

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-1138-25 **Applicant:** Mr N Dack

Proposal: Proposed conversion of two brick-built barn buildings to form a single family dwelling (barn A) and associated garage (barn B)

Location: Lowgate Farm Lowgate Tydd St Mary

Terminal Date: 19th January 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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
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 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application, seeking permission for the conversion of two agricultural barns to a self-build dwelling and detached garage. The resultant dwelling would be a three-bedroom, single storey dwelling, with a floor space of 142sqm.

Site Description

The site is outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019. It lies approximately 50m west of the defined settlement limits of Tydd St Mary's. The site is an active farm yard, comprised of an array of agricultural buildings of varying ages, with the two barns forming this application being the oldest. The site is listed within the English Heritage Farmsteads Project, listed on the Lincolnshire Heritage Explorer (which forms part of the HER database) under reference MLI123987. As such, the buildings can be seen as non-designated heritage assets. The buildings to be converted are also present on the 1886/87 Ordnance Survey maps of the area.

The two barns are located towards the south of the site. Barn B is a detached, brick built structure to the east. Barn A is comprised of an open fronted northern elevation, with brick built south, west and east elevations. A large hole in the bricks is present in the eastern elevation.

Relevant History

H21-0961-16 - Full. Proposed New Dwellings. Refused 23/11/16.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

North Level Internal Drainage Board

"Part of a Board-maintained watercourse known as School Drain is found at the eastern edge of the application site and adjacent land owned by the applicant. The watercourse is culverted across the site frontage.

The Board's Byelaw 10 applies to/ alongside School Drain. That Byelaw prohibits the erection of temporary or permanent structures or planning of landscaping within 9 metres from the edge of Board-maintained watercourses, unless prior written consent is given by the Board for a relaxation.

Should the application or any future owner(s) wish to carry out works within 9 metres of School Drain, they should contact the Board at their earliest convenience to discuss the plans."

Tydd St Mary Parish Council

"Council supports this application"

Highways and Lead Local Flood Authority

No objections - "The proposal is for Proposed conversion of two brick-built barn buildings to form a single family dwelling (barn A) and associated garage (barn B). There is sufficient parking demonstrated for the size of the proposed dwelling, and the location of the access is acceptable, however it will need to be brought up to LCC specification. The proposal will not have an adverse impact on the public highway"

Goes on to request the imposition of two informative conditions.

Conservation Officer

I write to confirm that I have no objections to this proposal.

Policy 23 of the SELLP, governing reuse of buildings in the countryside for residential purposes, states the following:

"Proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that: (-)

2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building."

In this instance, the property in question is also a non-designated heritage asset (NDHA) by virtue of being listed under the Lincs HER (ref: MLI123987). Consequently, the proposal must be assessed for its impact upon the NDHA. Policy 29 of the SELLP, governing the historic environment, refers to NHDAs when it says:

"To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets"

In assessing the proposal, I find that the following apply to the tests set out by Policy 23; The host building is of architectural merit, being a good example of a vernacular C19th farmstead. The proposal is in keeping with the setting, being a fairly low-impact and sympathetic and sensitive form of development, with much of the extent of the proposed additional construction taking place within the existing footprint of the extant building. The materials proposed are fully acceptable, and it is clear that the applicant is committed to a standard of materials and construction, with reference to original building features which is above and beyond that which could be considered acceptable.

As a consequence of the above, bringing this disused site back into regular use would be an enhancement of the setting. It naturally follows that I am also satisfied that this proposal assists in preserving the character of this NDHA in line with the requirements of P29 of the NPPF.

Consequently, I am satisfied that, notwithstanding any other relevant planning concerns, this proposal may be approved, subject to conditions. Those conditions should be a Lvl3 building recording / photographic survey to be carried out prior to commencement, as well as a condition requiring all fenestration to be timber. I would also suggest that full material schedule condition and conditions requiring detail of boundary treatments and landscaping are applied. Finally, I also recommend that permitted development rights should be removed for both extensions and boundary treatment"

Environmental Protection

I have reviewed the screening assessment form dated 20/11/2025 with supporting photos Ref: A1728 CSP rev P1. I request a precautionary land contamination condition be applied at this location as follows:

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

remediation scheme a verification report shall be submitted to and approved by the LPA.

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

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019"

Public 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

Evaluation

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

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy Context

Spatial Strategy

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

As such, the site should be considered to be within the Countryside from a planning policy context.

Policy 1 states 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 explanatory text of Policy 1 and throughout the SELLP, further discussion of what can be considered to necessitate a Countryside location can be found. Policy 23 outlines that the reuse of a building in the Countryside for residential use can be considered as development which necessitates a Countryside location.

The Reuse of Buildings in the Countryside for Residential Use

Paragraph 84 of the NPPF outlines that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting".

Within the context of South Holland, the suitability of a proposal for the re-use of a building in the Countryside is contained in Policy 23. In this context, Policy 23 states:

"Proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building".

The Reasoned Justification associated with this policy explains the rationale and aims of Policy 23. Paragraph 5.15.3 states:

"Rural buildings, such as brick-built barns, can make a significant contribution to the character of an area and so there is a concern that they should not remain vacant, under-used or become derelict, detracting from the visual character and quality of the designated Countryside. Policy 23 therefore makes provision for the conversion and reuse of rural buildings as dwellings. South East Lincolnshire's stock of traditional and historic buildings is a finite resource and so conversions provide the opportunity to retain and enhance the architectural quality and character of the building and its setting."

This is expanded upon by Paragraphs 5.15.4 and 5.15.5, which are copied below for context:

"5.15.4: However, not all buildings in the Countryside are suitable for conversion as they may be of insubstantial construction, of poor design or not in keeping with their surroundings. Buildings to be converted should be structurally sound and proposals which require significant extension, alteration or rebuilding will be not acceptable. Structural surveys may be required in order to demonstrate that a building is structurally sound. Proposals which would involve rebuilding, rather than conversion, will be regarded as new dwellings in the Countryside and will not be permitted."

"5.15.5: Proposals will be required to be sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction in order to conserve its interest. They should also seek to optimise the potential to enhance the character and quality of the site. In terms of vehicular access, proposals should meet the requirements of the Highways Authority."

The aims of Policy 23 can therefore be broadly outlined as the retention and enhancement of buildings of architectural, or historical merit, in the Countryside.

Need for Housing

The NPPF outlines, within Paragraph 61, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."

Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area (...) and are often built-out relatively quickly"). This paragraph seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

Self and Custom Build Housing

The proposal is for a self-build dwelling. This matter is discussed in greater detail in the following section; however, pertinent to housing need here, is Section 2 of the Self and Custom Housebuilding Act, 2015, which states that: "an authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period." To this end, and as reaffirmed within Footnote 28 of the NPPF, the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. The definition contained within the Act is as follows:

"In this Act "self-build and custom housebuilding" means the building or completion by -
(a) individuals,
(b) associations of individuals, or
(c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals."

It is noted that the applicants statement details that "a 2024 appeal decision within the District reinforces this position, with the Inspector explicitly noting that the self-build nature of the proposal was a material consideration that weighed in favour of the single dwelling".

The SELLP has a number of allocated sites, a number of which are yet to be delivered. Likewise, the district has plentiful opportunity for windfall sites within settlement boundaries; both means to which self-build projects could come forward, within sustainable locations.

Whilst the SELLP does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17 provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the SELLP states:

"Within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met."

Policy 17 expands upon this briefly, outlining that the "Local Plan will also seek to meet the housing needs of custom and self-builders as they may come forward." Paragraph 5.9.4 of the reasoned justification for this policy reiterates that "opportunities for infill development within Settlement Boundaries can also meet the known interest registered by self and custom house builders".

In this regard, it is clear that proposals for self-build dwellings should be consistent with the Development Plan as a whole and appropriately located within settlement boundaries. This approach has been confirmed within Appeals APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted. No such justification or search for sites has been presented to the Council at this time.

In this vein, whilst weight is given in favour of proposals for self and custom builds, these proposals must be consistent with the provisions of the SELLP as a whole, and cannot be used as the sole justification for divergence from policy. The weight given in favour of the proposal in respect of its

self-build nature is tempered accordingly.

Assessment

As outlined above, the proposal relates to the conversion of an existing building in the Countryside, and so, in order to be acceptable in principle, would have to conform to the five criteria outlined in Policy 23. Assessing the proposal against these criteria, the following is considered:

1. The submitted structural survey clearly shows that the frame and building itself is structurally sound. Therefore, the need for structural works as part of this conversion is limited.

Notwithstanding this, this criteria of Policy 23 is clear in that "the building should be structurally sound and capable of conversion without significant extension or alteration, and that the design is sympathetic to the character and appearance of the building in terms of architectural detailing", as reaffirmed by Appeal ref: APP/A2525/W/24/3355691.

The barn to be converted to a dwelling is open fronted and has a large hole on its southern elevation. As such, two new walls would in effect be required here in order for the building to be habitable. The works proposed to these elevations are not superfluous cosmetic enhancements, but are essential works to enable the conversion.

The aforementioned appeal also considered similar matters relating to the extent of works required and concluded that, the "alterations and extensions proposed to the barn would be significant, as demonstrated by the extent of new walls and other alterations shown on the proposed plan", resulting in the appeal being dismissed, in part, due to this criteria.

On this basis, the level of works required would appear to exceed the limitations of Policy 23.

2. The existing barn, whilst not of the highest architectural quality, is of some architectural and historic merit. The yard is listed within the HER and identified within this register as a fine example of a Fenland agricultural building. The exposed brickwork, which would be accentuated by the proposal, makes a clear positive contribution to the appearance of the area. As such, the proposal meets point 2.

3. The site is extremely close to the boundary of Tydd St Mary's and therefore the wider area has a good mix of residences and agricultural buildings. To this end, the addition of a dwelling here would not be out of keeping.

4. The design is considered to be sympathetic. The proposal would better display the positive features of the barn and remove those which are less pleasant. The use of cladding for the additional structural works creates a clear separation between old and new, which better highlights the qualities of the existing features.

5. The proposal would lead to an enhancement of the immediate setting. It would ensure the restoration of an existing feature in a sympathetic manner.

For the reasons outlined above, the proposal is consistent with the provisions of criteria 2, 3, 4 and 5 of Policy 23, although displays a fundamental conflict with criteria 1.

As discussed above, the weight attributed to the self-build nature of the dwelling is proportionate. The provisions of Policies 10, 11 and 17 of the SELLP are such that the development should still be directed to within settlement boundaries in the first instance, a matter that has been regularly reinforced through recent Appeal decisions. Accordingly, the weight attributed to the self-build nature of the proposal would not be sufficient on its own to justify the principle of a residential development on this site, or warrant a departure from the aims of the spatial strategy.

Layout, Design, Scale and Consideration of the Character of the Area and Impact upon the Historic Environment

Policy Context - Character Considerations

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays

a key role towards sustainable development.

Paragraph 135, contained within Section 12 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. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Paragraph 187 of the NPPF states:

"Planning policies and decisions should contribute to and enhance the natural and local environment by (recognising the intrinsic character and beauty of the countryside)". The Fens are characterised by their openness, with this being alluded to within both the introduction of the SELLP and Natural England's National Character Area Profile of the Fens. As a result, this area of the Countryside is particularly sensitive to visual intrusion.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Policy Context - Historic Environment Considerations

As outlined previously, the site is listed within the Lincolnshire Heritage Explorer, which functions as the publicly available database of the Lincolnshire Historic Environmental Record (LHER). The listing relates to the cataloguing of the building under the English Heritage Farmsteads Project, which documented historic farmsteads throughout Greater Lincolnshire. The documents supporting this cataloguing (Greater Lincolnshire Farmstead Character Statement and The Greater Lincolnshire Farmstead Assessment Framework) both outline the importance of these assets to the cultural and architectural history of Lincolnshire. On this basis, the site can be considered as a non-designated heritage asset.

Paragraph 216 of the NPPF states:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

With respect to non-designated heritage assets, Policy 29 of the SELLP reads as follows:

"To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design."

Assessment

The proposed design is of good quality. Where possible erroneous additions would be removed to better preserve the non-designated heritage asset's original features. Where new features are proposed, these are clearly identifiable as later additions, created a strong and positive contrast

which better highlights the key features of the building. Repairs to brickwork etc which would be constructed can also be considered as a benefit, better preserving the asset. The view of the Conservation Officer is clear in this regard, that the proposal would be beneficial to the non-designated heritage asset. On this basis, weight is given in favour of the proposal under Section 16 of the NPPF.

The overall scale of the building would not be altered. On this basis, it would be no more impactful than the existing structure. The scale of the accommodation is proportionate to the plot and the existing building.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area, or the historic environment, and would therefore be in accordance with Policies 2, 3 and 29 of the SELLP and Sections 12 and 16 of the NPPF.

Impacts Upon Resident 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 30 relates to pollution, including land contamination.

There would be a significant separation distance to nearby dwellinghouses. As a result, the proposal is not considered to have a significant impact upon residential amenity. Moreover, any potential amenity impacts are likely to be lower than the those generated by the existing agricultural use on site.

The Environmental Protection officer consulted as part of this proposal has requested the imposition of a precautionary land contamination condition. This is considered appropriate given the history of the site.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Adequate space has been maintained for onsite parking. The access, which currently serves the wider yard, would be suitable for the proposed residential use, providing safe access to the roadway.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact

on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

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

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

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of any identified hazard zone. However, the refined modelling provided within the submitted flood risk assessment shows that the site would at risk within a 1 in 1000 year event, with estimated depths of up to 2.8m OD, or approximately 0.25m above average ground level.

Paragraph 176 of the NPPF states: "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63". Footnote 62 clarifies that minor development includes changes of use except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site. Therefore, there is no requirement to apply the sequential or exceptions tests here, although the general duty to ensure that the use is safe for its lifetime remains.

On this point, it is proposed that the finished floor levels of the dwelling would be raised by 300mm.

This is above modelled flood depths, therefore ensuring safe refuge for occupants in a flood event. On this basis, it is considered that the dwelling would be safe for its lifetime.

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

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.

Proposed is a self-build dwelling, which is exempt from the standard biodiversity net gain condition under Regulation 8 of The Biodiversity Gain Requirements (Exemptions) Regulations 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 proposal represents the conversion of a non-designated heritage asset, agricultural building, in the countryside. Weight is given in favour of the proposal due to its sensitive repurposing of a non-designated heritage and the self-build nature of the proposal.

The existing building is an open-fronted agricultural building. As a result, a new wall would be required to facilitate the conversion. On this basis, whilst the rest of the building may be structurally sound, the works would exceed what would reasonably be expected under criteria 1 of Policy 23 of the SELLP, in that there is a need for significant alterations to the building. Therefore, whilst the weight in favour of the proposal is acknowledged, the proposal is considered unacceptable in principle.

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 these factors into consideration, the proposal is considered contrary to Policies 1 and 23 of the SELLP. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is against the proposal.

Recommendation

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