefore, the proposal would conflict with Policy 28 of the Local Plan and Paragraphs 187 and 192 of the NPPF which, amongst other things, seek to ensure that developments provide a net gain for biodiversity.

Aside from the lack of a BNG Assessment, the LPA's ecology officer has also recommended that ecological enhancements are provided on site. Such enhancements could be secured via a planning condition in accordance with Policy 28 of the Local Plan.

Contamination Assessment

Policy 30 of the Local Plan requires proposal not to be permitted if they would result in an unacceptable adverse impact upon the health and safety of the public or on land quality.

The council's environmental protection team have not requested any further information to assess and mitigate any potential contamination risks within the site.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal largely accords with Policy 20 of the Local Plan; however, there is a conflict with part g(iii) of the policy in terms of flood risk. Flood risk represents a significant material consideration against the granting of planning permission, particularly given the potential risk to people and property due to the predicted flood depths for the application site. An objection from the Environment Agency has been received due to the flood risks associated with the site and it is considered that the submitted FRA is inadequately detailed. As such, there is a clear conflict with Policy 4 of the Local Plan, Section 14 of the NPPF and advice within the NPPG.

The proposal would also conflict with Policy 28 of the Local Plan as insufficient information has been provided to show if and how a net gain in biodiversity could be delivered.

Whilst weight is given in favour of the proposals due to the proposed contribution towards the supply of Gypsy and Traveller sites within South Holland, it is considered that the harm arising from the aforementioned conflicts with other elements of the Local Plan outweighs the benefits that would arise from the proposed contribution towards South Holland's supply of Gypsy / Traveller sites.

As such, the planning balance is not in favour of the proposal and the development is considered to be unacceptable for the reasons expressed within the report above.

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 proposal is considered to conflict with Policy 4, 20(3giii) and 28 of the Local Plan and Sections 14 and 15 of the NPPF. These are 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 refused under delegated authority.