

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0318-25 **Applicant:** Mrs K Heywood

Proposal: Use of site for residential & nature-based therapeutic activities for individuals & groups - part retrospective

Location: 1 Fields Farm Spalding Gate Whaplode

Terminal Date: 16th July 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
28	The Natural Environment
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 2 - Achieving sustainable development
Section 4 - Decision-making
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

National Guidance

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	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for the change of use of land at 1 Field Farm, 2A Spalding Gate, Whaplode for residential use and nature-based therapeutic activities for individuals and groups. The site is currently used as a dwelling.

Site Description

The application site comprises land at 1 Field Farm, 2A Spalding Gate, Whaplode. The wider site features a dwelling, various outbuildings, a garden, grazing space and a driveway. The land where the use is proposed includes an area which is used as garden space and an outbuilding. The site is within a relatively rural location and there are no dwellings located next to the site.

The site is located outside any defined settlement boundary, as identified within the South East Lincolnshire Local Plan (2019) and the accompanying policies map. As such, the site is within the countryside in planning policy terms.

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

Relevant Planning History

H23-0556-95: (Full Application) Change of use of building to store for garden materials - approved 20 July 1995

H23-0207-25: (Certificate of Lawfulness) Use of site for residential & nature-based therapeutic activities for individuals & groups - refused 15 April 2025

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Whaplode Parish Council: Highways will need to consider the implication of increased traffic flows.

Crime Prevention Design Advisor: No objections.

Environmental Protection: No comments regarding land contamination or environmental protection.

South Holland Internal Drainage Board: It is unclear whether additional surface water will be produced at the site in relation to the application. Whilst I note within the application form that surface water is proposed to be disposed of via Sustainable Drainage System (SuDS), no further information on this SuDS has been provided. If at any time in the future the applicant proposes to discharge surface water to a watercourse, then consent would be required under Byelaw 3. As above, should the applicant propose to discharge treated foul water to a watercourse now or at any

time in the future, consent would be required under Byelaw 3. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Cllr A C Beal: No response received.

Cllr P A Redgate: No response received.

Lincolnshire County Council - Highways and SUDS: No response received.

Lincolnshire Fire and Rescue Service: No response received.

Ecology Officer: No response received.

Inward Investment Team: 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 letters of representation 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 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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

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

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

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

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

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

Within the policy justification paragraph 3.2.15 expands upon appropriate countryside uses, it states that "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan".

Paragraph 88 of the NPPF also sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas (part a).

Section 8 of the NPPF 'Promoting healthy and safe communities' is also considered to be relevant in this case. For example Paragraph 96 sets out that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other (part a).

The proposed development is for the change of use of the site to allow for nature-based therapeutic activities for individuals and groups to be run. The site is currently used as a dwelling. The proposal is therefore for outdoor recreation within the countryside policy area.

The site is located approximately 600m to the north of Whaplode, and approximately 1.5km to the north-west of Holbeach. The proposed development does not seek consent for large scale buildings, only for relatively small structures that would likely be allowed through permitted development rights for residential dwellings. The proposal would therefore not result in a significant protrusion of built development into the countryside. The proposal would offer opportunities to improve the health and wellbeing of nearby communities and it is considered that there is local and national policy support for this type of proposal. Therefore, the principle of development is acceptable, provided the development is acceptable in terms of other material considerations.

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 (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan sets out 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.

Policy 3 of the Local Plan 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.

Policy 32 of the Local Plan encourages development that contributes to the creation of socially-cohesive and inclusive communities, reducing health inequalities, and improving the community's health and well-being.

The application is for a change of use, however, some operational development is proposed. Various activity areas are proposed within the north-eastern area of the curtilage of the site. This includes a caravan tea bar, picnic tables, a guinea pig enclosure, a rabbit and amp, a book nook, an outdoor dolls house, a play house, mud kitchens, a sandpit, a road tyre play station, a dinosaur dig pit, a bell tent, and a horticultural area. Typically, these types of structures are likely to comprise permitted development if they are used for residential ancillary purposes. Due to the small scale nature of the proposed structures and the existing screening in and around the site, the visual

impact of the proposals is considered to be acceptable.

The submission sets out that the intention is to convert an existing workshop building into a space that can be used for activities. No external changes are proposed to this building other than replacing the external door. This does not require planning permission as the building is not listed.

The proposed development would not cause an adverse impact to the character or appearance of the area. In terms of its visual impact, the proposed development is considered to accord with Policies 2, 3 and 32 of the Local Plan and Section 12 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.

Policies 2 and 3 of the 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 applicant intends to use land within the site to run nature-based activities for a range of age groups. Only the applicant and one other person would be employed. There would be no other employees. The proposed hours of use would be 9am to 3pm, Mondays to Saturdays.

The anticipated number of people within group sessions is not clarified within the current submission, however, during the determination of application H23-0207-25 the applicant set out that it was likely that groups of approximately 15 people could be accommodated within the site. Activities are proposed to take place within the existing workshop building within the site or externally within the field space to the east of the dwelling.

The site is located within a rural area and the nearest dwelling to the site is 2 Field Farm which is located approximately 280m to the south of the site. There are no other dwellings located next to the site. The access to the site is located to the west of 2 Field Farm, and the access road extends northwards. Due to the lack of nearby dwellings to the site, this reduces the potential for the proposed use to disturb nearby dwellings. Notwithstanding this, there would still be potentially more people visiting the site on a much more regular basis than currently. The council's environmental protection team have not raised any objections to the proposals. It is considered appropriate to include a condition restricting the opening hours as proposed.

The proposed development would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

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.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

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

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

The access to the site is located to the west of 2 Field Farm, and the access road extends northwards from Spalding Gate. It is proposed to use the existing vehicular access to the site and

no changes are proposed to the access. There is an existing car park area located next to the site and there is room for parking and turning within the curtilage of the site. Lincolnshire County Council's highways team have not provided a consultation response for the proposals. Notwithstanding this, it is considered that the number of trips to and from the site would not be so significant as to cause an adverse highway safety impact. The proposal would therefore have an acceptable impact in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan and Section 9 of the NPPF.

Flood Risk

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

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 can be acceptable in instances where specific criteria is met.

Although the site is located within Flood Zone 3, Paragraph 176 of the NPPF sets out that change of use applications should not be subject to the sequential or exception tests. The application is therefore not required to pass these tests. Developments should however still meet the requirements for site-specific flood risk assessments, as set out in footnote 59.

The application is accompanied by a Flood Risk Assessment (FRA). No buildings are proposed, however, various structures are proposed. It is not considered that cumulatively these structures would significantly increase the impermeable area within the site. The development should therefore not result in a significant increase in surface water run-off.

Within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is identified within the hazard rating areas 'Danger to Some' and 'Low'. In this instance, no specific mitigation is considered to be necessary based on the recommendations of the SFRA.

Policy 4 of the Local Plan clarifies that "change of use of existing buildings will be supported providing they do not pose an increase in risk to people". The proposed development would not pose an increase in risk to people. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk management.

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 the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

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 proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

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 accords with Policies 1, 2, 3, 4, 32 and 36 of the Local Plan, as well as Sections 8, 9, 12 and 14 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.