DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0339-25**	**Applicant:**	**The Parochial Church Council**
Proposal:	Installation of linear array of 18 solar panels on south aisle roof (as proposed to be replaced in Terne Coated Stainless Steel)		
Location:	St Marys Church Kirk Gate Whaplode		
Terminal Date:	13th June 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
29	The Historic Environment

National Guidance

National Planning Policy Framework December 2024

Sections 12 and 16 of the National Planning Policy Framework (2024) (NPPF)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the installation of a linear array of 18 solar panels on the south aisle roof at St Mary's Church, Kirk Gate, Whaplode.

Site Description

St Mary's Church is a grade I listed structure. Historic England describes the property like so:

"Parish church. c.1140, c.1190, early C13, C14, C17, 1818. Limestone ashlar and rubble, some render, some red brick patching. Lead roofs with stone coped gables and cross finials. nave with north and south aisles, north and south porches, clerestory, north transept and south-east tower, chancel. West front of c1190 clasped by north and south aisles and with fragmentary plinth. Doorway projects slightly, topped by gable and with pointed, richly moulded head and hood mould; 4 shafts on each side with stiff leaf capitals. Doorway flanked by single blind pointed openings with roll moulded heads with hood moulds and slender supporting shafts with stiff leaf capitals. Pilaster buttresses beyond each with single windows in west end of each of the aisles, both heavily restored in C17, the north with almost semi-circular head, the south pointed, and both with plain mullions. Above the doorway is a large C14 window with pointed head, hood mould and head label stops, however it is partially blocked and a smaller pointed C17 window inserted with 5 lights and transom. North aisle with plinth, string course, sill bands and regularly placed 2 stage buttresses. Blocked window to the right with almost segmental head, hood mould and head label stops. Shallow pointed early C14 window to left with 3 cusped ogee headed lights, tracery and fragmentary hood mould. Shallow gabled porch beyond with pointed doorway with continuous double chamfered surround and plank door. 3 shallow pointed windows to left all with C17 mullions inserted and hood moulds. Parapet above. Transept with 3 stage diagonal buttresses and large pointed C14 5 light north window with C17 mullions with sub-panel tracery above. East side with large rectangular C17 6 light mullion window. Partially blocked pointed C14 window to left with C17 mullions inserted and double chamfered surround. Clerestory of c.1150 with 22 blind, semi-circular headed arches with continuous hood moulds, flanking shafts with cushion or scalloped capitals with third, sixth, tenth, thirteenth, sixteenth and nineteenth bays from the west, opened up into windows. Small square window to left inserted into pointed opening. Gargoyle to right. East gable end of nave with semi-circular headed window of c.1150 with roll moulded head, flanking shafts with cushion capitals and hood mould. Chancel, restored in 1818, with a pair of 3 stage buttresses flanking a C17 3 light rectangular window and with suggestions of blocked former arcade. East end with plinth, moulded string course and sill band beneath large C14 pointed window with deeply moulded surround, hood mould with small head label stops and 4 lights with C17 intersecting tracery, blocked beneath transom. South side of chancel with C17 3 light rectangular window flanked by 3 stage buttresses. West end of south aisle with sill band running beneath a pointed window of c.1280 with 3 pointed lights and sub Y tracery. Parapet above. 4 stage bell tower attached to south of c.1190 and with 4 stage angle buttresses, the upper stages being pilasters with nook shafts. South-west buttress contains polygonal stair turret with lancets, one being chevroned. Moulded plinth. Plain east doorway with shallow pointed head and double plank doors. It is flanked by a blind arcade which also runs above. The arcade consists of 5 pointed, chevroned arches supported on moulded capitals with shafts and moulded bases. South side of bell tower with blind arcade with 4 pointed, chevroned arches, hood moulds, label stops, 5 slender shafts with moulded capitals and bases. The second archway from east contains small round headed lancet. West side has a similar arcade with beaded capitals and only one shaft intact. The second stage on the east side has a trefoiled niche with ornate gablet above doorway, the former breaks through a blind arcade of 3 pointed arches plus 2 outer half arches. South side, second stage with blind arcade of 3 pointed arches with slender shafts, moulded capitals and bases. Central arch contains lancet. West side has a similar arcade and lancet, however only one shaft survives. East side, third stage with blind arcade similar to that of the stage below except that the central arch contains a doorway with plank door and a clock is set above. South and west sides have similar arcades and doorways. East side has gabled outline of former transept roof. Bell openings on all 4 sides, each with a pair of pointed heads richly roll moulded and with several slender shafts with moulded capitals, bands of chipstar, shaft rings and C14 tracery. Moulded string course and eaves, the latter with small sculptured motifs and several projecting gargoyles. Battlements with small corner pinnacles with ball finials. South aisle with 3 C19 triangular headed windows, each with 3 cusped ogee headed lights, tracery and hood

mould. 2 similar windows are beyond the gabled C16 porch to the left with semi-circular headed doorway with continuously double chamfered surround. Porch interior with flanking stone benches, tunnel vault and pointed doorway of c1190 with richly roll moulded head with hood mould, paired shafts (one missing to the right), all with stiff leaf capitals and C17 double plank doors. Clerestory on the south side is slightly later than that on the north side with 7 large C17 windows inserted into the blind arcade of 21 bays. The windows are all pointed with 2 mullions and hood mould. The blind arcade arches are all pointed and the 11 westward arches retain their moulded capitals. Interior of west doorway has continuous roll moulded surround, hood mould and label stops. 7 bay north and south arcades, the three bays to the west of c.1185; the 4 bays to the east of c.1140. The latter with semi-circular arches with a half roll and 2 slight chamfers. North-east respond with a cluster of 3 shafts with scalloped capitals. Semi-circular south-east respond with fish- scale scalloping. First complete piers to north-west and south- west, each with a rectangular plan and a cluster of 3 large rounded shafts to each side. Next pair of piers to the west are squat and round, and the pair beyond, squat and octagonal. All the above said piers with scalloped capitals. The 3 later bays to the west with quatrefoil piers, triple western responds, early stiff leaf capitals or trumpet scallops. Spandrels of 4 bays to the east containing blind oculi; the spandrels of the 2 south- west bays contain blind quatrefoils. North clerestory windows with nook shafts with cushion capitals and chamfered heads with hood moulds. South aisle with ogee piscina with cusped bowl. North aisle leads into north transept with a broad C14 almost semi-circular archway with hood mould and head label stops. South aisle leads into vestry with C12 double chamfered, semi- circular headed archway with plain moulded capitals. Blocked south archway of c.1190 leads off screened off vestry into tower, with keeled responds and C18 panelled door inserted. Semi- circular headed chancel arch of c.1140 with inner roll moulded order, chevroned, double fish-scale and diamond outer orders, supported on scalloped corbels and slender outer shafts with scalloped capitals. To the south is a rectangular stair turret originally giving access to rood screen no longer extant, with ogee headed, continuously chamfered doorway; with small cusped ogee headed light above and another plain door above that. North wall of chancel with 2 bays of blocked early C13 arcade, with pointed, double chamfered heads and moulded capitals. C15 hammer beam nave roof with delicate arched and traceried braces. C15 aisle roofs. Early C18 bolection moulded panelled reredos carved with a flagon, chalice and dish of rolls. C19 communion rail re- using C18 hand rail. C17 six sided pulpit with curving flight of 5 steps; fretworked arches and pilasters with flower heads and dentillated bands, and book rest. Mid C12 font partially re-cut in C17. 3 rectangular steps with extra step for priest to west, lead up to font supported on 4 free standing columns with spiral decoration and central larger plain shaft. Octagonal bowl re-cut with flutings. Various stone fragments include 2 Anglo Saxon inscribed stones; 2 stone coffins and 2 coffin lids, one C14, with ornate foliate cross inscribed; a crocket capital set into south wall, fragment of rib vault or respond and other miscellaneous carved stones including part of an octagonal shaft. Hatchment dated 1773 and inscribed: 'L. Bullard Pinxit'. Large canopied tomb to Sir Anthony and Elizabeth Irby, the former died 1623, with 10 composite columns on tall pedestals, supporting inscribed entablature and flattened ogee canopy crowned by large cartouche with coat of arms. 3 sons and 2 daughters kneel between columns. The recumbent effigies of Sir Anthony and his wife, with a boar at his feet, a griffon at hers; he in black and gold armour and she with a ruff and blue robes. The whole painted and gilded; likewise the wrought iron railing that runs round the whole with regularly placed fleur-de-lys terminations. Other monuments include an ashlar cartouche with marble scrolled plaque, to Benjamin Grant, died 1734, and an ashlar and gilt monument to Benjamin Grant, died 1716, with cherubs, palms, skulls and festoons. Gravestones include one to John Ailjiup, died 1755."

The same curtilage also hosts an additional, separately Grade II listed cross, which is described like so:

"Cross. C14. Limestone ashlar. Square plinth with tapering rectangular shaft above, approximately 1 metre high, with deeply chamfered corners and broached stops."

More broadly, the church is unquestionably the most important historic structure in the entirety of the settlement of Whaplode, and forms one of only a small handful of designated assets within the continuous settlement. The wider area is laregely characterised by a mix of C19th and C20th residential development, which highlights the importance of this asset within its own setting.

History

None

Consultation Responses

Historic England

Historic England has no objection to the proposal. However, they have recommended that the applicant be required to provide section drawings which include the proposed mounting frame as well as the panels to show the panels' height versus the parapet height.

LCC Historic Places Team

The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

LCC Highways Authority

No objections.

South Holland IDB

No comment

Planning Considerations

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

- Principle of Development and Sustainability
- Heritage Considerations
- 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 (updated December 2024) 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

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 location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within 'Minor Service Centres', development will be permitted that supports their role as a service centre for the settlement itself, 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.

The application site in this instance is within Whaplode, a 'Minor Service Centre' and lies within the defined settlement boundary as detailed in Policy 1. In this case, the principle of development is eminently acceptable, as the proposal forms only an alteration to an existing structure in use as a place of worship.

Heritage Impact

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (2024) (NPPF). The NPPF advises 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 National Planning Policy Framework (2024) 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".

Finally, Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms that in order to respect South Holland's historical legacy all proposals shall conserve and enhance the character and appearance of designated heritage assets. Additionally, Section A of that policy confirms that proposals that affect the setting of a Listed Building will only be supported where they preserve or better reveal the significance of the Listed Building, and that proposals that seek to alter a listed building shall be granted where the LPA is satisfied that the proposal is in the interest of the building's preservation and does not involve alterations that are prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Taking the above into account, and assigning this site the appropriate assessment of significance, in this case, extreme weight must be given to the preservation and conservation of the asset. As this site is a grade I listed building, the maximum stringency is applied in terms of assessment of any harm and requirement for justification. In this case, it is self-evident that the installation of PV cells is a non-traditional addition to a graded asset of the very highest level of importance, and therefore, this should automatically be considered a form of 'Substantial Harm' referring to Para 212 of the NPPF. Given this is a Grade I asset, this harm therefore requires 'wholly exceptional' justification.

Assessing the aesthetic impact of the proposal, we can see that the south aisle roof is perhaps the optimal roof pitch on site to accept a solar array, obviously thanks to the operational benefit of a south facing roof, but also in the facts that, physically, the south aisle roof is the least publicly visible, has a very shallow pitch and is partially hidden from public view by a parapet wall. This means that from all but the most distant views, the PV cells would not be visible from on-foot and streetside views. It shall be necessary to ensure this is the case via an appropriately worded condition, that requires the applicant to confirm mounting heights prior to installation, whereby the

LPA shall ensure that the Y axial profile is as low as possible to maximally reduce the potential of visibility from public view. It should be noted that in the most recent Historic England Advice Note on adaptation of Historic Buildings for Carbon Efficiency (HEAN 18) confirms under Paragraph 97 that installation of (PV) panels will generally be acceptable if hidden from view. This further specifically clarifies 'hidden from view as meaning "Locations which will normally have very minimal or no impact include valley roofs and behind parapets on flat or low-pitched roofs." In this case, the PV cells are on a non-principal roof slope, behind a parapet and on an exceptionally low (almost flat) pitch.

It should be further noted that Historic England were consulted on this application and specifically commented to raise no objections to the proposal.

The justification provided by the applicant for the rationale behind the proposal is to further the church's progression toward NET zero, decreasing the operating costs, and enabling the continued operation of this community facility. In this case, given the careful planning for the positioning of the cells to reduce public visibility on the part of the applicant, coupled with the obvious public benefit in improving the viability and running costs of this historic community asset and the lack of objection from Historic England, the LPA is satisfied that the proposal is justified in a wholly exceptional manner.

The proposal would result in only a minor visual effect upon the asset and its setting and produces a significant public benefit in doing so. As such, the proposal is deemed to be in the interests of the conservation of the asset.

Design and Impact upon the Character of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed 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 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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 2024), 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 2024) 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.

In this case, the application is deemed to not at all present a risk to the character of the area, the

final product should leave the site barely distinct in appearance compared to the extant, as the alterations proposed should only be readily visible from distant north-directed views.

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 South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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.

In this case, there is no material risk to the amenity and continued use of neighbouring land users. The proposal seeks no dimensional alterations nor, does it seek the creation or addition of any new window or door openings. Moreover, the proposal site sits within a large plot that primarily serves as the graveyard, meaning separation distances to immediate neighbours in this instance are exceptional. Therefore, no material risk of overlooking or overshadowing is identified.

As detailed above, the scale and design of the proposal is considered 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 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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 strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential

changes in flood risk)".

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 1 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.

Because the site is in the lowest possible area of flood risk and the proposal is formed only of the addition of PV cells upon the roof surface to an existing building, the proposal is therefore deemed to not present any additional risk of flood, or to present a flooding risk to any residential or continuously occupied use.

Overall, when considering the development on balance, 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 2024) in this regard.

Highway Safety

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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.

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 proposal seeks no alteration to access arrangements on site, and no aspect of the application is considered likely to increase capacity or traffic into and out of the church site. LCC Highways Authority were consulted upon this application and found no reason to object.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

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 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 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.

In this instance, the risk of harm identified in the addition of modern PV cells to a historic Grade I church roof are balanced against the wholly exceptional justification provided for the change that identifies a financial and ecological benefit to this community asset, and carefully planned positioning that drastically reduces potential of ready public views of the alterations. In this instance, because the public effect would be so minor, and the benefit to the asset so comparably large, the balance is found to be in favour of approval.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 4, 28 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12, 15 and 16 of the National Planning Policy Framework (2024). Therefore, the recommendation is to approve.

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.