DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0022-25**	**Applicant:**	**Miss S Griggs & Mr Belton**
Proposal:	Demolition of existing shop & erection of bungalow		
Location:	Adjacent To Primrose Cottage Church Gate Whaplode		
Terminal Date:	21st November 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
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 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application seeking permission for the demolition of an existing shop & erection of a self-build bungalow on the land adjacent to Primrose Cottage, Whaplode. It is proposed that the existing discussed building on the site, which previously was a store/ tearoom, would be removed to make way for a three-bedroom bungalow.

The bungalow would have an approximate floor space of 83sqm, making it a comparable size to the existing building. That being said, the two would be on entirely different footprints. The bungalow would have a maximum depth of 8.2m with a maximum width of 11.7m. The eaves height would be set at 2.4m, with a maximum ridge height of 5.4m. The development would be constructed of "butterfly Milton hall Saxon multi stone" with "Redland Cambrian slate" roof tiles. Access is via the existing track to the west of the site.

Site Description

The site is within the settlement boundaries of Whaplode, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located at the junction of Church Gate and Kirk Gate, to the north of St Mary's Church and the village hall. Bar these two buildings, the area is dominated by residential dwellings of various ages and designs.

The existing store is a relatively small, practical structure in a fair state of disrepair. The building features a sheet metal roof, above a worn painted brick frontage. The shop appears to have stood empty for a significant period of time. A 1.8m high close boarded fence encapsulates the property's eastern boundary.

Relevant History

H23-1066-04 - Outline. Demolition of former post office and garage and redevelop site for residential. Refused 30/09/04.

H23-1508-05 - Full. Change of use to general store and tea rooms and minor internal alterations. Approved 16/12/05.

Consultation Responses

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

Conservation Officer

No objections.

Whaplode Parish Council

"LCC highways need to confirm acceptability of the access and exit."

South Holland Internal Drainage Board

Advise consent may be required, should drainage be discharged into an IDB asset. This has not been proposed at this time.

Highway and Lead Local Flood Authority

"No objection. The proposal is for Demolition of existing shop & erection of bungalow which will utilise the existing access arrangements and sufficient parking is available within the development site and it does not have an impact on the Public Highway or Surface Water Flood Risk. That said, the existing access is of an unbound material and will therefore need to be made to the County Councils specification."

Requests two informative conditions be placed upon any potential decision.

Environmental Protection

"No comments regarding land contamination or environmental protection."

Historic Environment Officer

"Thank you for consulting us on this application.

It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207).

The proposed site is located in an area of high medieval archaeological potential. The Historic Environment Record (HER) includes information on several known heritage assets in close proximity to the site. Firstly, the Scheduled Monument: Churchyard Cross, St Mary's Churchyard (1010673) is located approximately 50 metres from the proposed site. Given its significance, Scheduled Monuments hold the highest level of heritage protection as designated heritage assets. Secondly, St Mary's Church is a Grade I Listed Building which is recorded also as Monument record MLI22187 - St Mary's Church and Churchyard. Moreover, another heritage asset is near the proposed site: MLI98323. Two archaeological interventions have evidenced the high archaeological potential of the area. ELI2578 - St Mary's Church exposed medieval archaeological remains, including a burial. And ELI6724 - A watching brief at St Mary's Church exposed stone coffin lids, medieval tiles and pottery, fragments of human bone were also encountered. Two further interventions near the proposed site exposed archaeological remains. ELI6978 and ELI11034. The proposed development comprises 'Demolition of existing shop & erection of bungalow". The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a post demolition phased approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29). With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1YL, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.
It is recommended the resulting mitigation strategy and Written Schemes of Investigation are

approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

We defer any comments on the potential indirect impact (setting) on the Listed I Listed Building (St Mary's Church) to the SHDC Conservation Officer and any comments on the potential indirect impact on the setting of the Scheduled Monument to Historic England."

Welland and Deepings Internal Drainage Board

"An agreement in principle for a controlled surface water discharge from the site has been agreed between the developer and the Board. Once full payment of the application fee and the development contribution has been received by the Board I will then be able to process the application in turn.

The foul water disposal method will be subject to Anglian Water's approval process but because the route involves passing underneath the Board's drain an application for a relaxation of the 9m byelaw will need to be submitted and granted prior to installation. These are currently free of charge to submit."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

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

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

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

Principle of Development

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

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

The site is within the settlement of Whaplode which is classed as a minor service centre within Policy 1. As such development will be permitted that supports Whaplode's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within minor service centres will normally be limited to Allocated and Committed sites and infill.

Policies 10, 11 and 17, in part, concern the provision of land for self and custom build dwellings. Paragraph 5.3.5, contained within the reasoned justification of Policy 10 states: "Within the defined

settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, selfbuilder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met". Policy 17 briefly expands upon this, stating that "the Local Plan will also seek to meet the housing needs of custom and self builders as they may come forward." In this vein, while weight is given in favour of proposals for self and custom builds, these proposals must be consistent with the provisions of the SELLP as a whole and cannot be used as justification for divergence from policy. The weight given in favour of proposals for self build dwellings is tempered accordingly.

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

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

Section 11 of the NPPF, "making effective use of land" states that planning decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused". Within Annex 2 of the NPPF, the definition given for both brownfield and previously developed land is as follows: "Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land". This definition does go on to outline that residential gardens would not constitute previously developed land; however, the shop itself would conform to this definition and can be considered previously developed land. As such, significant weight is given in favour of the proposal.

As the site is within Whaplode, development within this location is considered appropriate. The proposal would support the settlement's role as a minor service centre and make a positive contribution to local housing stocks. While the proposal would result in demolition, the development can be considered infill and therefore would meet the limitations placed by Policy 1 on minor service centres. Furthermore, the proposal would see the reuse of an existing disused plot,

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 61, 73 and 125 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

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

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals;

providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

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

The proposed bungalow is relatively small in stature, and is comparable in scale to the shop currently on site. This small stature reduces the potential visual intrusion of the develop. The visual intrusion is further reduced by its infill nature, resulting in the development appearing as a natural addition to the built form of the area. A comparable dwelling is located on a mirrored plot to the west, further ensuring consistency of built form.

The proposed design is relatively typical. This typicality naturalises the proposal and ensures it would not appear out of keeping. The materials selected are also typical of the area, ensuring the development appears in keeping with the character of the locale.

The proposal would utilise existing boundary treatments along the eastern boundary. Therefore, while a 1.8m high fence immediately adjacent to the footpath in this manor would ordinarily be unacceptable, in this instance, no additional harm would be caused. The treatments to the north and west of the site are also acceptable, and typical of the area.

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

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

Sufficient distance has been maintained to the west in order to reduce the level of overshadowing. While some shadow would be cast, it is not considered that this would be to the significant detriment of the occupants of Viray.

The proposed boundary treatments would prevent significant overlooking from occurring. Any views from the proposed windows would be obscured by the 1.8m close boarded fence.

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

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met,

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

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

As the proposal would utilise an existing access, the tangible impacts upon the highway network would be low. The additional vehicle movements generated would not be sufficient enough as to create a significant traffic or safety concern.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

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.

The proposal is for a self-build dwelling. The proposal is therefore exempt from the standard Biodiversity Net Gain condition under Section 8 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Heritage and Conservation

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area or the setting of a listed building should preserve or enhance the setting.

In this regard, in respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the NPPF states that "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 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

The proposal is approximately 75m north-east of the Grade I listed St Mary's Church. That being said, it is not considered that the proposal would have any harmful impact upon the setting of this building. The typicality of the development and its consistency with the built form of the area ensures this preservation of setting. The impacts of the development are further reduced by its relatively small scale, thereby ensuring critical views are not obscured.

The potential for archaeological remains has been identified. As such, in line with the comments by the Historic Environment Officer, it is recommended that a suite of conditions be imposed requiring archaeological works to take place in the event the proposal is approved.

The proposal is therefore in accordance with Section 16 of the NPPF and Policy 29 of the SELLP.

Community, Health and Well-Being

Policy 32 of the SELLP concerns community, health and well-being. It is the aim of this policy that all development should create socially cohesive, inclusive communities, and provide improvements to community's health and well-being. To this end, Policy 32 offers protection to existing community assets, including the protection of isolated shops which meet the day to day need of the settlements they serve.

Policy 32 states that "The redevelopment or change of use of an existing community facility will be permitted only if:
1. an assessment has been undertaken which has clearly shown that the facility is:
a. surplus to requirements; or
b. not economically viable; or
c. unfit for purpose; and
d. in the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms; or
2. the loss resulting from the proposed redevelopment or change of use will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location".

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which amended the 1987 Order, defines a local community use (class F2) as:

"(a)a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where
(i)the shop's premises cover an area not more than 280 square metres, and
(ii)there is no other such facility within 1000 metre radius of the shop's location,
(b)a hall or meeting place for the principal use of the local community,
(c)an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms,
(d)an indoor or outdoor swimming pool or skating rink."

A petrol station, containing a reasonably sized convenience store, is located approximately 350m north-east of the site. This store has a floor area of 262sqm.

Based upon this site adjacent to Primrose Cottage is not considered to represent a local community use, as defined within the Use Class Order, and as such, the requisite weight cannot be attributed in this instance.

In any event, the shop has been closed for a considerable period of time, demonstrating it is now surplus to requirements and potentially not economically viable. The building is of relatively poor quality, and therefore, could be considered unfit for purpose.

Planning Balance

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

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

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

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 28, 29, 32, 33, and 36 of the SELLP, as well as Sections 9, 11, 12, 14, 15 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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