

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0545-25 **Applicant:** Mr & Mrs N Wallis

Proposal: Proposed Dwelling & Garage - approved under H22-0861-24. Modification of Condition 2 to allow amendments to previously approved plans

Location: Adjacent The Old Vicarage High Road Weston

Terminal Date: 12th September 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework December 2024

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

Representations:

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

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

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent to vary condition 2 of permission H22-0861-24 to allow for amendments to the previously approved plans. The proposed changes include minor alterations to the approved layout, and a change in the roof height and pitch. For example, the ridgeline height is proposed to measure 7.9m instead of 7.7m. The vehicular access is proposed to be the same.

Site Description

The site is located to the north-west of High Road in Weston and comprises part of the residential garden of The Old Vicarage. There are dwellings of various sizes and design located around the site.

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

Relevant Planning History

H22-0861-24: (Full Application) Proposed Dwelling & Garage - approved 26 March 2025

H22-0551-25: (Discharge of Conditions) Details of written scheme of archaeological investigation (Condition 3 of H22-0861-24) - approved 25 June 2025

Consultation Responses

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

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration (soakaways) , 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. 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. I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Environmental Protection: No comments relating to Environmental Protection or land contamination

Lincolnshire County Council - Historic Environment: Thank you for consulting us on this. We reiterate our previous comments. No objection to modification of Condition 2.

Lincolnshire County Council - Highways and SUDS: The proposal is for minor amendments to condition 2 that already has approval under H22-0861-24. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

National Grid: No observations.

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.

Tree Officer: No response received.

Conservation 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, no representations have been received.

Key Planning Considerations

Development Plan

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

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

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

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

The principle of development for the proposed dwelling and garage has previously been found to be acceptable through the approval of application H22-0861-24. The current application seeks to alter the scale and appearance of the dwelling. Therefore, there is no need to revisit the matter as to whether the principle of development is acceptable. The main considerations which are relevant in this case include the following:

- Design and Visual Impact;
- Impact on Heritage Assets;
- Impact on Amenity;
- Access, Highway Safety and Parking;
- Flood Risk;
- Biodiversity Net Gain; and
- Impact on Other Conditions.

These matters are considered in turn below.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area 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.

Previously, consent was granted under permission H22-0861-24 for a two-storey dwelling set back from the road frontage along High Road, and set within the garden of The Old Vicarage. The current application also seeks consent for a two-storey dwelling and the proposed siting and layout is broadly similar. For example, the building footprint is broadly similar.

Previously, the dwelling measured 7.7m in height up to the roof ridgeline, whereas under the current proposals, the dwelling is proposed to measure 7.9m in height. The roof pitch was previously proposed to be higher. The eaves were 3.6m in height and now proposed to be 5.3m. The increase in scale is considered to be acceptable as the overall appearance would be similar to the previous proposals. Furthermore, the impact of the increased scale would not result in an adverse impact on the street scene or the character and appearance of the area.

Previously the dwelling was proposed to feature black brickwork, black roof slates, black aluminium windows and doors, and black vertical cladding in timber. The materials remain largely unchanged. The main change is a metal sheeting roof rather than slates. This could add to the rural character of the dwelling and the visual impact of this change should be acceptable provided the sheeting is of a suitable quality and appearance. Condition 6 requires further details of the proposed materials to be submitted and agreed and this condition will be retained.

The visual impact of the proposed amendments is acceptable. Therefore, the development would not cause an adverse impact to the character or appearance of the area and in accordance with Policies 2, 3 and 29 of the Local Plan and Sections 12 and 16 of the NPPF.

Impact on Heritage Assets

Section 16 of the NPPF sets out the importance of assessing the impact of proposals on the setting of designated and non-designated heritage assets, to ensure that proposals preserve and enhance these assets.

Policy 29 of the Local Plan sets out within Section A, Part 3, that proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

The site is not within a Conservation Area, however, there are two listed buildings located on High Road, Oakleigh House (grade II listed) and 'Barn to south of Oakleigh House' (grade II listed). Oakleigh House is approximately 40m to the south-west of the site.

The council's conservation officer has not responded to the current application, however, the officer did not raise any objections to the previous application. The officer previously set out that they did not consider that the proposal would "be of a scale or design which risks harmfully impacting the setting of any of the nearby listed buildings". The revised design has not significantly altered the appearance of the dwelling. Therefore, it is considered that the proposal would have an acceptable impact on the setting of the listed buildings.

Furthermore, condition 3 of the original permission was discharged on 25 June 2025. Condition 3 required the submission and approval a written scheme of archaeological investigation. As the condition has been discharged previously, this condition can be updated to become a compliance condition.

As such, the proposed development accords with Policy 29 of the Local Plan and Section 16 of the NPPF.

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

The proposed dwelling would not result in an unacceptable degree of overshadowing of neighbouring properties due to its positioning and scale.

The nearest dwellings to the site include The Old Vicarage (103 High Road) to the north, 5 Pinfold Lane to the west, and 4 Pinfold Lane to the south-west. It is considered that suitable separation distances are proposed. For example, there would be approximately 18m between the side elevation of the dwelling and the side elevation of 4 Pinfold Lane. There would be approximately 20m between the side elevation of the dwelling and the side elevation of The Old Vicarage.

A first-floor balcony is proposed on the rear elevation of the proposed dwelling. However, the balcony would be a covered balcony with limited views to either side. The balcony would also be well screened by the existing mature trees on site. This is shown within the submitted 'Balcony Views' plan. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking, loss of privacy or loss of light to neighbouring properties.

The proposed development would result in the loss of some of the garden space serving The Old Vicarage, however, there would still be a very large garden serving The Old Vicarage.

The proposed dwelling would have a separation distance of approximately 18m (in excess of) from the side elevation 4 Pinfold Lane. 4 Pinfold Lane is a two-storey dwelling, the proposed western elevation of the proposed dwelling does not propose any first-floor windows. There are roof lights on the western roof slope, however, these roof lights should not result in an unacceptable degree of overlooking due to their distance from 4 Pinfold Lane. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking, loss of privacy or loss of light to 4 Pinfold Lane.

5 Pinfold Lane is located to the north-west of the site. The dwelling within 5 Pinfold Lane is at least 21m from the site boundary and there is ample screening from the existing mature trees. As such, given the screening and the separation distances, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking, loss of privacy or loss of lights to 5 Pinfold Lane.

There are also suitable separation distances between the proposed dwelling and the other nearest dwelling, The Old Vicarage. For example, there is approximately 20m between the nearest elevations of both dwellings and there would be no direct overlooking between habitable rooms. The Old Vicarage would also retain ample garden space to allow for a suitable standard of amenity.

The proposed dwelling would have an acceptable impact on the amenity of neighbouring properties and future occupants. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

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 sets out 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.

The proposal seeks to use the existing access for The Old Vicarage which is taken from High Road. The access will be solely used for the proposed dwelling as The Old Vicarage will instead use the secondary access. There is sufficient room for parking and turning within the site. Lincolnshire County Council's highways and sustainable drainage team have confirmed they have no objections to the amended site layout.

The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Paragraph 116 of the NPPF.

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.

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements as the dwelling is a self-build / custom dwelling.

Impact on Other Conditions

Other than the modifications to condition 2, which include updating the previously approved plans, it is also considered appropriate to amend condition 3 as this condition was discharged on 25 June 2025. Condition 3 required the submission and approval a written scheme of archaeological investigation. As the condition has been discharged previously, this condition can be updated to become a compliance condition. None of the other conditions need to be changed other than minor updates to refer to the amended plans.

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 amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 11, 17, 28, 29 and 36 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.