

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0247-24 **Applicant:** C Bettinson
Proposal: Residential Development - 2 Dwellings
Location: Adj. Bracken Barn Nutts Lane Holbeach St Johns
Terminal Date: 31st October 2024

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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
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

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

RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Reason for Consideration by Chairman's Panel

The application raises issues that warrant consideration by Chairman's Panel.

Proposal

The application seeks outline planning permission, with all matters reserved, for the erection of up to two dwellings, located on land off Nutts Lane, Holbeach St Johns. The application states that the proposal would be self/custom build dwellings.

Site Description

The site is located on Nutts Lane, Holbeach St Johns. The site comprises a rectangular shaped plot and is located immediately abutting the settlement boundary of Whaplode St Catherine. To the north and east are neighbouring dwellings with open fields to the east and west. The site is within the Environment Agency Flood Zone 3.

History

There is no relevant planning history associated with the site.

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

LCC Highway and Lead Local Flood Authority

Recommendation: No Objections.

The application is for a Residential Development - 2 Dwellings - Outline with only access to be considered. The plots can achieve the required visibility in accordance with Manual for Streets. The access points will be constructed to Lincolnshire County Council specification. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all major applications.

This application is classified as a minor application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Historic Environment Officer

Thank you for consulting us on this. Having reviewed the application documents and the available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

SHDC Environmental Protection Officer

No comments

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. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

I also note that the applicant has indicated that rain water harvesting systems will be put in place for the proposed dwellings. I would ask that the applicant clarify how the harvested rain water will be used on site.

Byelaw 3 (Treated Foul Water)

The applicant has indicated that the proposed dwellings will treat foul water using package treatment plants. The applicant has also indicated that a soakaway runoff will be created. However, it is unclear if the package treatment plants will discharge to these soakaways. I would ask that the applicant confirm if this is the case.

Section 23, Land Drainage Act 1991

I note the presence of watercourses which are not maintained by the Board (riparian watercourses) adjacent to the western and southern site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourses, or if works are proposed to alter the watercourses 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 maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received.

These can be summarised as follows:

- Concerned regarding the level of disruption and noise
- Do not want to be living next to a construction site
- The community is settled
- There is a mix of residential and agricultural, this should not be disturbed
- This will set a precedent
- Land was under water not long ago

- Traffic concerns
- This is over development
- Concerns regarding over looking
- The trees need to remain
- Would prefer a bungalow to a house

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the district, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

As such, development within these settlements, subject to the proposals compliance with other relevant national and Local Plan policies, may be considered acceptable in principle where they lie within the settlement boundaries of that settlement.

The application site in this instance lies outside of any of the clearly identified settlement boundaries, as specified within Policy 1; albeit, immediately abutting the settlement boundary of Whaplode St Catherine.

Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". The site is located outside the settlement boundary, as defined within the South East Lincolnshire Local Plan (2019). It is therefore regarded as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

Development within the countryside is limited to that where it "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". In this instance, the support towards the 'sustainability needs for the area' afforded by the proposal have not been put forward and in this instance, are not considered to be sufficient as to accord with Policy 1. Independent dwellings within the open countryside, which do not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle.

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The application site comprises an undeveloped parcel of land that is not considered to meet the provisions of either of these policies. The proposal comprises two new residential dwellings located within the open countryside, located on undeveloped land and therefore, beyond the above, does not fall under the provisions of either Policy 22 (Replacement Dwellings in the Countryside) or 23 (The Reuse of Buildings in the Countryside for Residential Use).

Notwithstanding this, The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, 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 and that land with permission is developed without unnecessary delay".

Para 70 of the National Planning Policy Framework (December 2023) 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 policy 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.

Paragraph 47 of the National Planning Policy Framework (December 2023) states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

The submission details that the proposed dwellings would be "self-build/custom build dwellings and be used by the applicant and a further member of the family. A statement from the client is also submitted within this application and should be read in conjunction with this statement". Whilst the statement referred to has not been provided, the development of the site as self-build properties is noted.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), responsible for keeping a self-build and custom housebuilding register, falls to "relevant authorities" as set out in Section 1. The Local Planning Authority do not have any evidence before them that the applicant or their family have signed up to the Council's register under the Self-Build and Custom Housebuilding Regulations 2016.

Notwithstanding this, in this instance, the proposal has been submitted as a custom/self build. The Self-build and Custom Housebuilding Act 2015 indicates that authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

Explanatory text accompanying Policy 11 (Distribution of New Housing) of the South East

Lincolnshire Local Plan (2019) specifically refers to self-build & custom build dwellings and indicates at paragraph 5.3.5 that "within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development *"provided that the material considerations of the Local Plan and particular sites can be met"*.

This latter point is particularly pertinent as it makes clear that permission should only be granted for such sites where there are no material considerations set out within the Local Plan that indicate otherwise. Similarly, an Inspector concluded in a recent appeal decision (APP/A2525/W/18/3218958), despite giving the statutory requirement regarding self-build and custom-build significant weight, that the appeal site was not a suitable location for that type of housing. This demonstrates the above point in practice.

The South East Lincolnshire Local Plan (2019) makes no exceptions to its spatial strategy for previously developed land, for existing plots of residential land being subdivided, or for self-build. Policy 17 outlines that the provision of new houses will seek to meet the long term needs of the plan area. However, with reference to custom and self-builders it suggests that the Local Plan will seek to meet these housing needs. It does not state that this should be done in a manner inconsistent with the Local Plans spatial strategy policies, including through granting permissions.

In light of the above, it can be considered that the site lies outside of the settlement boundaries and as such, could be considered to fail to accord with Policy 1, in that the text clearly refers to the anticipation of sites being 'within the defined settlement boundaries'.

It must be noted that development of this nature, including market houses and self-build properties, would not typically be supported where they fall within an open countryside location in planning policy terms. Proposals of the nature hereby submitted would therefore typically be resisted. Notwithstanding this, in this instance, the proposal comprises a location immediately abutting the settlement boundary of Whaplode St Catherine. The site is bounded to the south by a further detached residential property and as such, the open and vacant nature of the application site does not visually dictate the end of the built form and built relationship.

In this regard, the application site represents a plot that comprises characteristics of an infill plot, being located between two established built forms (between Ivanhoe House to the north and Bracken Barn to the south) and the development is for frontage development; with both proposed dwellings having the opportunity to comprise a clear frontage towards the highway; albeit the outline nature of this means the exact design and siting is unknown. Overall, the nature and context of the site is such that the proposal would not result in the extension or expansion of development beyond the established edge of the existing built form; with this 'edge' ultimately being the southern boundary of 'Bracken Barn'.

It is also noted that within the supporting statement submitted as part of this application, it was stated that "Provision of self and custom-build housing opportunities will be controlled through conditions and/or Section 106 legal agreements as necessary. This site suits a self/custom house build site especially with its location and the reasons given from the Bettinson family".

Overall, whilst a proposal of this nature would typically be resisted; in this instance, whilst being contrary to Policy 1, when viewed on balance, the application site, despite being located just outside the settlement limit for Whaplode St Catherine, represents a plot that has the characteristics of an infill plot and the development is for frontage development; with the site also immediately abutting the aforementioned settlement boundary. On this basis the application site (or plot) is suitable for self-build or custom house building. In approving such a scheme South Holland District Council would be acting in accordance with the direction made by The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

Furthermore, there is some support in the Local Plan for self-build projects, SELLP Policy 17 states that "The Local Plan will also seek to meet the housing needs of non-travelling Gypsy and Traveller households and also custom and self-builders as they may come forward." It is on this basis that, the development, although being a departure from SELLP Policy 1, is in this instance considered appropriate and can be supported, on balance given the infill characteristics of the plot and self-build nature that would be secured through legal agreement, in principle.

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details 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 National Planning Policy Framework (December 2023), 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.

Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan (2019) 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2023), 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.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) 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 proposal is in outline form with all matters reserved and therefore, matters such as the siting, layout and scale would be assessed under a subsequent Reserved Matters proposal.

However, it is noted that there is an indicative site layout, showing the potential to develop the site for up to 2 dwellings. The form of development indicatively illustrated, in respect of the scale of the application site and feasibility to site two dwellings, would relate well within the setting as it is a clear infill plot. The plots would follow the frontage development to be designed.

The indicative proposal illustrates that the dwellings could be adequately designed as to ensure their footprints would sit well within the site and considering the site area, the scheme would be of an appropriate density insofar as there would not be overdevelopment.

The visual amenity of the development would be determined when details of the material schedule have been subsequently provided. However, it is considered that the site can accommodate such development.

Taking account of the quantum and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal could be designed as to 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 South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Taking into account the indicative details of the proposals, the indicative plan shows satisfactory separation distances could be achieved between the existing properties and the proposed new development generally. It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise, and disturbance, etc.

The dwellings could be designed as to be sufficiently spaced out and each plot would benefit from a decent sized garden to the rear of the dwelling. However, the proposal is in outline form and further details should be considered to conclude the extent to which the scheme would ensure good levels of amenity.

As detailed above, a suitable scale and design could be achieved to be such that there would be 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 the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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 would be severe".

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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan (2019), 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 County Highways Authority has been consulted and no objection has been raised to the principle of developing housing at such location. However, the proposal is in outline form and further details should be considered to conclude the extent to which the scheme would ensure highway safety when motor vehicles entering and leaving the site.

The site is of adequate size to ensure that sufficient parking could be accommodated on site. This should be adequately addressed within the submission of Reserved Matters.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

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

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

Policy 4 of the South East Lincolnshire Local Plan (2019) is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, the Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South Holland Strategic Flood Risk Assessment (2017) (SFRA) as a basis to apply the sequential test. In this respect, the site is within an area of no hazard and as such, could be considered sequentially preferable given the wide extent of land covered by Flood Zone 3 within the district.

The Standing Advice Matrix that accompanies the SFRA recommends that finished floor levels be set at 300mm above ground level, should permission be forthcoming. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

In terms of surface water and foul drainage, this is yet to be confirmed and will be conditioned to confirm this at the Reserved Matters stage.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning policy Framework (December 2023) in this regard.

Biodiversity Net Gain

The application was submitted prior to mandatory requirements for Biodiversity Net Gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate together with the installation of swift bricks on the two

storey properties. This is considered sufficient at this time to conform with policy 28 of the South East Lincolnshire Local Plan (2019).

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.

Whilst a proposal of this nature would typically be resisted; in this instance, whilst being contrary to Policy 1, when viewed on balance, the application site, despite being located just outside the settlement limit for Whaplode St Catherine, represents a plot that has the characteristics of an infill plot and the development is for frontage development; with the site also immediately abutting the aforementioned settlement boundary. On this basis the application site (or plot) is suitable for self-build or custom house building. In approving such a scheme South Holland District Council would be acting in accordance with the direction made by The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

Furthermore, there is some support in the Local Plan for self-build projects, South East Lincolnshire Local Plan (2019) Policy 17 states that "The Local Plan will also seek to meet the housing needs of non-travelling Gypsy and Traveller households and also custom and self-builders as they may come forward." It is on this basis that, the development, although being a departure from South East Lincolnshire Local Plan (2019) Policy 1, is in this instance considered appropriate and can be supported, on balance given the infill characterises of the plot and self-build nature that would be secured through legal agreement, in principle.

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.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4, 28 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

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.

Recommendation

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