

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0106-26 **Applicant:** Weston Parish Council
on behalf of Weston
Parochial Church

Proposal: Proposed change of use to provide additional burial ground for Weston St Mary's Church

Location: Land Adj St Marys Church High Road Weston

Terminal Date: 6th May 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
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
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 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
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

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission to change the use of the site to a burial ground for Weston St Mary's Church, which is located to the east of the site.

Site Description

The application site comprises approximately 700sqm of land that is located next to St Mary's Church and its associated cemetery within Weston. The land is located to the west of the existing churchyard. There is a 1.8m high close boarded timber fence along the northern and south-western boundaries of the site. The other boundaries are open and interspersed with mature trees.

The site is within the settlement boundary of Weston, as identified by the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

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

Planning History

H22-1295-06: (Full Application) Proposed alterations to form two single-storey extensions to premises and remove existing stable building and form new external drinking areas - refused 06 November 2006

H22-0910-06: (Full Application) Proposed change of use from Public House garden (part of) to provide additional burial plots to Weston Church Cemetery - approved 23 August 2006

H22-1722-06: (Full Application) Proposed alterations to form two single-storey extensions to premises and remove existing stable building and form new external drinking areas - refused 06 November 2006

H22-1226-07: (Full Application) Proposed access steps to former hay loft and proposed timber shed to house walk in freezer and garden tools - approved 15 November 2007

H22-0830-17: (Full Application) Proposed change of use to provide additional burial plots - approved 23 October 2017

Consultation Responses

Conservation Officer: No objection on built heritage grounds. Please consult our archaeological advisors.

Environmental Protection: No comments regarding land contamination.

South Holland Internal Drainage Board: Whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting. Therefore, the Board has no comments to make.

Lincolnshire County Council - Highways and SUDS: No objections. The proposal is for change of use to provide additional burial ground for Weston St Mary's Church, and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Tree Officer: The roots from the trees in the adjacent Church Yard are likely to spread into the proposed site. The Root Protection Areas of these trees require calculation. (Please see British Standard 5837:2012). No major excavations should take place within the Root Protection Areas, to reduce any damage to the roots. Recommend that ashes are scattered in the zone closest to the tree trunks. Cremated remains in a zone further out, and full burials to take place outside the Root Protection Area of the trees.

Environment Agency: We object to the planning application, as submitted, because the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater from the proposed cemetery are fully characterised. We recommend that planning permission should be refused on this basis, in line with paragraph 187 of the National Planning Policy Framework. From 2 October 2023, for new cemeteries intending to operate under the exemption, we expect submission of relevant information to demonstrate the development can meet all the exemption conditions. New cemetery developments that can meet the 14 exemption conditions will be exempt from the requirement of an environmental permit. The 14 exemption conditions are listed at Low environmental risk cemeteries: exemption conditions - GOV.UK (www.gov.uk). No information has been provided to demonstrate that these conditions can be met, including offset distances from the surrounding drainage network, burial numbers and rate, expected ground conditions and nearby receptors. To ensure development is sustainable, the applicant must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed.

Historic England: No comments.

Lincolnshire County Council - Historic Environment: Thank you for consulting us on this application. It is noted that the applicant has not submitted a Statement of Heritage Significance in accordance with the NPPF (paragraph 207). The site lies within an area of very high archaeological potential, as confirmed by the Historic Environment Record (HER). The surrounding finds, together with the site's proximity to St Mary's Church, indicate that it is likely to have formed part of the medieval core of Weston. The area of archaeological potential includes MLI22112 (St Mary's Church, Weston), an Early English church dating to c.1250. The Historic Environment Record (HER) identifies a number of designated and non designated heritage assets within and in close proximity to the application red line boundary. The proposed development comprises: "Proposed change of use to provide additional burial ground for Weston St Mary's Church" The implementation of the proposal, will have a gradual significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. Recommendation: Currently there is insufficient specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed development. Therefore, I recommend the applicant to provide the results of a full standard archaeological evaluation of the site. This is in line with the guidance set out in the NPPF 2024 (paragraphs 207 & 218). The applicant has not adequately described the significance of any below-ground heritage assets that may be affected by the proposed development, and it is not "sufficient to understand the potential impact of the proposal on their significance (the heritage assets)" (Paragraph 207 of the National Planning Policy Framework (NPPF)). This in turn does not allow the Local planning authority to "identify and assess the particular significance of any heritage asset that may be affected by a proposal." (Paragraph 208 NPPF). Given the very high archaeological potential, but as yet unknown character and extent, I recommend this application to be accompanied by the results of a HIA (Heritage Impact Assessment) informed by a Desk Based

Assessment, Geophysics Survey and full standard archaeological trial trench evaluation in order to properly assess the site potential, inform the appropriate planning advice and design an appropriate mitigation strategy should consent be subsequently granted. The evaluation will aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which will be impacted by the proposed development as noted above. It should also be noted that preferred mitigation strategies will include preservation in situ (avoidance of sensitive areas) where possible and open area excavation where not. It is important that this application to fully considered the implications of this in its project feasibility assessment and that the results have been considered in designing the layout. The ability and flexibility for this is only as good as the knowledge of extent, character and significance of the archaeological resource on the site. We cannot plan mitigation appropriately against unevidenced conclusions.

Weston Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Ecology Officer: 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, one letter of representation has been received. The response is set out below:

-The proposed burial ground adjoins the boundary fence at the rear of our property. Ideally, we would like to be assured that the burials will not be placed right up to the boundary. The reason being that when we need to maintain or replace the fence we will require access from that side and to do so without disturbing any grave momentos etc.

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. A Neighbourhood Plan has been designated for Long Sutton, however, a draft version of the plan has not yet been issued.

The main issues and considerations in this case include the following:

- Principle of Development;
- Impact on the Character and Appearance of the Area including nearby Heritage Assets;
- Impact on Archaeological Assets;
- Impact on Protected Trees;
- Impact on Residential Amenity;
- Highway Safety and Parking;
- Contamination; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

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.

In this case, the site is within the settlement boundary of Weston, which is a Minor Service Centre. Policy 1 sets out that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill.

Policy 32 encourages the delivery of community facilities, including churchyards and cemeteries.

Paragraph 88 of the NPPF sets out that planning decisions should enable the development of accessible local services and community facilities (part d).

The application seeks full planning permission to change the use of the site to provide additional burial ground space for Weston St Mary's Church, which is located to the east of the site. Although burial grounds are not specifically mentioned, it is considered that a burial ground comprises a community facility.

Planning permission has previously been granted for the change of use of the land to burial land under permission H22-0910-06 in August 2006 and permission H22-0830-17 in October 2017. Although these permissions are no longer extant and were approved under previous development plans, these permissions nonetheless form a material consideration in the determination of the current application.

Therefore, the principle of development is considered to be acceptable in this instance, as the proposed use comprises an appropriate form of development for the location which would be in accordance with the overall principles of the spatial strategy. As such, the proposed development accords with Policies 1 and 32 of the Local Plan and Paragraph 88 of the NPPF.

Impact on the Character and Appearance of the Area including nearby Heritage Assets

Policy 2 of the Local Plan similarly 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 as 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.

Section 16 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage. 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."

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 within a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting.

The site comprises approximately 700sqm of land that is located next to St Mary's Church and its associated cemetery within Weston. St Mary's Church is a grade I listed building and there are some grade II listed structures within the associated churchyard.

There is a 1.8m high close boarded timber fence along the northern and south-western boundaries of the site. The other boundaries are open and interspersed with mature trees.

No operational development is proposed and as such, the character and appearance of the site would not change significantly as a result of the proposals. In time, memorial plaques or gravestones might be installed within the site; however, it is considered that such structures would be in keeping with the character of the area. The council's conservation officer has raised no objections with the proposed change of use of the land.

Therefore, it is considered that the proposed change of use would have an acceptable impact on the character and appearance of the area, including nearby heritage assets, in accordance with Policies 2, 3 and 29 of the Local Plan and Sections 12 and 16 of the NPPF.

Impact on Archaeological Assets

Paragraph 207 of the NPPF sets out the following:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Part C of Policy 29 of the Local Plan sets out the following:

1. *"Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance."*
2. *Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them."*
3. *If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."*
4. *Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer, undertaken by a suitably qualified person, and approved by the Local Planning Authority."*
5. *Any work undertaken as part of the planning process must be appropriately archived in a way agreed with the Local Planning Authority."*

Lincolnshire County Council's Historic Environment Team consider that the site contains the potential for archaeological remains. The team have requested a Heritage Impact Assessment and the results of a full standard archaeological evaluation of the site prior to the determination of the application.

It is noted that no archaeological assessments or conditions were required for either of the previous planning permissions for the change of use of the site to burial land (permission H22-0910-06 and H22-0830-17). It is also acknowledged that these permissions were granted under previous development plans; however, there was nonetheless a requirement to consider the site's potential

for archaeological remains under previous development plans.

LCC's Historic Environment Team provided the following consultation response during the determination of application H22-0830-17 in 2017:

"The site of the proposed burial ground in Weston is archaeologically sensitive. Finds surrounding this area and the location to the church make this area very likely to have formed part of the medieval core of Weston. There is also a possibility that post-roman silting in this area is hiding evidence of earlier settlement. However due to the size and nature of the proposals for this site it is felt that archaeological intervention on this site is not appropriate. If the proposals on this site were different, such as residential development, then it would be likely that archaeological intervention would be required."

Therefore, it was acknowledged that the site had the potential for archaeological remains; however, a proportionate approach was taken in not requiring a full archaeological investigation of the site due to the proposed nature of the development.

Under the current proposals, the requirements of the NPPF and Policy 29 of the Local Plan need to be taken into account; however, it is also necessary to consider a reasonable and proportionate approach to the proposals as the requirement for a pre-determination field evaluation is a significant undertaking.

The development is for a change of use only. No permanent buildings are required as part of the proposals and as such, no foundations will be necessary. As acknowledged previously by LCC's Historic Environment Team, if the development was for a residential development or a development that required permanent buildings, foundation work and more significant ground disturbance, it would likely be appropriate to require an archaeological investigation of the site, such as trial trenching. However, in this case, the proposed change of use is only likely to require relatively minimal ground disturbance due to the nature of the proposals. In line with the previous approach that has been taken for the previously approved permissions within the site and as advised previously by the HER team, it is not considered necessary to require field evaluation prior to the determination of the application.

Impact on Protected Trees

Paragraph 136 of the NPPF sets out that planning decisions should ensure that existing trees are retained wherever possible. Similarly, Policy 28 of the Local Plan also sets out that development proposals should protect trees.

There are various mature trees around the edge of the site and one of these trees is subject to a Tree Preservation Order. The council's tree officer has set out that the roots from the trees in the adjacent churchyard are likely to spread into the proposed site. The officer has set out that no major excavations should take place within the Root Protection Areas of the trees to reduce any damage to the roots. It is considered that a planning condition could be used to limit burials within the root protection areas of the trees as such a condition was previously included with planning permission H22-0830-17. With the inclusion of such a condition, it is considered that the proposals would accord with the aims of the NPPF and Policy 28 of the Local Plan in terms of retaining and protecting existing trees.

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 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There are no dwellings immediately next to the site. In terms of surrounding land uses, there is an existing churchyard to the east, a pub to the south and its associated land to the west, and agricultural land to the north. The proposed use of the site is unlikely to generate significant levels of noise or disturbance. As such, the proposed use of the land is expected to have an acceptable impact on the amenity of the nearest dwellings in accordance with Section 12 of the NPPF and

Policies 2 and 3 of the Local Plan.

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 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The proposed use of the land would not generate the need for additional parking spaces as visitors can use the existing parking provision within the area. Lincolnshire County Council's Highways and SUDS team have raised no objections to the proposals. Therefore, the proposal would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Contamination

Paragraph 187 of the NPPF sets out that planning decisions should contribute to and enhance the natural local environment by preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 196 of the NPPF sets out that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Policy 30 of the Local Plan sets out that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to an unacceptable adverse impact on land quality and condition.

The council's environmental protection team have not raised any concerns with the proposals in terms of contamination risks as a result of the proposed change of use.

The Environment Agency has raised an objection to the proposal because they consider that the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater from the proposed cemetery are fully characterised. Therefore, the EA considers that the proposal would conflict with Paragraph 187 of the NPPF.

The EA have set out that new cemeteries and cemetery extensions have recently been brought into regulation under the Environmental Permitting Regulations 2016. From 02 October 2023, there are three tiers of regulatory control:

- 1.Exemptions (low risk)
- 2.Standard Rules Permits (medium risk)
- 3.Bespoke Permits (high risk)

From 02 October 2023, for new cemeteries intending to operate under the exemption, the EA expects to see the submission of relevant information to demonstrate the development can meet all the exemption conditions. New cemetery developments that can meet the 14 exemption conditions will be exempt from the requirement of an environmental permit.

The EA have set out that they believe it should be possible to meet these conditions; however, further site-specific information is required regarding the detail of site operation, as well as local knowledge of the water table and ground conditions at burial depth, likely gained from operation of the existing cemetery. If further information can be provided that any risks can be satisfactorily managed through meeting the exemption conditions, the EA have set out that they will be able to withdraw their objection.

It is noted that during the determination of one of the previous applications within the site (H22-0830-17), the following points were raised by the Environment Agency (EA):

"Based on information obtained during a previous site visit we consider the proposed cemetery location has low environmental sensitivity for the following reasons:

-The existing cemetery lies adjacent to the drainage ditch in question and we are not aware of any issues that have occurred as a result of this;
-The drainage ditch was shallow, dry and less significant than expect; and
-The proposed burials will be made below the depth of the drainage ditch so no pollutant pathway should exist."

It is recognised that regulations have come into force in 2023 after the previous 2017 permission was issued; however, it is also recognised that the current application seeks to a relatively small extension to an existing cemetery. Furthermore, the regulations cited by the EA are separate to the planning process and if an environmental permit is required, this can be secured separately from the planning process.

Of relevance in this case, Paragraph 201 of the NPPF sets out the following:

"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities"

In line with Paragraph 201 of the NPPF, the LPA considers that granting planning permission would not undermine the EA's ability to exercise its control through separate pollution control regimes. If a permit is required under separate Regulations, this can be granted or refused by the EA and as such, the EA can retain control of site activities through separate legislation. The LPA considers that in this case the use of the land is acceptable and there would be no reason that the EA would not operate effectively and control this matter should any future issues arise.

The council's environmental protection team have not set out any concerns in terms of potential contamination risks associated with the proposals. As such, it is not considered necessary for any additional information to be provided as part of the planning process.

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 (BNG) 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.

In this case, no built development is proposed such as permanent buildings or footpaths. The development would not result in the loss of more than 25 square metres of habitat and as such, it is considered that the proposal would fall under the de minimis exemption and BNG is not required.

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 development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby residents. The proposed development is considered to accord with the Local Plan and the provisions of the NPPF when viewed as a whole. 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 accord with Policies 1, 2, 3, 4, 28, 29, 30 and 32 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.