

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0403-26 **Applicant:** Mr Vickers
Proposal: Proposed installation of roof mounted solar panels
Location: Eagle House Millgate Whaplode
Terminal Date: 24th June 2026

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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
OTHER STATUTORY BODIES	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission to install roof mounted solar panels on top of a single storey outbuilding located at Eagle House.

The building where the solar panels are proposed has recently been granted consent to change its use from a cattery to a domestic outbuilding and it appears that this permission has been implemented based on information provided by the applicant's agent. As such, it is accepted that the proposal can be considered as a householder development as it is considered likely that the building falls within the curtilage of Eagle House.

Site Description

The site comprises land at Eagle House, Millgate, which is approximately 1.5km to the south of Whaplode. The site features a two-storey detached dwelling set within a spacious plot and there is grazing land to the south.

The site is located outside any defined settlement limits, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 1 as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H23-0597-96: (Full Application) Erect stables, tack room and hay store - approved 27 August 1996

H23-0906-97: (Full Application) Covered swimming pool and garages - approved 20 November 1997

H23-0781-03: (Full Application) Proposed cattery for business use - approved 26 August 2003

H23-1088-16: (Full Application) Orangery extension to rear of house (retrospective) - approved 25 November 2016

H23-0107-26: (Full Application) Change of use of cattery to domestic shed and change of use of land to domestic use - approved 08 April 2026

Consultation Responses

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

CPRE: CPRE supports roof mounted solar in appropriate settings.

Whaplode Parish Council: No comments.

CLlr P A Redgate: No response received.

Fenland Aero Club: No response received.

Peterborough and Spalding Gliding Club: No response received.

CLlr A C Beal: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no representations have been received from members of the public.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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

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

- Principle of Development;
- Design, Layout and Impact on the Character and Appearance of the Area; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Paragraph 167 of the NPPF sets out the following:

"Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights)."

Policy 31 of the Local Plan relates to the provision of renewable and low carbon energy. Part B of the policy sets out the following:

"With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:

- 1. visual amenity, landscape character or quality, or skyline considerations;*
- 2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;*
- 3. highway safety (including public rights of way);*
- 4. agricultural land take;*
- 5. aviation and radar safety;*
- 6. heritage assets including their setting; and*
- 7. the natural environment."*

Therefore, there is policy support for the provision of solar panels provided the above referenced criteria are addressed. In this case, the solar panels are proposed on top of an outbuilding and it is considered that the proposals would not result in significant harm in terms of the above referenced criteria. For example, the proposed solar panels would not result in an adverse impact on residential amenity as the panels relate to a relatively small area and there are no dwellings immediately next to the site. Furthermore, the panels would not affect highway safety, result in the loss of agricultural land, pose a risk in terms of aviation safety or affect heritage assets.

Therefore, due to the small scale nature of the proposals and the level of policy support for the provision of renewable energy provision, the principle of development is considered to be acceptable in this instance.

Design, Layout and Impact on the Character and Appearance of the Area

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan 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.

Policy 3 accords with the provisions of Section 12 of the NPPF, 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.

The building where the solar panels are proposed is not highly visible from the street scene along Millgate. There are existing buildings within the plot for Eagle House and a hedgerow provides significant screening of the building. The solar panels are unlikely to be highly visible from the surrounding area due to the level of screening around the building. The visual impact of the panels is considered to be acceptable in this instance.

It is considered that the proposal would have an acceptable impact on the character and appearance of the area, in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

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.

When taking the above into account, the development is considered to be exempt from the statutory BNG requirement as the proposed would fall under the de minimis exemption.

Planning Balance

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

The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. Overall, the proposed development accords with the Local Plan and the NPPF.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking these factors into consideration, the proposed development accords with Policies 1, 2, 3, 4, 30 and 31 of the Local Plan, as well as Sections 11, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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