

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0354-25 **Applicant:** Wright Engineering

Proposal: Proposed bungalow consisting of 6 shipping containers - Part Retrospective

Location: Fenland Lodge Cranesgate South Holbeach St Johns

Terminal Date: 16th December 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
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 December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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

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	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for a proposed bungalow consisting of six shipping containers at Fenland Lodge, Cranesgate South, Holbeach St Johns.

The bungalow is part retrospective with various shipping containers currently being laid out on site. It would have a height of around 5100mm and 2900mm to the eaves, it would be split into two sections with one being part of the main house and one being for the housekeeper. The total length of the bungalow would sit at around 26300mm and it would have a width of 10100mm. Finally, it would be constructed from pale coloured bricks, roof tiles or Juniper green plastic coated corrugated iron sheet and S/H Classic Doors.

Site Description

The site is located outside any defined settlement boundary as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

The site is set along Cranesgate South and is in a predominantly rural setting with the exception of 'Fenland Airfield' which the site in this instances is set on. Due to the nature of the plot it is within close proximity of warehouses/hangers as well as runways used in connection with the airfield. During the officers visit it was also noted that there was various vehicles and other obscure items. Finally, a small section of the drain had been filled in which provides access onto the site.

Notwithstanding this land, there are large open fields used for farming nearby as well some residential plots.

History

H23-0446-08 - Proposed aircraft hanger extension (174 square metres) - Approved

H23-0576-14 - Change of use to Class B1 (Business) and B8 (Storage or Distribution) on Site A and Class B8 (Storage or Distribution) on Site B - Approved

H23-0059-19 - Erection of bungalow - Refusal

H23-0879-21 - Proposed Bungalow - Refusal

Consultation Responses

Whaplode Parish Council

No comments.

South Holland Internal Drainage Board

Byelaw 3 - Consent may be required

Section 23, Land Drainage Act 1991 - Objection - Ongoing Enforcement Case

Byelaw 10 - Not Applicable

Lincolnshire County Council Highways Authority

Recommendation: No objection

The proposal is for bungalow consisting of 6 shipping containers - Part Retrospective where sufficient parking and turning can be provided within the development site to allow vehicles to enter and leave in a forward gear and it does not have an impact on the Public Highway or Surface Water Flood Risk.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response regarding 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.

Informatives

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Lincolnshire County Council Historic Places

Historic Environment Officer

Thank you for consulting us on this.

Having reviewed the application documents and the updated 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. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

South Holland District Council Environmental Protection

No comments regarding land contamination.

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:

- Going ahead without permission
- Blot on the landscape
- The ground has been raised and the building work is towering over the landscape
- Will cause severe flood risk to the neighbours
- Unsightly

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 and 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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.

Planning Considerations

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 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 goes on to detail 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 application site in this instance is within the open countryside and lies outside any defined settlement boundary as detailed by Policy 1; 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". 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 land that is not considered to meet the provisions of either of these policies. The proposal comprises one residential dwelling located within the open countryside, and therefore 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).

In terms of the three dimensions of sustainable development, the following has been considered:

- An economic role:

The development may give limited support to the local economy through employment opportunities associated with some elements of construction and fitting out, and future occupants may support local services. This is a minimal benefit, which is temporary and is not isolated to the development provided. Development within settlement boundaries, which could be achieved, would offer a more suitable provision.

- A social role:

The proposal would make a contribution, albeit minor, towards housing supply in the District. However, no explanation has been submitted why the development cannot be accommodated within an existing settlement boundary. The proposal may introduce additional occupants; however, given its countryside location, the 'wider' benefits as required by Policy 1 are minimal.

- An environmental role:

The environmental objective identifies the need to protect and enhance our natural, built, and historic environment. It has not been demonstrated that the development is necessary in this location and how it would protect/enhance the existing character of the area. The development of an undeveloped parcel of land would, in fact, offer notable environmental impacts.

The site therefore comprises an open countryside location in policy and locational terms; this is evidently development that is contrary to Policy 1 of the South East Lincolnshire Local Plan (2019), being an unsustainable location for housing.

Taking matters further, 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.

The Self-build and Custom Housebuilding Act 2015 places a duty on all Local Planning Authorities to grant enough suitable permissions on serviced plots to meet the need set out in the self-build register, for each year, within a 3 year reporting period. Self and custom build housing is defined as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can either be market or affordable housing.

The aforementioned Act requires that all authorities must have granted sufficient planning consents for enough serviced plots, which are suitable for self and custom build to meet the demand for the period. In this regard, demand is measured by the number of people joining the Council's Self and Custom Build Housing Register.

The latest figures published in December 2025 shows that between the 31 October 2022 and the 30 October 2025, South Holland District Council received 34 applicants for entry onto its register. In response to this demand, the Council has granted permission for 156 confirmed Self and Custom Build dwellings during this period. The Council has therefore, met and exceeded the requirements of the legislation by having granted sufficient Self and Custom Build permissions to meet the registered demand. Therefore, the Council has currently fulfilled its requirements, in meeting the registered demand for the preceding three years.

However, demand has substantially increased in recent years, primarily due to the exemption for Self and Custom Build Developments from Biodiversity Net Gain requirements. There is, therefore, a requirement to demonstrate an equivalent increase in the number of Self and Custom Build permissions granted. The Council has three years in order to grant enough permissions to meet this demand in order to comply with this duty, which it is presently achieving.

Whilst the requirement for providing Self and Custom Build housing is acknowledged, such developments must be in accordance with the policies set out within the SELLP as a whole. The requirement to provide Self and Custom Build development does not attract such overriding weight, that is should outweigh the fundamental spatial planning policies within the SELLP which directs suitable locations for residential development through its spatial strategies.

The Council is supportive of Self and Custom Build housing, and will continue to meet the required number of granted planning approvals to comply with the Self and Custom Housebuilding Act 2015. Furthermore, the Council does consider that weight should be afforded to Self or Custom Build proposals in line with National requirements. The Council will not however, support Self and Custom Build housing where it fundamentally conflicts with the Locational Strategy or other policies within the SELLP.

Whilst South Holland District Council will need to grant sufficient suitable developments in order to meet the uplift in Self and Custom Build demand, it has three years in which to do so. As such there is no compelling need at this time to grant Self or Custom build developments which would otherwise conflict with the SELLP. The requirement to meet demand for Self and Custom Build housing does not overcome the current planning applications fundamental policy conflict with the SELLP, and therefore the proposal is not considered to be acceptable in principle.

As the Council has currently exceeded its requirements in relation to Self and Custom Build, the weight afforded to this in the determination of this current planning application alone is insufficient to warrant a departure from the SELLP in this instance. Whilst weight is rightly afforded to the Self and Custom Build nature of the proposal, in light of the above, it is considered that only limited weight should be attached to this matter in the determination of this planning application owing to the proposals lack of compliance with the SELLP.

Furthermore, it is considered that the limited benefits of one single Self and Custom Build dwelling in this specific location (particularly given the Council is able to demonstrate it is meeting the requirements of the Self and Custom Housebuilding Act 2015) is not considered to overcome the fundamental policy conflict, and does not attract sufficient weight to outweigh the proposals clear lack of compliance with the Development Plan in the planning balance, or justify a departure from the Spatial Strategies of the SELLP.'

Explanatory text accompanying Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan 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. Furthermore, the site in this instance lies outside of the defined settlement boundaries and therefore also fails to accord with this, in that the text clearly refers to the anticipation of sites being 'within the defined settlement boundaries'.

This has been further supported through a more recent appeal decision (APP/A2525/W/25/3359058) which states *'Notwithstanding this, paragraph 5.3.5 of the supporting text to SELLP Policy 11 states that there may be opportunities for infill self-build development within defined settlement boundaries, although housing need may also be met through rural exception sites where appropriate. The appeal site is not within a settlement boundary, and it has not been suggested that it would be a rural exception site' and On the basis of the above, there is no compelling reason before me to justify a deviation from the provisions of Policy 1 in this case. Accordingly, the proposed site would not represent a suitable location for housing, having regard to the development plan as a whole. The proposal would therefore conflict with SELLP Policy 1 which seeks, among other matters, to direct new development to the most sustainable locations.'*

The South East Lincolnshire Local Plan makes no exceptions to its spatial strategy for previously developed land within the open countryside, 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 Plan's spatial strategy policies, including through granting permissions.

In respect of self-build dwellings, it should also be noted that the submission has not been accompanied by a draft legal agreement for the Local Planning Authority to review or consider.

Overall, the site clearly lies outside of any defined settlement boundary. Whilst there are properties in the immediate area, there is a clear divide and separation between this plot and the nearby dwellings through the drain which runs parallel as well as the road itself. Not only this, the plot in this regard would not class as an infill dwelling due to it not benefitting from direct neighbouring properties. In any event, Policy 1 of the South East Lincolnshire Local Plan (2019) does not quantify that infill development, within an open countryside location can be supported.

The site therefore comprises an open countryside location in policy and locational terms; this is evidently development that is contrary to Policy 1 of the South East Lincolnshire Local Plan (2019), being an unsustainable location for housing.

The principle of development is not considered to be acceptable, and the proposal is at conflict with Policy 1 of the South East Lincolnshire Local Plan (2019).

Layout, Design and Consideration of the Character and Appearance 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.

As outlined above, the bungalow would be made from six shipping containers. Due to it being part retrospective, during the officers site visit the shipping containers were visible on site, albeit not fully completed.

It would have a height of 5100mm to the ridge and 2900mm to the eaves, whilst having a total length of around 26300mm and a width of 10100mm. Whilst this can be seen as being rather excessive and significant in size, it should be noted that there are various different designs of dwellings in the immediate area and a dwelling of this size would not appear at odds with the area as a result of this.

Furthermore, the height and design of a bungalow is inclusive to the area also due to there being bungalows close by as well. Finally, it is also believed to be this size due to featuring rooms as a main house and a smaller section for a housekeeper. Overall, the size and siting of the dwelling from a character perspective is considered to be acceptable and proportionate for the site and wider area.

Beyond this, concern could be raised due to the bungalow actually being constructed from shipping containers, from the materials listed within the application form it shows that it would featured pale coloured bricks on the walls and roof tiles. As such, the materials of the proposed bungalow would be fairly typical and standard to residential developments such as this.

Overall, the size and design of the proposed dwelling is considered to be acceptable and suitable in comparison to the wider area and should not cause harm to the street scene or locality once constructed; subject to a suitable condition that would control the external appearance by way of details relating to materials.

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.

The rurality of the site benefits the proposal due to various nearby parcels of land being undeveloped. The nearest residential dwelling is around 30m to the east with the direct adjoining land being undeveloped and only used in association with the nearby airfield. As such, there would be no material harm through either overshadowing or overlooking in this instance.

It should be noted that due to the site being located within Fenland Airfield there is cause for concern in relation to noise. Those who take up residence within the proposed bungalow could potentially be impacted by planes taking off and landing on site. Whilst this a concern that should be taken into consideration, no evidence has been provided to detail whether or not this would be significant or material and the LPA have not received comments from Environmental Protection either. Not information has been provided to outline whether or not this could be a material issue to refuse the application under.

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 and Drainage

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 Zones 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.

The site is in an area of no danger and faces no hazard from flooding within the South Holland Strategic Flood Risk Assessment. There is no actual risk of flooding to the site and hence a site-specific flood risk assessment has not been submitted within the application. Due to the low flood risk, from a flooding perspective the site is considered to be acceptable in this instance.

Foul sewage would be disposed of via a cess pit and septic tank whilst surface water would be disposed of a sustainable drainage system and an existing watercourse. Notwithstanding this, South Holland Internal Drainage Board have written in to object to the application.

Consent may be required under Byelaw 3 and is not applicable under Byelaw 10, however, an objection has been lodged in relation to Section 23 (Land Drainage Act 1991) due to an ongoing enforcement case on site. Their comments outline the presence of a watercourse which is not maintained by the Board which is adjacent to the eastern boundary, an access has been introduced in this watercourse connecting the site to the highway. The board make it clear that such works require prior written consent under Section 23 of the Land Drainage Act 1991, as this was not sought after, an objection has been issued. Until the applicant complies with the requirements of the Board, the objection will be upheld. They recommend that adequate space (minimum of 3 metres) be left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, 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 and Parking

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.

A total of five bedrooms have been included within the plans for this submission, four of which will be in the main part of the house whilst one would be within the housekeepers section. Although Appendix 6 does not stipulate the number of bedrooms required for five bedroom houses, it would be assumed that at least three spaces would still be needed.

In any case, a large driveway and turning area is shown on the site plan as well as a one bay garage. As such, a more than adequate amount of parking can be accommodated for in this regard.

Moving on from this, LCC Highways have raised no objections to the scheme as sufficient parking and turning can be provided within the development to allow vehicles to enter and leave in a forward gear. Overall, it does not have an impact on the public highway. Two informatives have been recommended to be attached to the decision notice, if the application is approved these would be included.

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 could be exempt from the statutory 10% Biodiversity Net Gain requirements due to it being for the erection of a self build dwelling and is a small scale self-build and custom house building which is less than 0.5 hectares. From this, the development could be exempt from BNG. It should be noted however, no information has been provided which suggests the applicant is on the self-build register.

Planning Balance

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

The proposal represents inappropriate development outside the defined settlement boundary.

The development hereby proposed is not acceptable in principle, given its location outside the settlement boundary, whilst no other concerns have been raised in relation to character impact, would not harm the amenity of nearby residents, provides adequate parking and is acceptable in flood risk terms, the development is not considered to conform with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024).

Whilst some, minimal in this instance, weight could be afforded to the provision of self-builds, the

policy is clear in that development of this nature should remain in accordance with the aims of the spatial strategy. In this instance, the proposal comprises a single self-build dwelling within a countryside location, which forms an unsustainable location. No evidence has been provided to demonstrate that such a proposal, comprising a self-build dwelling (single plot) could not be provided within a more sustainable location.

In this instance, these are material considerations that weigh against the proposal and as such, the planning balance is not in favour of the development.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, due to the proposal site being located outside any defined settlement boundary and therefore in the open countryside in planning terms, the principle of the development is not suitable or acceptable. Although it has been brought forward as a 'self-build' dwelling, Policy 11 clearly outlines that these cannot be located in the open countryside and this has been reinforced through numerous appeal decisions, as set out in this report above.

These are significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above. The development is therefore contrary to Policies 1 and 11 of the South East Lincolnshire Local Plan.

Recommendation

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