

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-1027-25 **Applicant:** Mr B Stewart

Proposal: Erection of two dwellings and new car park area - Approved under H21-0885-22. Modification of Conditions 2, 4 & 5 to allow amendments to previously approved plans

Location: Land South Of Tydd Gote Inn Sutton Road Tydd Gote

Terminal Date: 23rd December 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
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	1	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent to modify conditions 2, 4 and 5 of permission H21-0885-22, which was approved on 22 November 2022. Permission H21-0885-22 granted consent for 2 dwellings and a car park area.

According to the application form, works had not yet started on the site when the application was submitted. As the permission needed to be implemented by 22 November 2025, this was queried with the applicant's agent. The agent confirmed that works had started on site on 27 October 2025 and photographs were provided to show the relevant works that have been carried out on the car park area. As such, it is considered that the original permission has been implemented.

Site Description

The site is located within the village of Tydd Gote, to the south of the former Tydd Gote Inn. The site includes an overflow car park from Tydd Gote Inn and land to the south of the car, where the permission H21-0885-22 allows for the erection of 2 dwellings.

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

Most of the site is within Fenland District Council's boundary area. Only the north-eastern section of the site is within South Holland District Council's boundary area. There appears to be 2 applications pending determined by Fenland District Council to vary conditions of the permission that relates to the site for the same proposal. These applications are pending determination under references F/YR25/0887/VOC and F/YR25/0783/VOC.

The site is located within Flood Zone 1 as identified by the Environment Agency's flood risk maps.

Planning History

H21-0395-02: (Outline Application) Outline application for 1 bungalow - refused 14 June 2002

H21-0885-22: (Full Application) Erection of two dwellings and new car park area - approved 22 November 2022

Consultation Responses

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

South Holland Internal Drainage Board: . The site in question lies outside the Internal Drainage District of the South Holland Internal Drainage Board (IDB) and does not meet our threshold for commenting in accordance with our Planning and Byelaw Strategy. Therefore, the Board has no comments to make.

Tydd St Mary Parish Council: No observations.

North level Internal Drainage Board: No objections.

Lincolnshire County Council - Highways and SUDS: No objections. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

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.

Environmental Protection: No comments regarding amendment 1 regarding Environmental Protection or Land Contamination.

Fenland District Council: Fenland District Council (FDC) also have a variation of condition application on the same site F/YR25/0783/VOC. The drawings submitted to FDC match those submitted to South Holland:

- 25087.04 REV B - PROPOSED FLOOR PLANS AND ELEVATIONS

- 25087.05 REV B - PROPOSED SITE PLAN AND SECTIONS

Consequently we have no further comment to make at this time

Ecology Officer: 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 (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.

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:

-Proposed Modification of 2, 4 and 5;

- Impact on Other Conditions; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Proposed Modification of Condition 2, 4 and 5

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 proposal seeks to modify the wording of conditions 2, 4 and 5 of permission H21-0885-22 by making alterations to the approved plans. Condition 2 required the development to be carried out in accordance with the approved plans. Condition 4 required the approved scheme of landscaping to be carried out during the first planting season in accordance with the approved site plan. Condition 5 required the access, parking and turning areas to be laid out in accordance with the approved site plan.

The proposed changes to the plans are summarised as follows:

- Both dwellings would continue to feature matching layouts and appearances. A brick plinth is proposed to be added to all of the elevations on the dwellings. The visual impact of this is minimal and acceptable.
- On the northern side elevation of the rear extension (the sun room), it is proposed to remove a window from this elevation and a blank facade is instead proposed. The ridgeline of the sunroom is also proposed to be reduced from a height of 4.7m to 3.8m.
- On one of the eastern (rear) roof slopes, an additional rooflight is proposed, resulting in 3 rooflights rather than 2 rooflights. The width of one of the windows which connects to a utility room is proposed to be widened slightly. A window is proposed to be replaced with French doors. Lastly, the large feature window in the sunroom is proposed to be replaced by a bi-fold door.
- On the southern elevation, it is proposed to replace the French doors that were proposed for the sunroom with 2 full length windows. Roof lights are proposed to be added to the sunroom.
- On the western (front) elevation, the style of the front door is proposed to change and the cill height of the central first floor window has been lowered to match the others windows at the first floor level.
- The proposed site layout of the site remains unchanged. The only change to the site layout plan is the inclusion of rooflights on the roof plans.

The visual and amenity impact of these changes is both minor and acceptable. The changes would not result in an adverse impact in terms of overlooking or overshadowing. Tydd Gote Conservation Area is located to the north of the site; however, the LPA's conservation officer has not raised any concerns with the proposed changes and it is not considered that the changes would result in a harmful impact on the setting of the Conservation Area. Therefore, the proposed changes accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Other Conditions

As set out previously, permission H21-0885-22 has been implemented. As such, condition 1 is no longer necessary and is proposed to be removed. Conditions 2, 3, 4 and 5 are proposed to be updated to refer to the amended plans. Although not specifically requested, it is considered appropriate to update condition 3 to refer to the relevant elevation plans for clarity.

No S106 legal agreements were agreed as part of the original application and as such, it is not necessary to update any legal agreements.

Biodiversity Net Gain

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

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

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

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

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

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

It is considered that the proposal would be exempt from the requirement to provide BNG as the original permission which the current section 73 application relates to was granted before 12 February 2024.

Planning Balance

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

The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. Therefore, the proposed development accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of 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 in accordance with Policies 1, 2, 3, 4, 28, 29 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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