

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0401-25 **Applicant:** Mundicao Boarding Kennels

Proposal: Extension to building 1 to provide four additional kennels and new building to provide ten kennels. Cessation of dog training.

Location: The Melrose Dowsdale Bank Shepeau Stow

Terminal Date: 19th September 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
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
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 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the extension to a building to provide four additional kennels and a new building to provide ten kennels, whilst ceasing the dog training on site at The Melrose, Dowsdale Bank, Shepeau Stow.

Site Description

The site lies outside of the settlement boundary for Shepeau Stow and the surrounding area is predominantly rural. There are no immediate neighbours to this particular dwelling or application site, as the built form is well spaced out in this rural locality; however, the landscape is very open and dwellings can be seen along Dowsdale Bank.

The site benefits from a mature and high hedgerow to the side on which the nearest neighbour resides, which provides a good level of screening from the dwelling and its extensive rear garden/land. The remainder of the boundary is a mixture of hedgerow and newly installed close boarded fencing. The site can be described, on balance, as being very well screened.

History

H23-0757-11 - Change of use of land and creation of hardstanding for the open storage of vehicles associated with family catering business (retrospective) - Refused

H23-0801-12 - Change of use of land and creation of hard standing for the open storage of vehicles associated with family catering business (retrospective) (re-submission of H23-0757-11) - Approved

H23-1272-16 - Change of use of land and creation of hardstanding for the open space storage of vehicles associated with family catering business (retrospective) (renewal of previously approved application reference H23-0801-12) - Approved

H23-1253-18 - Change of use from agricultural, business and residential to kennels and dog training including new kennels, conversion of container into reception and conversion of garage into food preparation and storage, part retrospective - Approved

H23-0313-20 - Change of use from agricultural, business and residential to kennels and dog training including new kennels, conversion of container into reception and conversion of garage into food preparation and storage (part retrospective) - approved under H23-1253-18. Modification of Condition 1 to allow an extension of time of the planning permission - Approved

H23-0755-21 - Change of use from agricultural, business and residential to kennels and dog training including new kennels, conversion of container into reception and conversion of garage into food preparation & storage - approved under H23-0313-20. Variation of Condition 1 to allow a further extension of time - Approved

H23-0036-23 - Change of use from agricultural, business and residential use to kennels and dog

training including new kennels, conversion of container into reception and conversion of garage into food preparation and storage. Previously approved under H23-0755-21. Modification of Condition 1 to allow permanent planning permission - Approved

H23-1090-23 - Seven additional kennels for business use and use of store as domestic residential garage in association with The Melrose - Approved

Consultation Responses

Whaplode Parish Council

No comment.

South Holland Internal Drainage Board

Consent may be required under Byelaw 3, not currently required under Section 23 and is not applicable under Byelaw 10.

Lincolnshire County Council Historic Places

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.

Lincolnshire County Council Highways Authority

Recommendation:

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.

Comments:

The proposal is for an extension to building 1 to provide four additional kennels and new building to provide ten kennels. Cessation of dog training. This is an established Dog Kennels and Dog Hotel that benefits from planning permission for 7 kennels. A previous planning application 0086-25 was withdrawn and it would have resulted in 21 kennels in total. This proposal would see an increase of 14 kennels with no dog training. The Parking is to remain the same and visitors will be appointment only between 10.00-16.00 daily. Cessation of the training means there will be 6 less dogs each day so the increase will only be 8 dogs. Due to the clear intention to expand this facility it is necessary to upgrade the access with the public highway to Lincolnshire County Council Specification and a note has been included on the site plan indicating this. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

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>.

South Holland District Council Licensing

Please contact the Licensing Team to discuss a variation to the current animal welfare licence.

South Holland District Council Environmental Protection

The Noise impact assessment produced by Charles Saunders 3.4.25 indicates only a minimal increase in sound levels over the maximum number of dogs on site during current training activities. Providing these are confirmed to cease then the additional numbers of dogs should only have minimal impact on noise levels. we therefore have no objections to the proposal

Senior Ecologist

Ecological considerations:

- The applicant has provided thorough ecological documents therefore in my judgement providing sufficient ecological data for the application. We support all mitigation and enhancement recommendations provided by the ecologist in the PEA and ecological impact assessment.

BNG:

- As the BNG assessment for this application currently stands, This site will not achieve 10% biodiversity net gain onsite for both area habitats and linear hedgerow habitats.
- If the applicant wishes to achieve 10% net gain onsite, they could alter their Proposed BNG assessment according to the recommendations provided by the ecologist in the BNG report.
- Alternatively, the applicant will need to secure 0.12 offsite habitat units and 0.01 offsite linear hedgerow units to ensure that 10% net gain has been achieved for this site. These will need to be secured pre-commencement and can be achieved via 2 routes:

- o Bespoke habitat creation/enhancement could be undertaken by the applicants on land they own elsewhere or in agreement with another landowner. To discharge the biodiversity gain condition the applicants would have to secure the appropriate habitat creation/enhancement by either entering a section 106 agreement with the local authority or through undertaking a conservation covenant with a responsible body pre-commencement.

- o The applicants could purchase the appropriate number of units from an off-site habitat bank and evidence this to the authority pre-commencement. This can be achieved through the applicants contacting an off-site unit provider, aka a habitat bank, (which has biodiversity units registered on the national gain-site registry) to arrange a contract for the applicant to purchase the necessary units from the habitat bank. The habitat bank then notifies the national gain-site register to allocate the specifically referenced units to the applicant. To discharge the general biodiversity gain condition, the applicant provides us with this reference information and evidence of the purchase (e.g. a receipt or copy of the contract with the habitat bank) along with the biodiversity gain plan that they must submit to us pre-commencement. These details are also recorded within a finalized version of the metric submitted with the gain plan. The authority can then independently confirm the unit transfer by checking the unit references against the national gain-site register and then approve the gain plan to discharge the Biodiversity Gain condition.

Conclusion: We are confident that this application has provided enough ecological documentation to determine this application. We will require some more clarification regarding onsite/offsite BNG gains to ensure that 10% BNG will be achieved for this site, however, these details only require finalizing pre-commencement.

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, no letters of representation have been received.

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.

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.

The application site in this instance is within the open countryside and is located outside of Shepeau Stow, an 'Other Service Centre', as detailed by Policy 1. Notwithstanding this, in context of this, the principle of development within this located is considered to be already established in any event due to the previous applications on site being approved. Whilst the previous permissions approved a different purpose which operated as kennels for business use, the approvals still granted dogs on site. This was granted under the following applications - H23-1253-18, H23-0313-20, H23-0755-21, H23-0036-23 and H23-1090-23.

As such, whilst the proposal is not considered to be strictly in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle, the site has an established use on site with a slight change under this permission. As such, it is considered to be acceptable when viewed in principle; this is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety, flood risk and biodiversity which are discussed in turn as follows.

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.

The proposal seeks to extend an existing building creating four further kennel spaces, whilst also erecting a new building to provide ten additional kennels. The extension and building would be erected from corrugated metal for the roof and metal fencing/rails/caging on the walls. This would be in keeping with the existing kennels which are on site to ensure the proposal matches what is already on site.

Firstly, the proposed kennel would measure at 15500mm by 5800mm and would have a height of 2800mm for the internal kennels and 2600mm for the external kennels. There would be a total of ten internal kennels which all have an external section as well. Alongside this, the extension to the existing kennel block would extend from the side by around 6200mm and would have a matching width of 5800mm, this takes the total length from 12400mm to 18600mm. It would have roughly the same height as the aforementioned proposed kennel block and would see an increase in four kennels taking it from eight to twelve, also having internal and external capacity.

These kennels are of a similar size, design and scale to the existing kennels on site and are therefore considered to be an appropriate and suitable addition to the area. They should not cause harm from a character perspective as they would not be visible from the street scene due to them being well set back within the plot.

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.

It is important to note that whilst the proposal seeks to increase the total number of dogs from 27 to 41, the dog training side of the business will cease operation resulting in six less dogs being on site and therefore the net increase is only eight dogs. Alongside this, Environmental Protection have commented on the application and raised no objections in conjunction with the Noise Impact Assessment provided. Their comments state 'The Noise impact assessment produced by Charles Saunders 3.4.25 indicates only a minimal increase in sound levels over the maximum number of dogs on site during current training activities. Providing these are confirmed to cease then the additional numbers of dogs should only have minimal impact on noise levels. We therefore have no objections to the proposal'.

The conclusion within the Noise Impact Assessment states the following -

- *The assessments indicate that the current effect of kennels activity at the receptors is generally benign, and while occasional dog barking could be audible at the closest residential receptor, it would not be at an intrusive level in relation to the soundscape*
- *As the total number of dogs on site at any one time is only proposed to increase from 27 to 35 dogs, the increase in potential ambient noise level is calculated to be 1dB, when following South Holland District Council guidance. This is an insignificant increase and should not change the acoustic character of the local area.*

It is therefore considered whilst there would be an increase in noise this would not be of a substantial level which would be harmful to residents along Dowsdale Bank due to it being a minimal 1dB increase which could not warrant a refusal on the application. In a similar light to the previous application on site, the officer conducted two separate site visits on two occasions and no noise or barking was heard. During the second visit, the officer was shown around the site by the kennels and again, no dogs barked. This point was reiterated in multiple of the previous reports for this site. It should be noted that whilst this may not be a completely accurate representation of how the dogs act at all time, it is considered that despite the increase and alongside the information with the noise assessment that granting permission on site should not be harmful to residents.

The site remains well screened through high mature trees and in a rural location with no immediate neighbours in close proximity. 'The Gatehouse' is located to the south west and is set around 130m away, 'Oak Lodge' is roughly 120m to the north east whilst there are multiple properties around 200m+ to the south east. Although Shepeau Stow is a relatively small settlement there is still a main built up area with the site being around 220m away from this area. These are considered to be adequate distances to neighbouring properties so that the increase in dogs does not increase noise pollution in a harmful capacity.

The following has been taken from H23-1090-23 which discusses noise complaints on site *'The use of keeping kennels and dog training facilities on this site was first approved in 2018, since then there has been no statutory noise nuisance as mentioned; albeit some complaints have been made. This demonstrates that local residents have not been subjected to unacceptable levels of noise pollution due to the dogs on site. Additionally, there have been objections raised by neighbours during the previous applications on this site, since its first development; however, Environmental Health state that there is insufficient evidence to warrant further action. Please note that there has been no resident objections on this current application.*

In reference to all previous applications, they listed that during the first year of business the noise impact of the dog barking and disturbances associated to the dog training and kennels could not be accurately assessed due to the pandemic; the business has since been operating after Covid restrictions were lifted and no evidence has been received of significant noise impact - since then the business has been operating for a further year with no statutory noise nuisance on site. Due to

the amount of time the site has featured dog kennels it is considered that the owners/occupiers can clearly mitigate the potential for noise pollution and prevent the use causing an unacceptable harm. Furthermore, the limited number of classes/operating hours ensures that any noise generated from the site is within acceptable tolerances.

The same can be stated within this application with the LPA not being made aware of any new complaints being made, furthermore, Environmental Protection have raised no objections to this new scheme.

The kennel extension and new kennel would not cause any harm through overlooking, overshadowing and would not appear overbearing due the aforementioned separation distances between the application site and neighbouring properties. This is therefore considered to be acceptable. Finally, ceasing the use of the dog training is also considered to be acceptable and could lead to a reduction in noise despite the actual increase in dogs.

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".

It is important to note that whilst minor developments must meet the requirements for site-specific flood risk assessments, they should not be subject to the sequential test, nor the exception test, as outlined in Paragraph 176 and to be read in conjunction with footnote 62.

The site lies within Flood Zones 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.

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 within Flood Zone 1 and a no hazard zone within the SFRA, as such the site has no real flood risk and should not see an increase from the new developments proposed nor will it increase the flood risk elsewhere. There would be no significant harm raised throughout.

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.

The Covering Letter provided within this application states the following in relation to parking: *The arrival and departure of customers is by appointment only and the premises are only open to customers between 10.00 -16.00 each day. The gate is closed at all times. The traffic generation is particularly low as a result of the way the business is managed and it is unusual to have more than two customers on site at the same time. The cessation of training results in 6 less dogs on site and therefore the net increase is 8 dogs.* In relation to this, LCC Highways have raised no objections to the scheme but requested an informative be attached should the application be approved. Their comments highlight the following points: *The Parking is to remain the same and visitors will be appointment only between 10.00-16.00 daily. Cessation of the training means there will be 6 less dogs each day so the increase will only be 8 dogs. Due to the clear intention to expand this facility it is necessary to upgrade the access with the public highway to Lincolnshire County Council Specification and a note has been included on the site plan indicating this. The proposal will not have an adverse impact on the public highway.*

As such, there is considered to be no issues in relation to highway safety whilst enough parking has been provided in relation to the business itself. The use of appointment only throughout a long period in the day ensures that there would not be a high level of customers on site at any one time. Alongside, the visit would most likely be relatively short in duration due to it purely being to drop off/collect their dog.

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 is not exempt from the statutory 10% Biodiversity Net Gain requirements. Initially, a BNG Exemption Statement was provided on the basis that the new kennels were less than 25sqm and therefore classed as di minimis. The case officer assessed this and determined that whilst the extension to 'Kennels 1' was on already developed land and thus did not harm any habitat, the proposed 'Kennels 4' was to be developed on existing grass land and measured more than 25sqm. Correspondence was held until eventually a BNG Metric was submitted to the LPA, the Ecologist comments were received during the re-consultation and raised no objections.

The applicant is advised to thoroughly read through the Ecologist comments particularly due to the following: *'As the BNG Assessment for this application currently stand, the site will not achieve 10% biodiversity net gain on site for both area habitats and linear hedgerow habitats. If the applicants wishes to achieve 10% net gain onsite, they could alter their Proposed BNG Assessment according to the recommendations provided by the Ecologist in the BNG Report.* Notwithstanding this, the conclusion determines that they are confident that the application has provided enough ecological documentation to determine this application, they will require some more clarification regarding onsite/offsite BNG gains to ensure that 10% net gain will be achieved, however, these details only require finalising pre-commencement.

Planning Balance

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

The proposal represents appropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 7, 28, 30 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). There are no 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.

Recommendation

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