DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0606-26**	**Applicant:**	**Mr N Dawson**
Proposal:	Proposed single dwelling		
Location:	Land Adj Hayfield Sholts Gate Whaplode		
Terminal Date:	27th 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
10	Meeting Assessed Housing Requirements
17	Providing a Mix of Housing
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 5 - Delivering and sufficient supply of homes
Section 9 - Promoting sustainable transport
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1

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

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks outline planning permission for the erection of a dwelling. All matters are reserved, except for the access, which is proposed to be taken from an existing access on Sholts Gate which is to the east of the site.

Site Description

The application site comprises land at Hayfield which is located to the west of Sholts Gate, between the settlements of Holbeach and Whaplode. The site includes an existing garage that is proposed to be demolished, and some of the driveway and garden land associated with Hayfield, which comprises a detached residential dwelling.

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

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

Planning History

H23-0676-05: (Full Application) Extension to existing detached garage to form triple garage - refused 13 July 2005

Consultation Responses

The responses received from consultees during the consultation period are summarised below; however, the responses can be viewed in their entirety on South Holland District Council's website.

Whaplode Parish Council:

No comments.

National Grid:

No observations.

Environmental Protection:

No comments regarding land contamination and Environmental Protection.

Lincolnshire County Council - Historic Environment:

The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Ecology Officer:

We have no significant concerns regarding the ecological impacts of this proposal. We recommend that the applicant remains ecologically mindful, and that all works cease if there is any risk of impacting nesting birds or protected species, with advice sought from a suitably qualified ecologist. A bird nesting brick and bat box should be incorporated into the design of the dwelling. As the proposal is for a self-build it would be exempt from BNG.

Lincolnshire County Council - Highways and SUDS:

As this is an outline application with some matters reserved, the layout has not been considered. Please make the applicant aware of the requirements for parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach. It is expected that at Reserved Matters, proportionate parking provision is detailed in the site plans for both host dwelling and proposed dwelling. 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

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration, however we cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher.

Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): We note that the applicant intends to treat foul waste using a package treatment plant or septic tank, however we cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: We note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Cllr A C Beal: No response received.

Cllr P A Redgatel: 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;
-Self and Custom Build Housing;
-Impact on the Character and Appearance of the Area;
-Impact on Residential Amenity;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and for decision taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance7 provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Footnote 8 clarifies that this *"includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites"*.

According to South Holland District Council's (SHDC) 5-Year Housing Land Supply Assessment (5YHLS) (June 2025), SHDC can demonstrate 5.5 years of housing land supply. Furthermore, SHDC have scored at least 162% for the Housing Delivery Test over the last three years (Paragraph 1.4 of the 5YHLS Assessment).

In accordance with Paragraph 232 of the NPPF, it is not necessary to apply the tilted balance in favour of sustainable development in the determination of the current application.

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable

development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside".

The site lies outside any defined settlement and is, therefore, within the countryside in planning policy terms. Part D of Policy 1 sets out that within the countryside, development will 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.

Within the Reasoned Justification section of Policy 1, Paragraphs 3.2.15, 3.2.16 and 3.2.17 broadly outline when a proposal may be considered "necessary to such a location". These include, but are not limited to:

-Applications relating to agriculture and forestry;
-Appropriate tourism uses;
-The reuse or replacement of an existing asset;
-Housing for Gypsy, Traveller and Travelling Showpeople accommodation; or
-Housing to meet the specific housing needs of a settlement (for example rural exception sites).

Within an appeal decision dated 15 September 2025 (APP/A2525/W/25/3362446) the Inspector stated that *"There is no clause within the LP (Local Plan) which indicates that the defined settlement boundaries should be reconsidered in the event development is permitted outside of their limits"*. To this end, decisions made by the Planning Inspectorate have been clear that there is no policy need to reconsider settlement boundaries, in light of development within the intervening years since the Local Plan's creation.

Within appeal decisions APP/A2525/W/22/3313330, APP/A2525/W/24/3343297, APP/A2525/W/25/3362446, APP/A2525/W/25/3364588 and 6001518, and other appeals, similar conclusions have been reached by inspectors in terms of the interpretation of Policy 1. For example, Paragraph 21 of appeal decision APP/A2525/W/22/3313330 outlines that the Local Plan "advocates containment within settlement boundaries other than in selected cases". Furthermore, Paragraph 8 of appeal decision APP/A2525/W/25/3364588 sets out the following:

"The proposed development is in clear conflict with Policy 1 of the Local Plan, as it lies outside the defined settlement boundary. Although its proximity to the settlement edge, the enclosing effect of existing vegetation and surrounding development, and the designation of Holbeach as a location suitable for directed growth may offer some justification, along with limited short-term economic benefits, these factors do not outweigh the fundamental policy conflict".

These appeal cases outline that the benefits to the area must go beyond what would be typically expected for an in-settlement development of the same nature.

In this case, it is not considered that it has been demonstrated that the proposal is necessary for the location, as is required by Policy 1. For example, it is considered that self-build dwellings such as the proposed dwelling can be delivered within established settlements and there is no particularly need for them to be delivered within the countryside.

It is also necessary to consider whether the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits that would arise from the proposals. These matters are considered below:

-*Economic*: In economic terms, the construction of a dwelling could provide some short terms benefits in terms of employment for construction workers. Such are limited and, in addition, are not benefits beyond those that could be attributed to development within more sustainable and appropriate locations. Economic benefits beyond this are not evident.

-*Community*: In community terms, a single dwelling would provide a minor contribution to the district's housing supply, albeit in the least sustainable location for development within South Holland; comprising the Countryside. The proposal is for a self-build dwelling, which make a contribution to the area's housing supply; albeit, the Council can demonstrate a sufficient supply in this regard, and the proposal does not demonstrate that such a provision could not be achieved in a more appropriate location, that accords with the aims of the spatial strategy. No affordable housing is proposed as the development would not meet the affordable housing threshold. The proposal does not offer any notable community benefits.

-*Environmental*: In environmental terms, the proposal would not provide a net gain in biodiversity as the applicant considers that the proposal would be exempt as the dwelling is for a self-build dwelling. The construction of a new dwelling would have evident environmental impacts.

Therefore, the development would not result in any notable economic, community or environmental benefits that weigh sufficiently in favour of the development.

The proposal does not highlight any benefits that would not otherwise be attributed or equally achieved by the large majority of other residential schemes of a similar nature, within a settlement boundary and therefore, in accordance with the aims of the spatial strategy.

Paragraph 84 of the NPPF is also considered to be relevant as this sets out that planning decision should avoid the development of isolated homes in the countryside unless one of more of the relevant criteria apply. For example, if the proposal is to meet the essential need for a rural worker. It is not considered that the proposal meets any of the criteria, nor has any case been demonstrated in this regard.

The site is within the countryside in planning policy terms and the proposal would result in unsustainable development, having regard to its countryside location. Significant harm would be caused as a result, as conflict would arise with Policies 1 and 11 of the Local Plan, which seek to direct housing development in accordance with the settlement hierarchy, concentrating on the most sustainable settlements to enable access to everyday facilities and services. Therefore, the principle of development is not supported in this case and the proposal is not considered to be acceptable in principle.

Self and Custom Build Housing

The submitted Design and Access Statement and the application form set out that the dwelling is proposed as a 'self-build' dwelling. As the application is in outline form only, the detailed design of the dwelling is unclear at this stage. Notwithstanding this, it is considered that an outline application can be eligible as a self-build dwelling as future occupants could have an input into the design and register on the Council's self-build register.

The Council requires self-build proposals to be accompanied by a legal agreement such as a Unilateral Undertaking Agreement in order to secure such proposals as self-build dwellings; either when a BNG exemption is sought, or where a proposal lies outside a settlement boundary. In this regard, a relevant appeal decision 6002149 was issued on 13 March 2026 which supported the Council's approach. The inspector stated that they were *"not persuaded that planning conditions relating to self-build would meet the rests set out within paragraph 57 of the Framework. A more appropriate mechanism to secure the dwelling as a self-build would be through a s106 planning obligation or unilateral undertaking".*

In this case, the application does not specify if the applicant is registered on the Council's self-build register, nor is the application accompanied by any form of a of legal agreement such as a Unilateral Undertaking to secure the proposal as such.

Pertinent to housing need is Section 2 of the Self and Custom Housebuilding Act, 2015, which states that: *"an authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base*

period." To this end, and as reaffirmed within Footnote 28 of the NPPF, the Planning Authority are obliged to give enough suitable development permissions to meet identified demand.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. The definition contained within the Act is as follows:

"In this Act "self-build and custom housebuilding" means the building or completion by:
(a)individuals,
(b)associations of individuals, or
(c)persons working with or for individuals or associations of individuals,
of houses to be occupied as homes by those individuals."

It is acknowledged that the Self-build and Custom Housebuilding Act 2015 places a duty on all Local Planning Authorities to grant enough suitable permissions on serviced plots to meet the need set out in the self-build register, for each year, within a 3 year reporting period. Self and custom build housing is defined as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can either be market or affordable housing.

The aforementioned Act requires that all authorities must have granted sufficient planning consents for enough serviced plots, which are suitable for self and custom build to meet the demand for the period. In this regard, demand is measured by the number of people joining the Council's Self and Custom Build Housing Register.

In this case, South Holland District Council have published a position in respect of the Self and Custom Build Register, which was subsequently updated further in January 2026.

The latest figures published in January 2026 shows that between the 31 October 2022 and the 30 October 2025, South Holland District Council received 34 applicants for entry onto its register. "In response to this demand, the Council has granted permission for 50 dwellings that comprise 34 self and custom build dwellings supported by a unilateral undertaking or a biodiversity net gain exemption plus 16 others where the applicant evidence on planning applications, condition discharge, modifications and Building Regulation applications indicate a person rather than a building company during this period".

The Council has met and exceeded the requirements of the legislation by having granted sufficient Self and Custom Build permissions to meet the registered demand. Therefore, the Council has currently fulfilled its requirements, in meeting the registered demand for the preceding three years.

However, it is acknowledged that demand has substantially increased in recent years, primarily due to the exemption for Self and Custom Build Developments from Biodiversity Net Gain requirements. Therefore, there is a requirement to demonstrate an equivalent increase in the number of Self and Custom Build permissions granted. The Council has three years in order to grant enough permissions to meet this demand in order to comply with this duty, which it is presently achieving.

Whilst the requirement for providing Self and Custom Build housing is acknowledged, such developments must be in accordance with the policies set out within the Local Plan as a whole. The requirement to provide Self and Custom Build development does not attract such overriding weight, that is should outweigh the fundamental spatial planning policies within the Local Plan which directs suitable locations for residential development through its spatial strategies.

Whilst the Local Plan does not have a policy dedicated to self-build proposals, Policies 10, 11 and 17 provide a strategy for the provision of these dwellings. Paragraph 5.3.5 of the Local Plan states:

"Within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met."

Policy 17 expands upon this briefly, outlining that the *"Local Plan will also seek to meet the housing needs of custom and self-builders as they may come forward".* Paragraph 5.9.4 of the reasoned justification for this policy reiterates that "opportunities for infill development within Settlement Boundaries can also meet the known interest registered by self and custom house builders".

In other words, proposals for self-build dwellings should be consistent with the Development Plan as a whole and appropriately located within settlement boundaries.

This approach has been confirmed within appeal decisions APP/A2525/W/23/3319481, APP/A2525/W/24/3343297 and APP/A2525/W/25/3359058 amongst others. Within these previous appeals, it was outlined that proposals which break from the spatial strategy of the SELLP would require significant justification, including evidence that a search for alternative sites within settlements has been conducted. No such justification or search for sites has been presented to the Council at this time.

The Council is supportive of Self and Custom Build housing, and will continue to meet the required number of granted planning approvals to comply with the Self and Custom Housebuilding Act 2015. Furthermore, the Council does consider that weight should be afforded to Self or Custom Build proposals in line with National requirements. The Council will not however, support Self and Custom Build housing where it fundamentally conflicts with the Locational Strategy or other policies within the SELLP.

Whilst the Council will need to grant sufficient suitable developments in order to meet the uplift in Self and Custom Build demand, it has three years in which to do so. As such there is no compelling need at this time to grant Self or Custom build developments which would otherwise conflict with the SELLP. The requirement to meet demand for Self and Custom Build housing does not overcome the current planning applications fundamental policy conflict with the SELLP, and therefore the proposal is not considered to be acceptable in principle.

As the Council has currently exceeded its requirements in relation to Self and Custom Build, the weight afforded to this in the determination of this current planning application alone is insufficient to warrant a departure from the SELLP in this instance. Whilst weight is rightly afforded to the Self and Custom Build nature of the proposal, in light of the above, it is considered that only limited weight should be attached to this matter in the determination of this planning application owing to the proposals lack of compliance with the SELLP.

Furthermore, it is considered that the limited benefits of one single Self and Custom Build dwelling in this specific location (particularly given the Council is able to demonstrate it is meeting the requirements of the Self and Custom Housebuilding Act 2015) is not considered to overcome the fundamental policy conflict, and does not attract sufficient weight to outweigh the proposals clear lack of compliance with the Development Plan in the planning balance, or justify a departure from the Spatial Strategies of the Local Plan.

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.

At this stage, the proposed scale, appearance, layout and landscaping details of the proposal are unknown. As such, it is difficult to assess the visual impact of the proposals. Notwithstanding this, the application is accompanied by an indicative site layout plan which shows how a dwelling could be positioned within the site.

Sholts Gate is located to the south of High Road, which connects the settlements of Whaplode and

Holbeach. There is a dwelling to the north of the site (Eastfield View) and two dwellings to the south of the site (Hayfield and Pheasant View). The site is otherwise mostly surrounded by agricultural land.

The existing dwelling at Hayfield comprises a detached two storey dwelling whereas the other nearest dwellings comprise single storey bungalows. The nearest dwellings feature a mixture of brickwork types and render. As such, there is no strict uniformity in terms of the appearance of the nearest dwellings.

Within the site, there is currently a detached garaged with a jerkinhead roof form which is proposed to be demolished to make room for the proposed dwelling. The indicative layout shows that a dwelling could be positioned within a similar footprint as the existing garage. The indicative layout shows the dwelling positioned further forward than the dwelling at Hayfield and it is considered that it would be more suitable for any dwelling within the site to be positioned further into the site, to align more closely with the building frontages of the nearest dwellings on Sholts Gate. Whilst the proposed plot would be slightly smaller than the nearest plots, it is not considered that the proposed development of one dwelling would result in an overly cramped form of development.

Therefore, whilst the site layout remains unconfirmed at this stage, it is considered that the site has the capacity to accommodate a suitably designed dwelling that could have an acceptable impact on the character and appearance of the area.

Impact on Residential Amenity

Paragraph 135 of the NPPF 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 Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Based on the indicative layout, it is considered likely that a dwelling within the site could include sufficient internal living space and outdoor amenity space. Similarly, it is likely that there would be sufficient separation distances between the proposed dwelling and the nearest dwellings to the site to prevent an unacceptable degree of overlooking or overbearing. The full impact of the proposals could only be confirmed at the detailed design stage; however, it is considered that the site has the capacity to accommodate a suitable design in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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 of the Local Plan 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.

Policy 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

Currently there are two vehicular accesses from Sholts Gate which provide access to the dwelling at Hayfield. The proposal seeks to use the northern vehicular access for the proposed dwelling.

Lincolnshire County Council's highways team have not raised any objections to the proposals at this stage based on highways safety concerns. Therefore, it is considered that the proposal would have acceptable impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF. Notwithstanding this, any reserved matters application would need to be

accompanied by a suitably detailed access plan showing relevant visibility splays.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The site lies within Flood Zone 1, as identified within the Environment Agency's Flood Maps. The site is also not located within a hazard area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. As such, no specific flood risk mitigation is required for the development in this instance.

Overall, it is considered that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

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.

As the proposal is for a self-build dwelling, the applicant considers that the proposal is exempt from BNG. The application is in outline form only and as such, future applicants or occupants of the dwelling could potentially have an input into the detailed design of the dwelling. It is considered that the proposal could be considered as a self-build dwelling; albeit, no detail of the design phase nor how the proposal strictly accords with the self-build requirements has been set out. The LPA requires applicants to prepare a Unliteral Undertaking agreement to ensure that proposals are built and retained as self-build dwellings in order to meet the requirements of the exemption. The application has not been accompanied by a Unilateral Undertaking agreement.

The ecology officer has also recommended that one integrated nest brick for birds and one integrated bat box should be provided within the development to provide habitat in accordance with Policy 28 of the Local Plan. These measures could be secured via a planning condition.

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 would result in the provision of housing within the countryside, within the least sustainable location for development within the area's settlement hierarchy, as identified by Policy 1 of the Local Plan. The 'tilted balance' in favour of sustainable development is not engaged at the present time, as the LPA can demonstrate a 5 year housing land supply. The limited benefits that would be provided by the proposals do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

There are significant material considerations that weigh against the proposal and as such, the planning balance is against 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

The proposal is considered to conflict with Policy 1 of the Local Plan and the provisions of the NPPF when viewed as a whole. These are 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 refused under delegated authority.