DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0218-26**	**Applicant:**	**Mr H, W, M & B Halgarth**
Proposal:	Demolition of existing agricultural barn and erection of residential dwelling.		
Location:	Agricultural Barn Broadgate Weston Hills		
Terminal Date:	1st 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
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	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the demolition of an existing agricultural barn and the erection of a dwelling. The dwelling is proposed to be located further to the east than the existing barn and a garden area is proposed around the dwelling. A detached garage building is also proposed to the south of the dwelling.

The dwelling is proposed to feature red multi brickwork and corrugated sheet cladding and sheet corrugated sheet roofing. The garage is proposed to feature corrugated sheet cladding.

Site Description

The application site comprises an irregularly shaped parcel of land located to the south of 409 Broadgate, to the south-east of 411 Broadgate and to the east of 403 Broadgate. The site features an agricultural building and part of an agricultural field on the eastern edge of Weston Hills.

The site is outside though adjacent to the settlement boundary of Weston Hills, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

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

Planning History

No planning applications have been submitted within the site previously.

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.

Environment Agency: This proposal comes under cell E8 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'.

Lincolnshire County Council - Historic Environment: The applicant has not provided a formal assessment of the archaeological or heritage potential of the site, as outlined in paragraph 207 of the National Planning Policy Framework (NPPF). The proposed development comprises the "demolition of an existing agricultural barn and the erection of a residential dwelling." Historic mapping held within the HER, including the OS Map 1892-1914, indicates the presence of an agricultural building in approximately the same location as the current proposal site. However, based on the information currently available, it is not possible to confirm with certainty that the building shown on the historic mapping is the same structure as that now proposed for demolition, nor to establish the extent to which any historic fabric may survive within the existing building. Nevertheless, the available evidence suggests that the building may have historic interest and could potentially incorporate earlier fabric. If this were demonstrated, the building could merit consideration as a non-designated heritage asset (NDHA). Modest agricultural buildings of this type can make a positive contribution to local historic character, particularly where they retain evidential, architectural, or illustrative value relating to the agricultural development of the area. In this context, demolition could result in the loss of a structure of heritage interest, including any surviving historic fabric. Should permission be granted, I recommend that a condition be attached requiring a proportionate programme of building recording prior to demolition. This should comprise a phased programme of pre-demolition mitigation, including, as a minimum, Level 1 historic building recording of the agricultural building. No below-ground archaeological works are considered necessary in this case. This approach would ensure that the building is appropriately recorded prior to demolition and would help clarify its date, origin, and significance, including whether it represents the structure shown on the historic mapping, incorporates reused material, or retains elements of earlier historic fabric. This should be secured through South Holland District Council's standard condition AR04 and is consistent with paragraphs 207 and 218 of the NPPF and Policy 29 of the South East Lincolnshire Local Plan.

Conservation Officer: No objections on built heritage conservation grounds. The site is situated roughly 250m away from the Grade II listed Halgarth Farm. However, this separation distance is sufficient and the scale of the development such that I do not consider this proposal to place the appreciation of the listed asset at risk.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991: I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southwestern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Highways and SUDS: The access needs to be upgraded to Lincolnshire County Council Specification, and a note should be added to the proposed site plan. The width of the access to be detailed on the site plan also.

Lincolnshire Wildlife Trust: Our conservation officers have reviewed the referenced development against a series of strategic conservation and ecological criteria. In review of the variation documents presented, The Trust has no substantive comments or recommendations on the proposal.

Ecology Officer: A Bat license will be required pre-commencement as recommended on pages 22-23 of the bat report. We also request that all recommendations provided on pages 23-24 of the bat report are followed throughout the development process. We request that at least 1 integrated bat box is included in the development plans for the new dwelling.

Having reviewed the barn owl survey it is evident that at the time of the survey there were no nests or nesting birds present within the building. Therefore, we request a condition requiring that: "Works should not be carried out in the main nesting season (March 1st - August 31st). If not possible then a suitably qualified ecologist must perform a breeding bird survey (including barn owls) of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue."

We request that at least 1 integrated bird box is included in the development plans for the development. For both ecological enhancements (bird and bat box), the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site and the bricks must be installed during the construction phase and retained thereafter for the lifetime of the development. These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14.

Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain cannot be achieved on-site, and therefore the proposals require 0.1 area-habitat units to be secured off-site. These will need to be secured pre-commencement.

Environmental Protection: No comments regarding land contamination.

Weston Parish Council: Weston Parish Council would like to object to the planning application

-1. Principle of Development and Location Strategy: The proposed development is situated on a greenfield site outside the emerging Local Plan settlement boundary for Weston Hills. I strongly object to the unnecessary loss of open countryside, particularly where the emerging Weston Hills Local Plan has already identified more suitable brownfield sites within the settlement. Some of those sites are currently subject to residential planning applications and offer opportunities for development without harming the established character, form, and depth of the village. Approval of this application would establish a dangerous precedent for the further expansion of housing and associated development into surrounding agricultural land used for farming and grazing.
-2. Conflict with Local and National Planning Policy: In planning policy terms, the site lies within the open countryside, where housing development is strictly controlled. Once lost to residential development, this land would be irreversibly removed from agricultural use with no tangible benefit to the local community.
The proposal is therefore contrary to:
-Policy HS7 of the South Holland Local Plan
-Section 6 of the National Planning Policy Framework (NPPF)
-SELLP (adopted 2019) Policy 1 that covers spatial strategy covering the countryside.
-SELLP (adopted 2019) Policy 2 development management that would cover concerns of size, scale, layout and relationship to existing development. Similar development proposals have previously been refused by the Local Planning Authority, with subsequent appeals dismissed by the Secretary of State.
-3. Settlement Hierarchy and Local Plan Strategy: The Local Plan identifies Weston Hills as an area of development restraint, allowing only limited frontage infill. The proposed scheme clearly exceeds this intention and would undermine the plan-led approach to development.
-4. Cumulative Impact: If approved, the proposal would encourage further speculative applications of a similar nature. The cumulative effect would seriously prejudice the Local Plan's objectives of directing growth to sustainable and deliverable locations.
-5. Appeal Precedent: I draw attention to the Secretary of State's appeal decision APP/A2525/W/17/3174609, relating to application H22-1287-16, which identified the following key issues with residential development in Weston Hills:

1. Conflict with the Local Development Plan
2. Incompatibility with planning policy in areas of high flood risk
3. Poor accessibility to services
4. Harm to the character and appearance of the area
These issues are directly applicable to the current proposal.

Lincolnshire Bat Group: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: 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 4 representations have been received from members of the public. The following summarises the key matters raised within the responses:

-The design, size and particularly the positioning of the proposed house, is inappropriate to the site. The site sits between bungalows. While there are houses, as opposed to bungalows, along the road these are not sited so that they overlook and overshadow their neighbours as this proposed development does.
-The proposal will result in loss of privacy and light to neighbouring bungalows and create an overbearing presence.
-No objections to building on the infill part of the site; however, the proposal would not be an infill development.
-It is unclear if the proposal is for a conversion or for the demolition of the building.
-The footprint of the new house is much larger than the current footprint.
-It could be more beneficial to the area to build one or maybe even two affordable dwellings
-More information is needed for the proposed garage building due to its proximity to a neighbouring boundary.
-The proposal will result in an unnecessary loss of open countryside, particularly where the emerging Weston Hills Local Plan has already identified more suitable brownfield sites within the settlement.
-If approved, the proposal would encourage further speculative applications of a similar nature.
-I draw attention to the Secretary of State's appeal decision APP/A2525/W/17/3174609, relating to application H22-1287-16, which identified the following key issues with residential development in Weston Hills: 1. Conflict with the Local Development Plan 2. Incompatibility with planning policy in areas of high flood risk 3. Poor accessibility to services 4. Harm to the character and appearance of the area.
-Any rebuild should not be granted planning permission if its floor area exceeds that of the original by more than 40% which this application clearly does.
-The access to the site is on a dangerous bend with fast moving traffic with a very limited view when pulling onto the main highway. There is no footpath.
-Various wildlife could be affected.

Key Planning Considerations

Development Plan

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

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

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

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

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

-Principle of Development;
-Design, Layout and Impact on the Character and Appearance of the Area;
-Impact on Residential Amenity;
-Impact on Heritage Assets;
-Highway Safety and Parking;
-Flood Risk and Drainage; and
-Ecological Impact and Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and for decision taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance7 provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Footnote 8 clarifies that this "includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

According to South Holland District Council's (SHDC) 5-Year Housing Land Supply Assessment (5YHLS) (June 2025), SHDC can demonstrate 5.5 years of housing land supply. Furthermore, SHDC have scored at least 162% for the Housing Delivery Test over the last three years (Paragraph 1.4 of the 5YHLS Assessment). In accordance with Paragraph 232 of the NPPF, it is not necessary to apply the tilted balance in favour of sustainable development in the determination of the current application.

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement boundary, located next to Weston Hills. Therefore, the site is within the countryside in planning policy terms. Part D of Policy 1 sets out that within the countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

It has not been demonstrated that residential development is necessary in this location; for example, in conjunction with agriculture or other rural based business. Furthermore, the site is physically divorced from larger service settlements. In the absence of footways and given the distances involved, it would be difficult to access these settlements for the day to day needs of the occupants without use of a private car.

In terms of potential benefits:

-*Economic*: In economic terms, the construction of a dwelling could provide some short terms benefits in terms of employment for construction workers. Such benefits are limited and, in addition, are not benefits beyond those that could be attributed to development within more sustainable and appropriate locations. Given the site's rural location, there would be limited other economic benefits as there do not appear to be many businesses within walking distances that future occupants could potentially support.
-*Community*: In community terms, a single dwelling would provide a minor contribution to the district's housing supply, albeit in the least sustainable location for development within South Holland; comprising the countryside.
-*Environmental*: In environmental terms, the proposal would provide a net gain in biodiversity; however, this is a minimum requirement and as such this reduces the amount of weight that can be given to this as a benefit. Beyond this, the development of a residential dwelling, on otherwise undeveloped land, has an evident detrimental environmental impact.

Therefore, the development would not result in sufficient economic, community or environmental benefits that weigh in favour of the development.

Consequently, the proposal does not accord with Policy 1 and would not normally be considered a suitable site for new housing. Furthermore, due to the lack of footpaths to the site and the lack of public transport links, future occupants would likely be reliant on the use of a private vehicles to access keys services and facilities, resulting in an unsustainable form of development.

Notwithstanding this, the submitted Design and Access Statement sets out that the applicant considers that the barn within the site could be converted into a dwelling using Class Q permitted development rights. As such, the applicant considers that this represents a fallback position that needs to be taken into account in the determination of the current application.

Caselaw has demonstrated that Class Q consents are a legitimate fallback position when considering alternative proposals for development of the same site. The relevant legal principles relating to fallback were set out in R v Secretary of State for the Environment and Havering BC (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test:

"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is "yes", a comparison must be made between the proposed development and the fallback use."

The notion of the Class Q fallback position was also comprehensively dealt with at the landmark Court of Appeal case, Mansell vs Tonbridge and Malling Borough Council (2017). This case established that that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority. Therefore, where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could be allowed to proceed.

In this case, the local planning authority (LPA) does not consider that there is a realistic prospect that a Class Q conversion could take place. For example, the proposed internal floorspace of the barn conversion would be approximately 42sqm. The nationally described space standard sets out that the minimum internal floorspace for a 1-bedroom 2-storey dwelling is 58sqm. Any Class Q conversion must accord with the NDSS and as such, the proposal is not eligible to be converted using the Class Q permitted development right. Furthermore, a structural survey of the building has not been undertaken by a qualified professional and there are doubts as to whether the building is capable of being converted without significant alterations that would go beyond works permitted by Class Q. For example, there appears to be significant damage to the building.

Therefore, in this case it is only necessary to assess the proposals in relation to Policy 1 of the Local Plan, rather than whether the proposals represent an enhancement over a Class Q conversion as such a conversion is considered to be infeasible.

The site is within the countryside in planning policy terms and the proposals would result in unsustainable development, having regard to its countryside location. Significant harm would be caused as a result, as conflict would arise with Policies 1 and 11 of the Local Plan, which seek to direct housing development in accordance with the settlement hierarchy, concentrating on the most sustainable settlements to enable access to everyday facilities and services. Therefore, the principle of development is not supported in this case.

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

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

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

Policy 3 accords with the provisions of Section 12 of the NPPF, 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 existing building within the site measures 7.78m in length and 4.3m in width. The building features a gable end roof form that measures 5.3m in height up to its ridgeline.

In terms of the proposed dwelling, the rear part of the dwelling measures 15.7m by 7m. This part of the dwelling features a gable end roof form that measures 7.6m in height up to its ridgeline and 4.8m in height up to its eaves. The front projection measures 7.1m by 8.2. This part of the dwelling also features a gable end roof form, measuring 6m in height up to its ridgeline and 2.8m up to its eaves.

The dwelling is proposed to feature red multi brickwork, corrugated sheet cladding and corrugated sheet roofing. The garage appears to feature only corrugated sheet cladding and roofing and no brickwork.

The proposed dwelling would be significantly larger than the existing building within the site. Combined with the detached garage, the volume of built development would increase significantly. As a comparison, the existing building comprises approximately 139 cubic metres, whereas the proposed garage alone would comprise 250 cubic metres, nearly doubling the built volume on its own. The proposed dwelling would comprise approximately 909 cubic metres.

The nearest dwellings to the site are single storey bungalows. This includes 403, 409 and 411 Broadgate. There are some taller dwellings further from the site; however, the immediate site context includes single storey buildings.

Not only is the proposed dwelling and garage much larger than the existing building within the site, the proposal would encroach into open countryside by changing the use of the site from part of an agricultural field to a residential garden. For Class Q proposals, the residential curtilage of converted barns is only as large as the building footprint itself. Whilst it is not considered that the proposal is eligible as a Class Q conversion, the proposals would result in a much larger encroachment into open countryside than any fallback position even if this was feasible.

The proposed dwelling, garage and vehicular access would urbanise the character and appearance of the site. Based on the site context and the proposed design and layout of the proposals, it is considered that the development would harmfully jar with the rural character of the site and its immediate environment. It is considered that the proposed urbanisation of the site through the provision of a dwelling, a garage, the associated driveway and residential paraphernalia would significantly harm the rural character and appearance of the site and the surrounding area. This harm would be highly visible from the area given the site's location.

Therefore, the proposed development would not accord with Policies 2 and 3 of the Local Plan as these policies seek to ensure that the design of all development is appropriate to the character and quality of the area. The policies also seek to ensure that proposals demonstrate how they would respect the character and appearance of an area, and the relationship to existing development and land uses. The proposal would also conflict with Paragraph 127 of the Framework, which states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting. The proposed development is also considered to be contrary to Paragraph 135 of the NPPF, which seeks to ensure that proposals are suitable designed and respond sympathetically to the area within which they are located.

Impact on Residential Amenity

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Paragraph 135 also 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.

It is considered that ample internal living space and external amenity space would be provided for future occupants. It is also considered that the proposal would have an acceptable impact on the amenity of 411 and 403 Broadgate Road due to the separation distances involved, the positioning of windows on the elevations of the dwelling and the boundary treatments located between the site and these neighbouring properties, which provide a degree of screening.

Notwithstanding this, it is considered that the proposal would have a detrimental impact on the amenity of 409 Broadgate, which is a bungalow located to the north of the site. There is currently a low boundary fence between the site and 409 Broadgate, and the submitted plans indicate no changes to the boundary treatments along this boundary. There is approximately 5m between the northern elevations of the dwelling and the site boundary to the north. This boundary adjoins the garden of 409 Broadgate. Furthermore, according to the submitted site plan there is approximately 15m between the northern elevation of the dwelling, and the nearest elevation of 409 Broadgate. This does not take into account an extension that has been built at 409 Broadgate and as such, the separation distance is smaller than this. These are bedroom windows located on the northern elevations of the dwelling, and it is considered that there would be insufficient separation distances between the dwellings. As such, the proposal would result in an unacceptable degree of overlooking.

It is noted that concerns have been raised within the public representations regarding a loss of daylight to neighbouring properties. Although there would be some loss of light to part of the garden of 409 Broadgate at some parts of the day, it is not considered that this would result in an unacceptable loss of light due to the position of the dwelling within the site.

Overall, it is considered that the proposal would result in an unacceptable degree of overlooking as a result of the positioning and scale of the dwelling. Therefore, the proposal would be contrary to Policies 3 and 30 of the Local Plan which, amongst other things, requires that development should not adversely affect residential amenity or health.

Impact on Heritage Assets

Section 16 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage assets. For example, Paragraph 207 of the NPPF sets out the following:

"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."

Paragraph 216 of the NPPF sets out the following:

"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."

Paragraph 218 of the NPPF sets out the following:

"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the record evidence of our past should not be a factor in deciding whether such loss should be permitted."

Policy 29 of the Local Plan sets out the following:

"Where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made to its setting, it should be informed by proportionate historic environment assessments and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports)"

As set out previously, LCC's Historic Environment Team consider that the agricultural building could have historical significance and could, therefore, be a non-designated heritage asset. In the absence of submitted information, the Historic Environment Team consider that it would be appropriate to secure a programme of building recording prior to the demolition of the existing building within the site via a planning condition. With the inclusion of such a condition, it is considered that the proposals could accord with Paragraphs 207 and 218 of the NPPF and Policy 29 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 of the Local Plan details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

There is an existing agricultural access from Broadgate to the west of the site. The surfacing details of the access are unconfirmed. Lincolnshire County Council's highways team have reviewed the proposals and have set out that the access would need to be upgraded to their specification to ensure the surfacing is suitable. The team have also asked for the access width to be confirmed. The access is approximately 5m wide near the site entrance and this decreases to approximately 3m. As the proposal is for only one dwelling, it is considered that the width of the access is sufficient. The surfacing details could be secured via a condition. The highways team have not raised any concerns with the visibility splays of the proposed access.

Therefore, the proposal is considered to be acceptable in terms of highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk and Drainage

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps. Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances

where specific criteria are met.

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

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

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. Therefore, the development is required to pass the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

Whilst the NPPG sets out that the search area should not extend beyond an individual village and its immediate neighbouring settlements, the site is not located within a defined settlement or village. The site is, however, next to the settlement boundary of Weston Hills. As such, it is considered that a site search exercise should have been undertaken of Weston Hills. Furthermore, there appears to be land within and around Weston Hills which is within Flood Zones 1 or 2 and as such, this land could be sequentially preferable. As such, it is not considered that the sequential test has been passed in this instance.

As the proposal has not passed the sequential test, it is not necessary to apply the exception test. Therefore, as insufficient information has been provided to demonstrate if the sequential test has been passed, it is considered that the proposed development would not accord with Policy 4 of the Local Plan and the Section 14 of the NPPF in terms of flood risk management.

The site is within a 'Danger for Some' hazard area, as identified within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The submitted Flood Risk Assessment concludes that in accordance with the SFRA, suitable flood risk mitigation measures would include requiring the finished floor levels to be set 0.6m above the existing ground level. These measures could be secured via a planning condition.

The submitted application form indicates that surface water is proposed to be discharged via a soakaway. The feasibility of this has not been demonstrated at this stage; however, if this is feasible then this would help to provide sustainability benefits and reduce the flood risk impact of the proposals. Further details of the drainage strategy could be secured via a planning condition.

Ecological Impact and 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.

As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

The application is accompanied by a Biodiversity Net Gain Assessment which has been reviewed by the LPA's ecology officer. In this case, BNG the metric indicates that 10% mandatory net gain cannot be achieved on-site and as such, the proposals require 0.1 area-habitat units to be secured off-site. This will need to be secured via a pre-commencement condition.

The application is also accompanied by a bat survey and a nesting bird survey. The LPA's ecology officer has reviewed the submitted information and considers that as there is a bat roost within the site, a bat license would need to be obtained prior to the commencement of development. A bat box would also be required to be provided as compensatory habitat.

The submitted barn own survey indicates that at the time of the survey there were no nests or nesting birds present within the building. Notwithstanding this, the LPA's ecology officer has requested a condition to restrict works between March and August unless a suitably qualified ecologist can perform a breeding bird survey. These measures could be secured via a planning condition.

Similarly, the ecology officer's recommendations for bird nest boxes could also be secured via a planning condition.

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.

Although the submission indicates that there is a fallback position in this case for a barn conversion using Class Q permitted development rights, it is not considered that this is the case. As set out previously, it is considered that the existing building would not be eligible as a Class Q conversion as the proposal would not accord with the nationally described space standard. This is a requirement of any permitted development rights under Schedule 2 of the General Permitted Development Order. Furthermore, it has not been clearly demonstrated that the building is capable of conversion without significant works that would comprise a re-construction as the submitted structural survey is considered to be insufficient in this regard, having not been undertaken by a qualified structural engineer. The building shows signs of significant damage and it is unclear if the building is capable of conversion based on the submitted information.

Even if there was considered to be a fallback position through a Class Q conversion, it is not considered that the proposal represents a betterment as the proposal would not enhance the setting of the site.

The proposed development would result in the provision of a dwelling within the countryside, within the least sustainable location for development within the area's settlement hierarchy, as identified by Policy 1 of the Local Plan. The 'tilted balance' in favour of sustainable development is not engaged

at the present time, as the LPA can demonstrate a 5 year housing land supply. The limited benefits that would be provided by the proposals do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

The development would harm the character and appearance of the site and the locality as a result of introducing a dwelling and a detached garage that would be of a significant scale compared to the nearest buildings. Furthermore, the overall character and appearance of the development is considered to be out of keeping with the character of the area. The dwelling would also result in a harmful impact on the amenity of 409 Broadgate as a result of an unacceptable degree of overlooking.

It is considered that insufficient information has been provided to demonstrate if the development passes the sequential test in flood risk terms. This also weighs against the development by undermining the suitability of the site.

Therefore, the development would not accord with Policies 1, 2, 3, 4, 10 and 11 of the Local Plan and the provisions of the NPPF when viewed as a whole. There are significant materials considerations that weigh against the proposal and as such, the planning balance is against the development.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

Human Rights

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

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

Conclusion

The proposal is considered to conflict with Policies 1, 2, 3, 4, 10 and 11 of the Local Plan and the provisions of the NPPF when viewed as a whole. These are significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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