DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0453-26**	**Applicant:**	**Mundicao Boarding Kennels**
Proposal:	Details of a Biodiversity Plan and written 30-year Habitat Management & Maintenance Plan (HMMP) or alternatively written confirmation of the purchase of Biodiversity Credits (Condition 7 & 8 of H23-0166-26)		
Location:	The Melrose Dowsdale Bank Shepeau Stow		
Terminal Date:	6th July 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
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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application seeking to discharge Condition 8 of H23-0166-26.

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

H23-0401-25 - Extension to building 1 to provide four additional kennels and new building to provide ten kennels. Cessation of dog training - Approved

H23-0166-26 - Extension to building 1 to provide four additional kennels and new building to provide ten kennels. Cessation of dog training - approved under H23-0401-25. Modification of Condition 7 to allow for off site Biodiversity Net Gain Mitigation - Approved

Consultation Responses

Ecology

Details of written 30-year Habitat Management and Maintenance Plan (HMMP) or alternatively written confirmation of the purchase of Biodiversity Credits (Condition 8 of H23-0166-26)

Comments
- We are happy with the appropriate habitat provision has been purchased for this development and 10% net gain has now been achieved.
- Before we can fully support the discharge of condition 8, we will require a Biodiversity gain Plan to be fully filled out and provided to the authority. A template for this plan can be found on the Government website.

Planning Considerations

Biodiversity Net Gain

Condition 8 of H23-0166-26 states that:

Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question, or alternatively written confirmation of the purchase of Biodiversity Credits from a registered Habitat Bank, shall be submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.

B) Details of the phasing and implementation of the habitats

C) Details of the management operations necessary to achieving aims and objectives.

D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.

F) Details of the persons responsible for the implementation and monitoring.

G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To meet the requirements in delivering the Mandatory Biodiversity Net Gain and to ensure net gain in biodiversity is provided on site.
This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

The Council's Ecology Team have commented on this application to outline that they are happy that the appropriate habitat provision has been purchased for the development and that 10% net gain has been achieved.

Notwithstanding this, a Biodiversity Gain Plan was not submitted within the application and is a necessary requirement before being able to fully support the discharge of this condition. This was sought from the Agent with the necessary document being supplied and the Ecology Team outlining that the form has been completely sufficiently and can be discharged.

Condition 8 of H23-0166-26 can be discharged.

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

Condition 8 of H23-0166-26 can therefore be discharged.