DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0551-26**	**Applicant:**	**Sunny Cuddle Farm**
Proposal:	Use of site for interactive activities for individuals & small groups		
Location:	55 Broadgate Whaplode Drove Spalding		
Terminal Date:	18th August 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
28	The Natural Environment
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
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the change of use of the site to be used for interactive activities for individuals and small groups at 55 Broadgate, Whaplode Drove.

The proposed development seeks to open the existing farm for the public, to allow close contact with various animals such as sheep, lambs, pygmy goats, mini-Juliana pigs and chickens.

It is proposed that members of the public could visit the site three days a week between 10:00am - 12:00pm and 12:30pm - 14:30pm. The visiting groups would feature children and adults, with additional needs, people not in full time education, home educated children and the elderly. Bookings would only be available online and would not open to the general public via walk-ins, and would generally be of groups between 6 - 10 people.

All visits would be accompanied by an adult, with the visitors interacting with animals and on occasion, having educational lessons outside. The proposal would utilise a covered outdoor area with seating and will make use of existing infrastructure.

Site Description

The site is located partially within, but mostly outside of, the defined settlement boundary of Whaplode Drove as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

The application site comprises a residential property, with agricultural land/farming land, to the rear. Broadgate is a primary and main road, which passes through the settlement of Whaplode Drove.

Residential dwellings of varying sizes and designs lie within the vicinity, alongside various businesses which are also set along the stretch of the highway. Beyond these properties are large expanses of undeveloped agricultural landto the rear of some of the residential properties.

History

H23-0342-21 - Construction of detached one bedroom annexe to rear of property - Approved

Consultation Responses

Whaplode Parish Council

No comment.

South Holland Internal Drainage Board

Byelaw 3 - Consent not currently required

Section 23, Land Drainage Act 1991 - Consent not currently required

Byelaw 10 - Consent not currently required

Lincolnshire County Council Highways & SUDS

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.

Highway safety

Development proposal does not pose any specific highway safety risks; access position affords suitable visibility in both directions and provides safe access for both vehicles and pedestrians.

Highway capacity

There is no precise definition of "severe" with regards to NPPF Paragraph 116, which 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 would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:
- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Flood Risk and Drainage

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application use of site for interactive activities for individuals & small groups does not involve any alternations to the drainage. Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Ecology

No objections.

Lincolnshire Fire & Rescue

No comments.

South Holland District Council Environmental Protection

Appropriate arrangements will need to be made for disposal of animal waste and bedding, no burning is permitted. I would advise that appropriate hand washing arrangements need to be provided close to animal handling areas to protect public health from communicable diseases and zoonoses eg. E coli and Cryptosporidium.

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, 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 outside any defined settlement boundaries, and therefore is considered to be in the countryside in planning terms as detailed by Policy 1. In context of this, the principle of development within this location would not usually be considered to be appropriate.

Notwithstanding this, Policy 7 relates to improving South East Lincolnshire's employment land portfolio and details that:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land
or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided" it meets specific criteria outlined under Policy 7.

In short, this section of Policy 7, relating to new employment development/businesses outside of allocated employment sites, must either comprise the re-use of previously-developed land or the conversion/re-use of redundant buildings, or should this not occur, must both evidence that "no

suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable", and in such an instance where this is evidenced, must go on to comply with the criteria outlined in points a-g.

Firstly, the proposal must be assessed as to whether it involves the re-use of previously developed land or the conversion/re-use of redundant buildings, or if not, whether it has been demonstrated that the re-use of previously developed land is not available or is unsuitable. In this instance, the application site comprises agricultural land, to the rear of an existing dwellinghouse and as such, would not comprise previously developed land.

As such, the first arm of this section of Policy 7 is not met.

Moving on from this, it is then necessary for the submission to demonstrate or evidence that the proposal could not be offered on alternative sites, which comprise previously developed land or the re-use of a redundant building. In this case, the submission has not been supported by such evidence, and such detail has not been appropriately addressed to comply with this section of Policy 7. As such, the proposal would conflict with Policy 7 in this regard, irrespective of the further criteria.

It could therefore be reasonably concluded that the proposal fails to accord with the first and second provisions of this section of Policy 7. Notwithstanding this, it is also noted and would stand to reason that the proposed use, which is similar to a minor scale petting farm, would to some degree require a more rural and countryside location; by virtue of its characteristics and nature.

In this regard, Section 6 of the National Planning Policy Framework (December 2024) discusses 'Supporting a prosperous rural economy' and details, within paragraph 88, that:

"Planning policies and decisions should enable:
a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
b) the development and diversification of agricultural and other land-based rural businesses;
c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

This section goes on to detail, under paragraph 89, that:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".

As such, taking the aforementioned rural characteristics and nature of the proposal, alongside the provision within both the SELLP and NPPF, subject to clear evidence and justification, it may be considered that on balance, the application site is suitable for such a proposal. It would be for the applicant to demonstrate through clear and robust justification that the site is appropriate in this regard and demonstrate why no alternative previously developed land would be suitable.

Returning to Policy 7, it is relevant in this regard, to consider the remaining criteria, which is as follows:
"a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and

g. there is an identified need for the business location outside of identified employment areas on the Policies Map".

This can be assessed as follows:

a. the development does not conflict with neighbouring land uses;

The immediate neighbouring land uses are mostly residential and agricultural due to the settlement edge blending into the countryside location; therefore, whilst the proposal would introduce a minor commercial operation within a more residential context, it is not considered, given the extent and nature of the proposal, that such a scheme would directly or adversely conflict with the neighbouring land uses in regard to the nearby residential dwellings. The use would maintain its predominate character, in that the animals are already located on site, and as such, the resultant development would not be too dissimilar to what can be carried out on existing agricultural land.

The animals on site include sheep, lambs, goats, pigs and chickens which themselves could reside and therefore be typical within such settings. As such, whilst the use would by definition be different and conflict from a planning perspective, due to the business use proposed, there would not be a significant difference in nature subject to the extent of the use. The proposal would therefore be acceptable in consideration against Point A.

b. there is no significant adverse impact upon the character and appearance of the area;

As outlined within the submission, the business would solely be located to the rear of the site and make use of the existing large field, this ensures that once the change of use has been implemented, it would not be readily visible from the highway which in turn would limit the potential harm to the character and appearance of the area. Alongside this, the animals to be featured within the business aspect have been on site for a prolonged period and thus buildings/housing are also already on site, with such provision being somewhat characteristic of a rural setting.

Alterations or additions through physical built form would not be necessary to implement the change of use and house the animals on site, with no such structures being proposed or permitted, which further limits the potential to cause harm to the area from a character perspective.

c. the design is responsive to the local context;

No physical development has been proposed within this submission, with the change of use making use of existing buildings and infrastructure on site. The existing buildings are representative to a rural agricultural setting to which they lie, with their siting, to the rear, also further increasing their concealment and reducing their prominence within the wider landscape. The scale and appearance are therefore considered responsive to the rural character and local context.

d. there will be no significant adverse impact on the local highway network;

The main consideration in relation to the possibility of the proposal causing an impact to the local highway network, would be the increase in vehicular movements to and from the site.

Lincolnshire County Council, as Local Highways Authority, have raised no objections to the proposal, outlining that the proposal *"does not pose any specific highway safety risks"* with the access position benefitting from suitable visibility along Broadgate as well as there being safe access for *"both vehicles and pedestrians"*. As such, there is considered to be no significant adverse impact on the local highway network following the change of use being implemented. Whilst this outlines the proposal would be suitable from a highway safety standpoint, further detail within their response has been provided.

In regard to the highway capacity, LCC do not believe the proposal would result in a severe impact in relation to the NPPF. Finally, a travel plan is not necessary for a site of this size. Naturally whilst there would be an increase in vehicle movements to and from the site, it is considered that there would be no significant adverse impact on the local highway network following the approval of a change of use on site.

The proposal, by its nature, would result in additional comings and goings from the site. Notwithstanding this, the proposal seeks a fairly modest use, operating three days per week, within selective periods of times and with limited number of people. Furthermore, customers would access

the site via an online, pre-arranged, appointment basis only, with no walk-in appointments available. These factors would reduce and lessen any potential extensive vehicular movement.

As such, it is considered tat the proposal would not cause a significant adverse impact on the local highway network.

e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;

The site is located within the countryside in planning terms and as a result, would not be sited on any allocated employment sites,. Despite this, the proposal seeks a rural, farming-style business, of a modest scale. The proposal would not cause any adverse impact upon the viability of delivering on existing allocated employment sites due to the modest nature of the proposal, the limited employment opportunity provided, and given the allocated employment sites do not seek to provide the proposed use, or a suitable location for this type of business development.

f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and

The proposal would fail to maximise opportunities for a modal shift away from private car transport to and from the site due to the rural setting it is located within, as customers visiting the site would rely on using their own private vehicles to travel to the area for the most part. Notwithstanding this, it is important to note that the site immediately abuts the settlement boundary of Whaplode Drove and thus has access to a defined settlement boundary. Customers could therefore make use of such public transport services when visiting the site which reduces the overall dependence on private vehicles.

A total of six bus stops are located within the defined settlement boundary with the closest being directly outside 55 Broadgate, whilst all others are also within walking distance. There is a clear argument to be made in relation to this in that whilst private cars may be used, public transport links are provided and there is not a sole dependence as a result of this.

g. there is an identified need for the business location outside of identified employment areas on the Policies Map

Lastly, a clear identified need for the business within this particular area has not necessarily been identified within this submission; however, it is considered that this is somewhat notable, given the nature of the scheme . The proposal requires animals such as sheep, lambs, goats, pigs etc, similar to that of a petting farm, and the proposal specifically, seeks to utilise an existing space, with the aforementioned animals already being present on site and does not seek to introduce new animals or production within an unsuitable location.

Beyond this, the housing of animals has the potential to give rise to potentially harmful noise and smell issues. If a similar scheme was brought forward within a more urban and residential setting it could potentially be unsuitable on this basis despite being with a more 'sustainable location'.

The proposal, in respect of locational assessment, is considered to be suitable and acceptable. A more rural setting is considered to be required to reduce the potential for harm that could arise. No evidence has been brought forward as to other land which comprises previously developed land which may be available; however, the LPA believe on the basis discussed above that the scheme meets Point G.

When assessing the proposal in respect of the SELLP, it is considered that it is at technical conflict with Policy 1 and Policy 7. Notwithstanding this, the application site, as existing, comprises agricultural land within an edge of settlement location. The site is not therefore isolated in planning terms, and is somewhat connected to the settlement of Whaplode Drove. The proposed use, which utilsies existing structures and animals on site, would be suitable for the rural, countryside character of the site. As such, when considered as a whole, whilst not in accordance with Policy 1 or 7 of the SELLP for the reasons identified, the proposal is considered to be acceptable in principle in this instance,

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.

As discussed above, the proposal requires no physical building works in order to enact the change of use due to it already benefitting from housing for the animals throughout and making use of these where necessary.

Furthermore, the site is set to the rear of the existing dwellinghouse and is therefore mostly concealed from view of the highway. The potential harm to the character and appearance of the area is relatively low as a result of this and would not see any significant harm once implemented.

Despite there being no physical structures outlined within this proposal, the change of use of the land should also be assessed from a character perspective to ensure no unacceptable or detrimental harm is caused. Whilst the land is set behind a row of established residential dwellings, it is itself located outside the defined settlement boundary and sits adjacent to long stretches of fields of a similar nature. The use of the land would feature animals with customers visiting the animals, this would not appear particularly out of character for its setting. The land itself would not be vastly altered and such the character and nature of the site would remain as is currently, thus meaning the change of use would not harm the area, when taking into account the extent and restriction of the number of visitors.

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 Supporting Statement outlines that the site would be open to the public via pre-arranged appointments only, with no walk-in appointments available.

Furthermore, it seeks to open three days a week, between the hours of 10:00am - 12:00pm and 12:30pm - 14:30pm. The number of customers during the visits would be between 6 - 10. As such, it is clear the site would only be in use four hours per day, and a maximum of 12 hours per week and given the number of users on each occasion, it is considered that the resultant use would not cause an adverse increase in harm from a noise perspective; particularly due to the low number of visitors throughout the course of a day.

Should the application be approved, a condition would be attached to the decision notice to limit the business to only operate within the allotted timeframe.

Similarly, there would naturally be an increase in vehicle movement as customers visit the site more frequently than the current residential property itself. In line with what has been discussed above, this vehicle movement itself should also not give rise to a material increase in noise and would not be harmful or warrant a refusal as such.

It is also imperative to assess the potential increase in smell, following the implementation of the change of use. Despite this, it is not considered that there would be a harmful increase in smell due to the animals being on site currently and thus there being no significant introduction of animals which could create a harmful smell. South Holland District Council Environmental Protection have commented to state that appropriate arrangements should be made in regard to the disposal of animal waste and bedding, with burning also not being permitted on site. Conditions will be recommended to the decision notice, to require further information in relation to the necessary disposals, as well ensuring no burning would be carried out on site. Such conditions would ensure that no material increase in smell would occur from other factors than just the siting of animals.

The existing boundary treatments and overall distance from neighbouring properties should ensure that no material overlooking would arise despite the increase in footfall to the rear of the property. Finally, as there would be no physical works carried out such as new buildings etc, no material overshadowing should occur once the change of use has been implemented.

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).

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.

As briefly touched on before under Point D of Policy 7, Lincolnshire County Council Highways have raised no objections to the proposal from a highway safety perspective. Their comments specifically state that the proposal *"does not pose any specific highway safety risks"* whilst the access has suitable visibility along Broadgate to ensure safe access for vehicles and pedestrians. It is also considered that a travel plan is not required for the site due to the size.

A key consideration they have raised is assessing whether the proposal meets the definition of severe, as outlined within Paragraph 116 of the National Planning Policy Framework, which 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 would be severe". Further to this, LCC Highways discuss that Planning Inspector's decisions regarding severity are purely site specific and depend on the location of the proposal, three common considerations are noted, which state:
- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

Overall, they do not consider that the proposal would result in a severe impact in relation to the NPPF nor should it cause adverse harm to the safety of the highway and its users either.

Moving on from this, the site must provided adequate parking provisions in order to meet the requirements of Appendix 6. Parking would be provided to the front of the site using the existing parking provision currently benefitting the property, there is adequate room to park a suitable number of vehicles throughout the period the business would be taking customers.

As such, there is considered to be no significant adverse impact on the local highway network following the change of use being implemented.

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).

Flood Risk

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 2 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 majority of the site is located within Flood Zone 1, however one corner of the paddock are is within Flood Zone 2 of the Environment Agency's maps. Notwithstanding this, it is sited within an area of no hazard as shown in the South Holland Strategic Flood Risk Assessment.

There would be an increase in the number of people visiting the site following the change of use occurring which is necessary to take into consideration, however all movement in connection with the business would be externally operated as all animals would be sited within the rear land. Alongside this, the majority of the business is sited within Flood Zone 1 with it not being possible to be located on more suitable land from a flood risk perspective. No physical development has been proposed or is required to implement the change of use, as such, there would not be any significant harm raised and it would not materially increase the flood risk for the site and surrounding area in a harmful way.

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.

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 exempt from the statutory

10% Biodiversity Net Gain requirements due to there being no physical development being carried out, only a material change of use. Less than 25sqm of non-priority habitat and less than 5m of linear habitat would be impacted with the proposal being able to be classed as de minimis in this instance.

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 development is sited within a countryside and fails to accord with Policy 1 and 7 of the SELLP as outlined above. Notwithstanding this, the application site, as existing, comprises agricultural land to the rear of an established residential property, which contains various animals as listed throughout this report. The proposal seeks to introduce, to a modest scale, the opening of this land for groups of individuals to visits the site. This would be via appointment only, on a limited and restrictive period, during three days per week.

The use, given its nature, requires a countryside rural context, and as such, notwithstanding the technical conflict with local policy, is considered to be an appropriate site for such a proposal. Furthermore, the proposal introduces social benefits, given its main purpose to provide activity for vulnerable individuals or individuals with additional needs.

Overall, it is considered to be an appropriate and acceptable proposal in principle. Further to this, it does not materially harm the character or appearance of the locality, or amenity of nearby residents due to the reasons outlined above. Adequate parking would be provided whilst no harm should arise to the safety and functionality of the highway.

In this instance, it is considered that the benefits of the scheme outweigh the technical policy conflicts identified and as such, 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 2, 3, 4, 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).

Notwithstanding the technical conflicts with policy 1 and 7 of the SELLP, it is considered that the benefits of the scheme outweigh the technical policy conflicts identified and as such, are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Recommendation

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