DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-0878-25**	**Applicant:**	**Mrs & Miss K & J Fathers & Hallifax**
Proposal:	Erection of two dwellings on former farm/depot yard - approved under H21-0785-24. Modification of Condition 3 to change window material.		
Location:	Rectory Farm Rectory Road Tydd St Mary		
Terminal Date:	10th November 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0

WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent to modify condition 3 of permission H21-0785-24, which granted consent for the erection of 2 detached dwellings. Consent is sought to change the proposed window materials to uPVC rather than timber frames. The proposed development would otherwise remain unchanged.

Site Description

The application site comprises land to the north-east of Rectory Road, within the settlement boundary of Tydd St Mary. The site is located within the Tydd St Mary Conservation Area. There are various residential dwellings located around the site, including various detached dwellings along Rectory Road and terraced properties to the north-west along Thorpe Close.

Planning History

H21-1394-88: (Outline) Proposed 4 no. building plots - approved 11 January 1989

H11-1862-88: (Outline) Dwelling and garage with haulage yard' - approved 12 October 1989

H21-0477-91: (Section 73) Modification of condition 5 (estate road to' private drive) re. 4 building plots H21/1394/88' - approved 24 July 1991

H21-0785-24: (Full Application) Erection of two dwellings on former farm/depot yard - approved 12 February 2025

H21-0283-25: (Discharge of Conditions) Details of external materials & contamination of land or pollution of controlled waters (Conditions 3 & 5 of H21-0785-24) - approved 09 May 2025

Consultation Responses

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

Conservation Officer: I wish to raise my objection to this proposal, based upon the same grounds raised during the consultation on the parent application to this S.73 application. Policy 29 B(3) states that new development should seek to retain and reinforce local distinctiveness with reference to (amongst other factors) materials. UPVC is not a local vernacular material. Moreover, whilst at this stage, no details have been provided of the proposed fenestration, UPVC windows - even those marketed as 'timber effect' typically display telltale signs of modern plastic manufacture and the associated specification. The applicant's proposed justification of this; being that timber is more costly and difficult to maintain to a good standard is understood. However, this is also a factor based largely upon the units that the applicant themselves chooses to procure and the property owner's maintenance schedule, and other than in exceptional circumstances does not represent the justification of inappropriate materials and window formats within a conservation area setting

Tydd St Mary Parish Council: No response received.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Cllr D J Wilkinson: No response received.

Public Representations

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

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The principle of development for 2 dwellings within the site has already been found to be acceptable through the approval of the original permission H21-0785-24. The current application only seeks to amend the approved window materials. As such, the main issues and considerations in this case include the following:

-Proposed Modification of Condition 3; and
-Impact on Other Conditions and Legal Agreement.

These matters are assessed in turn below.

Proposed Modification of Condition 3

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The site is within a Conservation Area which is a designated heritage asset. Section 16 of the NPPF sets out guidance in terms of proposals should be assessed if they would designated heritage assets. For example, Paragraph 212 of the NPPF sets out the following:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 215 of the NPPF further sets out the following:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Policy 29 of the Local Plan sets out that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets. Part B of the Policy sets out that proposals affecting a Conservation Area should preserve and enhance or reinforce features that contribute positively to the area's character, appearance and setting.

The current application seeks to modify condition 3 of permission H21-0785-24 in order to change the approved window materials to UPVC rather than timber. Condition was worded as follows:

"Before the commencement of the development hereby permitted above slab level, a schedule of external materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed brickwork, roof materials, and window/door frames. The development shall thereafter be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 16 of the National Planning Policy Framework, December 2024."

As set out previously, the condition was discharged on 09 May 2025 under reference H21-0283-25. The approved materials included the following:

-Vandersanden Flemish Antique brickwork in stretcher bond;
-Natural blue slate roofs (plot 1);
-Natural clay terracotta pantile (plot 2)
-Cast iron rainwater goods;
-Cream timber windows and a solid oak front door (plot 1); and
-Taupe / antique coloured timber windows and an oak front door (plot 2).

The details were considered to be acceptable and there was no reference to the use of UPVC windows or doors.

The information submitted with the current application does not suggest revised wording for the condition; however, it appears that consent is not sought to change any of the approved materials other than the window materials. As such, it is considered that the applicant is applying to amend the condition to require the development to be carried out in accordance with the above referenced materials, with the exception of the windows which are proposed to be changed to uPVC flush casement timber effect style, including an etched grain finish. According to the submitted supporting statement:

"It is proposed that the windows to be installed to both properties are to be a UPVC flush casement timber effect style, that will reflect the aesthetic of a traditional timber window entirely. The flush casement system will match the traditional style of a timber casement and the etched grain that can be achieved on a UPVC window will also replicate the appearance of timber."

The council's conservation officer objected to the proposed use of UPVC windows during the determination of the original application H21-0785-24. As such, it was agreed that a condition would be included requiring the submission of details relating to the external materials within the site. During the determination of the current application, the conservation officer has maintained their objection to the proposed use of UPVC. Policy 29 B(3) states that new development should seek to retain and reinforce local distinctiveness with reference to materials, amongst other factors. UPVC is not considered to be a local vernacular material. No details have been provided of the proposed fenestration. The windows are referred to as 'timber effect'; however, it is considered that these typically display signs of modern plastic manufacture and the associated specification.

It is considered that the proposed change to UPVC windows would result in less than substantial harm to the Conservation Area. In such cases, Paragraph 215 of the NPPF requires the harm to the heritage assets to the weighed against the public benefits of the proposal. Whilst there are broader benefits of the proposals in terms of the provision of 2 market dwellings, which provides a moderate

contribution to the housing supply of the area, it is not considered that there would be any identifiable public benefits in terms of the change to UPVC windows instead of timber windows.

The applicant's justification for the change to UPVC rather than timber relates to the cost of the timber windows and difficulties with maintaining timber frames to a good standard. These issues are partly dependent on the applicants themselves in terms of which windows are purchased and the property owner's maintenance schedule. It is not considered that the cost of the windows represents sufficient justification to warrant the harm to the character and appearance of the Conservation Area. Therefore, the proposed use of UPVC in place of timber windows is not considered to be acceptable in this instance as the proposal would be contrary to Policy 29 of the Local Plan and Paragraph 215 of the NPPF.

Impact on Other Conditions and Legal Agreement

It is not considered that the proposed change would impact or prejudice the other original conditions included H21-0785-24. Nonetheless, it would be necessary to update some of the conditions if approval was granted. For example, it appears that the permission has been implemented and as such, condition 1 would no longer be required. Similarly condition 5 was previously part discharged and as such, it would only be necessary to retain the third part of this condition.

A unilateral undertaking agreement was originally prepared to support the original application. This agreement secured the site as a self-build proposal in order to claim that the site was exempt from the requirement to provide Biodiversity Net Gain. A new legal agreement would be required to support the current proposal and the application has not been accompanied by a unilateral undertaking agreement.

Planning Balance

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

The proposed use of UPVC in place of timber windows is not considered to be acceptable in this instance as the proposal would be contrary to Policy 29 of the Local Plan and Paragraph 215 of the NPPF. For example, Policy 29 states that new development should seek to retain and reinforce local distinctiveness with reference to materials. UPVC is not considered to be a local vernacular material. It is considered that the proposed use of UPVC would result in less than substantial harm to the character and appearance of the Conservation Area. It is not considered that there would be public benefits from the proposed change to UPVC windows and as such, the proposal would not accord with Paragraph 215 of the NPPF. It is considered that there is insufficient justification for the proposed change to UPVC windows and as such there are insufficient material considerations to weigh in weigh of the proposals. As such, the planning balance is against the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

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

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity,

race, religion or belief, sex and sexual orientation.

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to be contrary to Policy 29 of the Local Plan, along with Paragraphs 212 and 215 of the NPPF. There are no significant factors in this case that indicate in favour of the proposal and outweigh the harm that would be caused to Tydd St Mary Conservation Area.

Recommendation

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