DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0615-25**	**Applicant:**	**Mr D Ford**
Proposal:	Erection of a single dwelling with attached triple garages involving the demolition of existing agricultural buildings & follows a Part Q Approval under reference H23-0766-24		
Location:	Carter'S Farm Oxcroft Bank Shepeau Stow		
Terminal Date:	25th August 2025		

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
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
28	The Natural Environment
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments

PARISH COUNCIL	0	2	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	0	1
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the erection of a detached two-storey dwelling and two detached garages, following the demolition of the existing agricultural buildings within the site. Vehicular access is proposed to be taken from Oxcroft Bank which is to the west of the site.

The dwelling is proposed to feature two storeys, with a gable end roof form. A garage is proposed to the side of the dwelling. The dwelling is proposed to feature brickwork, black feather edged cladding, a slate roof and pantiles.

Site Description

The building is part of a farmyard located on the eastern side of Oxcroft Bank, Shepeau Stow. Nook House and Nods Nook Barn is located to the north of the site, and there are associated equestrian facilities to the north-east. The site is otherwise mostly surrounded by agricultural land.

Planning History

Within the Application Site:

H23-0345-22: (Prior Approval Application) Change of Use of Barn into Residential Dwelling - refused 13 May 2022

H23-1132-23: (Prior Approval Application) Conversion of three agricultural barns into four residential dwellings involving the demolition of a fourth barn - prior approval refused 19 February 2024

H23-0522-24: (Prior Approval Application) Convert 3 agricultural barns into 4 residential dwellings including the demolition of a fourth barn - refused 21 August 2024

H23-0766-24: (Prior Approval Application) Proposed conversion of existing agricultural building to form 2 new dwellings - approved 11 November 2024

H23-1089-24: (Full Application) Erection of 2 dwellings comprising of 2 x detached 2-storey dwellings and 2 x double garages involving the demolition of the existing agricultural buildings and follows a Part Q Approval under reference H23-0766-24 - refused 30 May 2025

Land to the West:

H23-0943-22: (Prior Approval Application) Change of use of barn to residential dwelling - refused 21 November 2022

H23-1184-22: (Prior Approval Application) Change of use of barn to 2 residential dwellings - re-submission of H23-0943-22 - approved 16 February 2023

H23-0407-23: (Full Application) Demolition of existing barn and erection of 2 detached dwellings - approved 10 October 2023

Consultation Responses

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

National Grid: No comments.

Whaplode Parish Council: No comments.

South Holland Internal Drainage Board: I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. I note that the applicant intends to treat foul waste using a package treatment plant, however I 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. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the north western 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). There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Holbeach Parish Council: Fully support the proposals.

Environmental Protection: No comments regarding application H23-0615-25. However my previous comments on previously approved application H23-0766-24 remain the same. For reference the previous comments were "I request a precautionary land contamination condition be applied at this location".

Lincolnshire County Council - Highways and SUDS: 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 condition 13 is recommended and highway informatives 03 and 08 are recommended.

Cllr A C Beal: No response received.

Cllr P A Redgate: No response received.

Lincolnshire Wildlife Trust: No response received.

Lincolnshire Bat Group: No response received.

Ecology Officer: 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, one letter of representation has been received. The following key matters are raised within the response:

-The dwelling would be located close to the permitted and long-established equestrian hardstanding and muck heap. It is likely that the muck heap would have a significant impact on the residential amenity of any future residents of the dwelling, principally through the smell of manure and flies. If this development is allowed, we would require the LPA and developer to accord with the agent of change principle. If this development is allowed, we would require the LPA and developer to accord with the established agent of change principle.

Key Planning Considerations

Development Plan

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

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

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

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

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

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity.

These matters are assessed in turn below.

Principle of Development

Paragraph 84 of the NPPF sets out that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

"a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential building; or
e) the design is of exceptional quality, in that it:
i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

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.

The site is outside any defined settlement boundary. The nearest settlement to the site is Shepeau Stow, for which the settlement boundary is approximately 250m to the north-east of the site. The site 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.

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 therefore not necessary to apply the tilted balance in favour of sustainable development in the determination of the current application.

It has not been demonstrated that residential development is necessary in this location, for example, in conjunction with agriculture or other rural based business. Moreover, the site is physically divorced from Shepeau Stow and larger service settlements such as Gedney Hill, Holbeach and Spalding. In the absence of footways and given the distances involved, it would be difficult or future occupants to access these settlements for the day to day needs of the occupants without use of a private car. Consequently, the proposal does not accord with Policy 1 and would not normally be considered a suitable site for new housing.

The application is accompanied by a Design and Access Statement, within which section 2.5 'Principle' sets out the proposed justification for the dwellings. This section sets out that as the site has prior approval consent for two dwellings under reference H23-0766-24, this consent represents a fallback position "which should be afforded weight". The statement then sets out that the following:

"The existing buildings are not listed buildings, and the site is not within a Conservation Area and therefore no harm is caused by the loss of these buildings. With this in mind, the principle of the proposal is acceptable."

No reference to Policy 1 is made and as such, the statement does not refer to the settlement hierarchy or the most relevant policies for the proposals. Whilst it is agreed that the proposal would not cause harm to any designated heritage assets, this does not mean that the principle of the

development is acceptable.

The Design and Access Statement also sets out that the current scheme is considered to represent an improvement on the recently refused application for two dwellings (H23-1089-24). The statement sets out the following:

"Unlike the earlier scheme, which involved multiple units the current proposal seeks permission for a single, sensitively designed dwelling. This significantly reduces the intensity of development on the site, leading to a marked decrease in potential vehicle movements and a more limited visual and environmental impact. The single dwelling approach also allows for a layout and design that more closely respects the character of the rural setting, improves integration with the landscape, and preserves the open countryside feel. Additionally, by adopting a barn conversion-style aesthetic, the proposal further enhances its compatibility with the site's context and local vernacular architecture."

It is not considered that the proposal for one dwelling instead of two dwellings through the consented barn conversion would offer significant benefits. It is also not considered that the proposed dwelling would comprise a "barn conversion-style aesthetic". The dwelling features a relatively standard design, including a two-storey structure with a gable end room form and an attached triple garage.

Prior approval has been granted to change the use of the existing agricultural building within the site into two dwellings under reference H23-0766-24 on 11 November 2024. This consent related to the building within the site that is proposed to be demolished under the current proposals, referred to as Barn 1 within the submitted Site Plan (Drawing No. 100). It would be necessary to demolish Barn 1 to implement the current proposals as the garage structure and part of the driveway are proposed where the building is currently located. This would mean that the prior approval could no longer be implemented.

Caselaw has demonstrated that Class Q consents are a legitimate fallback position when considering alternative proposals for development of the same site. The relevant legal principles relating to fallback were set out in R v Secretary of State for the Environment and Havering BC (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test:

"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is "yes", a comparison must be made between the proposed development and the fallback use."

The notion of the Class Q fallback position was also comprehensively dealt with at the landmark Court of Appeal case, Mansell vs Tonbridge and Malling Borough Council (2017). This case established that that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority. Therefore, where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could be allowed to proceed.

The local authority considers that there is a realistic prospect that the Class Q conversion could take place. Consent has recently been granted and the developer has three years to complete the development.

Barn 1 features a utilitarian appearance with metal cladding. The appearance of the building is typical for an agricultural building, and it is not considered that the structure contains any distinctive features that are of particular merit. Notwithstanding this, the visual appearance of the barn conversion was considered to be acceptable through the approval of permission H23-0766-24. The proposed dwelling under the current application is proposed to feature red brickwork and black feather edged cladding. The design shares similarities with the recently refused proposal under application H23-1089-24, such as the proposed materials and general appearance of the dwelling. The dwelling would feature a design that is more typical for residential development. The proposed attached garage would comprise a significant side addition that is considered to imbalance the design.

It is not considered that the appearance of proposed dwelling would represent a scheme of such

quality, or represent such a substantial improvement on the approved scheme under permission H23-0766-24 to justify a departure from Policy 1 of the Local Plan.

The proposed development would, therefore, not accord with Policy 1 and there is insufficient justification for the proposed dwelling within a relatively isolated and unsustainable location. The proposed development would also not accord with Policy 19 of the Local Plan or Paragraph 84 of the NPPF as it is not considered that the proposed dwelling would be justified under any of the relevant criteria, for example as a rural exception site.

Design and Visual Impact

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. Furthermore, Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The dwelling is proposed to feature a broadly L-shaped layout. The main section of the dwelling measures 14m in length and 7.5m in width. This part of the dwelling is proposed to measure 8.9m in height up to the ridgeline. This part of the dwelling is proposed to feature brickwork and a natural slate roof.

A side extension is proposed, measuring 3.9m by 5.2m. The side extension features a hipped roof form, measuring 4.5m up to the ridgeline. The extension is proposed to feature black feather edged cladding and pantiles on its roof.

An attached triple garage is proposed measuring 13.5m in length and 6.3m in width. The garage is also proposed to feature a hipped roof form, measuring 5m up to the ridgeline. The external materials would match the side extension.

The dwelling is considered to be relatively large, particularly compared with the existing barns within the site. As set out above, the proposed design is not considered to represent sufficient justification for the proposed dwelling within the countryside. The proposed dwelling does not represent such a substantial improvement over the approved barn conversion to justify a policy departure.

Impact on 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.

Nook House is located to the north of the site, fronting Oxcroft Bank. Nods Nook Barn is also located to the north of the site, to the rear of Nook House. Associated equestrian facilities are located around these properties. The site is otherwise surrounded by agricultural land.

Planning permission was granted for the demolition of barns and the erection of two dwellings on land next to the site, next to Oxcroft Bank, under permission H23-0407-23. Although these dwellings have not yet been constructed, the permission is still extant. Therefore, it is necessary to consider the potential relationship between the approved dwellings and the proposed dwellings under the current application.

There is approximately 23m between the rear elevations of the approved dwellings from permission H23-0407-23 and the side elevation of the proposed dwelling. The side elevation contains patio doors which would be connected to a living room area. There would be a boundary fence

comprising 1.8m high close boarded timber between the properties. This should reduce the potential for overlooking between the dwellings. 23m is also considered to be a sufficient separation distance between elevations. The relationship between the proposed dwellings and the approved dwellings is therefore acceptable.

There is approximately 25m between the front elevation of the dwelling and Nods Nook. This is considered to be a suitable separation distance to prevent an unacceptable degree of overlooking. Furthermore, the dwelling would not face directly onto Nook House, which is the other nearest dwelling to the site.

The proposed dwelling would feature ample private amenity space and internal living space and as such, this is not a concern.

The public representation sets out concerns that there is a muck heap on land close to the site which could result in an unacceptable impact on the amenity of future occupants in terms of odour. Whilst the proximity of the muck heap might cause some disturbance to future occupants, it is not considered that this impact would be so adverse as to warrant refusing the application. The site is within a rural area where agricultural practices often result in a degree of disturbance such as odour.

As detailed above, the proposed development would not result in an unacceptable impact on the residential amenity of neighbouring dwellings or future occupants. As such, the proposal is considered to accord with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

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 sets out 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.

There is an existing vehicular access from Oxcroft Bank and it is proposed to retain and improve this access. Lincolnshire County Council's highways team have not set out any objections to the proposed development. The team have recommended condition 13 and highway informatives 03 and 08. The proposal would therefore be acceptable in terms of highway safety and would therefore accord with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

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.

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 Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met. The site is not within an identified hazard area as identified by the SFRA.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. As the site lies within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. It is acknowledged 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 SFRA as a basis to apply the sequential test. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. It is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. There is a fallback position as prior approval has previously been granted for a residential conversion of the existing building within the site to two dwellings. It is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The submitted FRA sets out that although the site is within Flood Zone 3, the probability of this development flooding from localised drainage systems is low. Failure of Fleet Fen Pumping Station could lead to an increased level of risk at the site. The site is not within an area with a hazard rating as identified within the SFRA. The submitted FRA sets out recommended flood risk mitigation for the proposed dwelling. This mitigation includes the recommendation that the finished floor levels of the dwellings should be set at least 0.3m above the surrounding ground level, and that there should be at least 0.3m of flood resilient construction above the finished floor level. It is therefore considered that the exception test is passed.

It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

The proposed means surface water drainage has not been confirmed. Further details of the proposed drainage strategy would need to be secured. A sustainable drainage strategy would be encouraged, and an alternative drainage strategy would only be permitted if it was demonstrated that a sustainable drainage strategy was infeasible. For example, if the ground conditions were not suitable for soakaway infiltration.

Biodiversity

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 (BNG) 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.

The current application is not support by a Preliminary Ecological Appraisal (PEA). The previous application H23-1089-24 was accompanied by a PEA and this confirmed that not further surveys were required for protected species.

The current application is accompanied by BNG calculations set out that a net gain of 36.46% can be delivered on site. A condition requiring a biodiversity net gain plan to be submitted would nonetheless be required. With the inclusion of such a condition, the proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

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 outside of the settlement boundary of Shepeau Stow. The site is therefore within the countryside in planning policy terms, 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 local planning authority can demonstrate 5 years of 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.

The proposed development would comprise inappropriate development outside the settlement boundary of Shepeau Stow. The development would result in significant harm to the character and appearance of the site and the locality. The proposal would therefore not accord with Policies 1, 2, 3, 10, 11 and 19 of the Local Plan and the provisions of the NPPF when viewed as a whole. There are 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 proposed development would result in the provision of housing outside of the settlement boundary within the countryside. The 'tilted balance' is not engaged at the present time, which means that the development is in an unsustainable location, at the bottom of the settlement hierarchy. Whilst there are some benefits weighing in favour of the proposal, these do not outweigh the demonstrable harm of developing in the countryside in an unsustainable location.

Recommendation

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