

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0406-25 **Applicant:** Mr L & Mrs D Seragusa (DPS Education Ltd).

Proposal: Proposed Dormer Window to Classroom Block

Location: Tudor House Therapeutic School Dorcette House Little Lane

Terminal Date: 1st July 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment

National Guidance

National Planning Policy Framework December 2024

Section 2: Achieving Sustainable Development
Section 12: Achieving Well-designed Places
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted in November 2023 under application reference H23-0602-23 to convert and extend the existing property to create a school. This current application relates to a detached outbuilding used as classrooms.

Consent is sought to replace the existing roof lights on the southern elevation with a flat roofed dormer window running almost the entire length of the roof slope, to increase the usable floor area of the classrooms. The dormer cheeks are to be in a colour coated metal with single ply membrane to the dormer with a grey finish.

Site Description

Tudor House is a detached dwellings with outbuildings located in countryside with access taken from Little Lane, Whaplode. A hard surfaced area is situated on the opposite side of Thorpe Lane, within the ownership of the applicants' and used for the parking of vehicles. Sporadic residential dwellings lie to the north and south of the site. The property is located within Flood Zone 1.

History

H23-0602-23: Change of use of dwelling into a Special Educational Needs (SEN) School, together with extensions and alterations to the buildings, and associated works. Approved 15.11.2023.

Consultation Responses

Consultations Received (responses between 8th May 2025 and 30th May 2025)

Whaplode Parish Council

Support the application and have no comment to make.

Conservation Officer

No objections.

Highway and Lead Local Flood Authority

No objections

Environmental Protection Officer

No comment regarding Environmental Protection.

Internal Drainage Board

No comments to make.

Senior Ecologist

No response received.

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.

Planning Considerations

The main issues and considerations in this case are:

Principle of Development and Sustainability.
Impact on the Character and Appearance of the Area.
Effect on Neighbouring Property.
Biodiversity Net Gain.

Evaluation

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan, 2019 (SELLP) 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.

The National Planning Policy Framework (Framework) December 2024, sets out the Government's planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; an economic objective, a social objective and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.

Policy 1 (Spatial Strategy) of the SELLP sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres and Minor Service Centres and Other Service Centres and Settlement is designated as countryside.

The application site is not located within a defined settlement boundary and is therefore considered countryside for the purposes of interpreting planning policy. Policy 1 of the SELLP states that in the countryside development will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The proposal relates to an existing building that forms part of an established school and seeks to provide an improved facility through the construction of a dormer extension. There will be social and community benefit for the users of the facility and a degree of economic benefit through the construction phase.

The principle of the proposal therefore accords with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) subject to the consideration of all other material factors which are

Impact on the Character and Appearance of the Area

The Framework advises, at paragraph 131, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development

acceptable to communities.

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 landscape surroundings.

The proposal seeks the construction of a large flat-roofed dormer extension running almost the entire length of roof space. Although large in size, the dormer window is set considerably below the ridge of the roof and set in from the sides ensuring that it does not dominate the roof space and is visually subservient. The proposed palette of materials reflect the existing building ensuring there is no detriment to its overall appearance. The dormer will be visible from public vantage points but will be viewed in the context of the existing building and other structures on the site and will not detract from the rural character of the area.

In this regard the proposal accords with the provisions of Policies 2 and 3 of the South East Lincolnshire Local Plan and paragraph 131 of the National Planning Policy Framework, December 2024.

Effect on Neighbouring Property

The Framework advises, at paragraph 135, development should create places with a high standard of amenity for existing and future users.

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 dormer window faces Tudor House, within the applicants' ownership. There are no other properties located adjacent to the site that would be materially affected by the development in terms of loss of light or creating an overbearing or enclosing impact.

The proposal therefore accords with the provisions of the Framework and Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is required under a statutory framework introduced under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) and 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.

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.

A Biodiversity Net Gain Exemption Statement has been submitted as part of the application. This states the development is below the threshold and is subject to the 'de minimis exemption' as the

development:

- a) does not impact a priority habitat and
- b) impacts less than 25square metres (5m by 5m)of on-site habitat that has a biodiversity value greater than zero, and less than 5m of on-site linear habitat.

In justifying the exemption the applicant states there is no physical development proposed that would impact biodiversity.

As the development is confined to the roof of the building it is considered the proposal meets the requirements of exempt development and is not required to provide Biodiversity Net Gain.

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 a small-scale subservient addition to the existing building, the design of which reflects the overall appearance of the existing structure. The proposal will safeguard the character of the surrounding area along with the level of amenity currently afforded to the occupants of nearby residential properties.

The proposal accords 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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework(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.

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.

Recommendation

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