DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0745-24**	**Applicant:**	**Mr & Mrs Convertino**
Proposal:	Demolition of existing two storey dwelling & erection of a single storey dwelling		
Location:	Thurslie Cottage Dowsdale Bank Crowland		
Terminal Date:	13th January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
17	Providing a Mix of Housing
22	Replacement Dwellings in the Countryside
28	The Natural Environment
29	The Historic Environment
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
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

National Guidance

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for the erection of a replacement dwelling at Thurslie Cottage, Dowsdale Bank. The existing two-storey dwelling is proposed to be demolished and a three-bedroom bungalow is proposed in its place. The proposed dwelling would feature a hipped roof form and would be arranged in a horseshoe shape.

Site Description

The site is located outside of any settlement boundaries, as identified within the South East Lincolnshire Local Plan (2019). As such, the site is within the countryside in planning policy terms. Dowsdale Bank features sporadic, isolated dwellinghouses interspersed with agricultural buildings and fields. There is a farmyard to the north-east of the site. The site lies within Flood Zone 1, as identified by the Environment Agency.

Relevant Planning History

No planning applications have previously been submitted within the site.

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

The council's conservation officer and the Highways and SUDS Support team were re-consulted following the receipt of amended proposals. Their additional responses are also summarised below.

North Level Internal Drainage Board: The site lies outside the North Level District Internal Drainage Board boundary and we have no comment to make regarding this application.

South Holland Internal Drainage Board: The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may

require Land Drainage Consent from the Board. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime. 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.

Highways and SUDS Support:

First Response (20 September 2024): The access to the existing dwelling will need to be formally stopped up. The informal access to the land to the south-west of the existing dwelling shall be constructed to LCC Spec and a note should be added to the proposed site plan. The limits of the public highway shall not be block paved as that does not accord to our specification.

Second Response (31 October 2024): The access to the existing dwelling will need to be formally stopped up. The informal access to the land to the south-west of the existing dwelling shall be constructed to Lincolnshire County Council Specification and a note has been added to the proposed site plan. Parking and turning is acceptable for the size of the proposed bungalow. The proposal will not have an adverse impact on the public highway. Highway condition 12 is recommended and highway informatives 03 and 08 are also recommended.

Environmental Protection: No comments.

Historic Environment Officer: The two-storey dwelling is part of a partially extant 19th century farmstead, and a non-designated heritage asset included within the HER: MLI123328 - Thursley Farm, Whaplode. In addition, it is included in the 'Building the Evidence Base for Historic Farmsteads in Lincolnshire'. This project mapped Lincolnshire's historic farmsteads (defined as those that pre-date the 2nd edition Ordnance Survey mapping of the early 1900s). If permission is granted, conditions AR01, 02 and 03 are recommended. The SHDC Conservation officer must also be consulted before a decision is made.

Conservation Officer:

First Response (26 September 2024): The building in question is a clear example of a Non-Designated Heritage Asset (NDHA), being identified and listed within the County Council Historic Environment Record under reference MLI123328, as Thursley Farm. Moreover, the property was also surveyed as part of and features within the 2015 Historic England Project 'Building the Evidence Base for Historic Farmsteads in Greater Lincolnshire. The case for this building being considered an NDHA is therefore evidently strongly supported by archival records. Moreover, this strongly disputes the applicant's assertion that the property is of no architectural or historic merit. It is true that the property has been substantially altered in recent decades to the degree that a large portion of the appeal of the property has been negatively influenced by change. Given the state of the HER recording, demolition of this remaining building would appear to result in the total loss of the NDHA. I would therefore suggest that the onus is now upon the applicant to offer a clear and convincing justification of the proposal and as such, a full heritage impact assessment (HIA) should be undertaken and submitted prior to a final decision being made. This justification should seek to convincingly establish why demolition is necessary and the extant building cannot be retained and potentially incorporated into a wider scheme rather than simply being demolished.

Second Response (31 October 2024): Following the submission of the requested HIA, I can confirm that I no longer have any objections to the proposal on purely built heritage conservation grounds. However, I echo the comments of my colleagues from the LCC Historic Places team in requesting that should the proposal be approved, a full level 3 building recording should be secured by condition in addition to codes AR01, AR02, AR03 and AR04.

Whaplode Parish Council: No response received.

Cllr A C Beal: No response received.

Cllr P A Redgate: No response received.

Conservation Assistant (Tree Preservation): 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 letters of representation have been received.

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;
-Biodiversity; and
-Heritage and Archaeology.

These matters are assessed in turn below.

Principle of Development

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 of any defined settlement and as such the site is within the countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Notwithstanding this, Policy 22 of the Local Plan relates to replacement dwellings in the countryside and as such this policy is relevant to the proposed development. The policy states that replacement dwellings outside defined settlement boundaries will be permitted provided that the proposals meet criteria 1 to 6. The proposed development is assessed against these criteria below.

"1. The residential use of the building to be replaced (the original building) has not been abandoned"

The residential use of the building has not been abandoned. The existing building on the site is

capable of habitation and fulfilling its role as a dwelling.

"2. The original building is permanent, has not become derelict and is not the result of a temporary permission"

The existing building is permanent, is not derelict and is not the result of a temporary permission.

"3. The original building is not of architectural or historic merit and is not capable of repair"

The building is not a listed building, and the site is not within a Conservation Area. The building has however been identified as a non-designated heritage asset by the council's conservation officer and Lincolnshire County Council's historic environment team. As set out previously, these consultees have identified that the building is listed within the County Council Historic Environment Record under reference MLI123328, as Thursley Farm. The applicant has submitted a Historic Impact Assessment in response to a request from the council's conservation officer. The conservation officer has reviewed this assessment and has removed their objection to the proposed development, as it is considered that there is sufficient justification for the loss of the non-designated heritage asset in this case. The proposed development therefore would accord with part 3 of the policy.

"4. The replacement building is of a high standard in terms of architectural detailing and materials of construction"

The existing dwelling comprises a two-storey dwelling with a two storey rear extension, and a single storey rear extension which features a flat roof. The proposed replacement dwelling comprises a single storey bungalow. The front of the dwelling would feature a steep hipped roof design and the two rear projections would feature gable end roof forms. The proposed dwelling is proposed to be arranged in a horseshoe shape. At its deepest, the dwelling would measure 12.8m, with a maximum width of 16.8m. The roof ridgeline is proposed to measure 6.6m from the ground level. The proposed brickwork is 'Forterra Hampton Rural Blend' which is a red brickwork blend, and the roof is proposed to feature graphite Mannok Western Slates. The windows and doors would feature cream UPVC, and the rainwater goods would feature black UPVC. Brick soldier course detailing is proposed above some of the windows and there are stone ledges beneath all windows.

The proposed orientation of the dwelling is relatively unorthodox, as the main architectural features of the house are located to the rear, away from public view. There is however a front porch and overall, the design and materials are considered to be suitable for the site and the surrounding area. The proposed development therefore accords with part 4 of the policy.

"5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality"

The replacement dwelling would be located within the footprint of the existing dwelling, however, the proposed footprint would be larger than the original dwelling. As set out below, the increase in the proposed floor area does not exceed 40% of the original floor area. A suitable design is proposed and as such the increase in the building footprint is appropriate in this case. It is therefore considered that the proposal accords with part 5.

6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency"

The existing dwelling features approximately 178sqm of floorspace (GEA), whereas the proposed dwelling features approximately 220sqm. This represents an increase of 23.5% which is below the 40% allowance. As such the proposals accords with part 6.

The proposed development therefore accords with Policy 22.

The proposal is stated within the design and access statement as being for custom and self-build housing. From the information provided, the dwelling would be considered to adhere to the definition of self and custom-built housing outlined within Section 1 of the Self-build and Custom Housebuilding Act 2015, with the plots being primarily designed by their future occupants. Sections 2 and 2A of the Self-build and Custom Housebuilding Act 2015 require suitable provisions of plots

for self and custom builds to be provided. Policy 17 of the Local Plan sets out the need to provide custom and self build housing. The proposal would provide a small contribution towards the area's supply of self-build housing. Some weight is given in favour of the proposal accordingly.

Therefore, the proposed development accords with Policies 1, 17 and 22 of the Local Plan. The principle of development on this site is therefore acceptable.

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.

The design and visual impact of the proposed dwelling has been partially assessed within the previous section and has been found to be acceptable in terms of the criteria of Policy 22 of the Local Plan. Policies 2 and 3 of the Local Plan are however also relevant. Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the Local Plan 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 built form of the area has a relatively diffuse character, lacking consistency in design approaches. Notwithstanding this, the area has a rural character. The proposed materials are considered to be appropriate for the area. Furthermore, the overall layout and design is acceptable. Although the building footprint would be larger than the existing building within the site, the proposed bungalow would feature only one storey and would not be overly dominant. The proposed native hedgerow planting is also welcome in terms of the provision of soft landscaping.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is 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 Local Plan and Section 12 of the NPPF.

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.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The nearest dwelling to the site is The Bungalow at Thurslie Farm. This dwelling is located approximately 80m to the north-east of the site. There is a farmyard and agricultural buildings between the site and The Bungalow. There are therefore suitable separation distances between the site and the nearest dwelling. The proposed dwelling would therefore not result in an unacceptable degree of overshadowing or overlooking with nearby properties.

Adequate external and internal amenity space has been provided. Whilst future occupants may experience some disturbance from the nearby farm, it would be no greater than would be experienced by occupants of the existing house.

As such, it is considered that the proposed development would not have a significant detrimental impact on amenity. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this section, Paragraph 116 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, 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 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 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

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

Adequate space has been provided to enable on-site parking and turning to enable vehicles to leave the site in a forward gear. The redevelopment of the site would have no significant or detrimental highway impacts.

Lincolnshire County Council's highways and sustainable drainage team requested that the site plan be updated to clarify that the new access will be built to the county council's specifications. The site plan has subsequently been updated. The highways team also recommended a condition requiring the existing access is closed off. This condition has therefore also been included.

The proposal would therefore not have an unacceptable adverse impact on highway safety. As such the proposed development accords with Policies 2, 3, 33 and 36 of the Local Plan, and Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Section 8 of the Regulations outlines the following:

"The biodiversity gain planning condition does not apply in relation to planning permission for development which:
(a) consists of no more than 9 dwellings;
(b) is carried out on a site which has an area no larger than 0.5 hectares; and
(c) consists exclusively of dwellings which are self-build or custom housebuilding"

The application form indicates that the proposed dwelling is self-build and is therefore exempt from the requirement to provide BNG. The local authority agrees with this given that the proposal is for one dwelling only and that the proposed design appears to be bespoke for the site. As such, the development is exempt from the requirement to provide BNG.

Policy 28 of the Local Plan requires all applications to demonstrate BNG. However, Paragraph 20 of the National Planning Practice Guidance on BNG, states the following:

"It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain. Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework."

As such, there is no requirement for the proposal to demonstrate BNG in line with both national legislation and the Local Plan. Notwithstanding this, the proposed development includes significant hedgerow planting measuring approximately 60m and 122m in length. Three rowan and three crab apple trees are proposed within the site. The submitted design statement indicates that five bat

boxes on the adjacent barns are proposed and 10 nesting boxes for birds are proposed on the dwelling. These measures would result in the provision of onsite BNG.

A legal agreement has been secured to ensure the proposed development is constructed as a self-build dwelling. 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.

Heritage and Archaeology

Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 207 sets out that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 207 further sets out that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy 29 of the Local Plan sets out that distinctive elements of the historic environment will be conserved and, where appropriate enhanced. Part C.1 of the policy sets out that proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.

In this case, the site is part of a partially extant 19th century farmstead, and a non-designated heritage asset included within Lincolnshire's Historic Environment Record (MLI123328 - Thursley Farm, Whaplode). Lincolnshire county council's historic environment team have reviewed the proposed development and have requested conditions to secure a programme of archaeology investigation for the site. One of these conditions is a pre commencement condition, except for demolition works, and this has been agreed with the applicant's agent.

The council's conservation officer set out within their initial consultation response that the building is a non-designated heritage asset and that it appears to have been negatively influenced by alterations in recent decades. The officer set out that the onus is on the applicant to offer clear and convincing justification that the proposal is justified and therefore requested a heritage impact statement. A statement has subsequently been submitted and the officer has now confirmed that they have no objections to the proposed development.

The conservation officer has recommended condition AR04 in addition to the archaeology condition. AR04 would require the submission of photographs and other information of the current dwelling prior to the commencement of works. The applicant has already submitted a detailed HIA and it is considered that this provides sufficient detail in terms of the condition of the house. The condition is therefore not considered to be necessary.

The proposed development would have an acceptable impact on a non-designated heritage asset and appropriate mitigation would be in place in terms of any potential archaeological remains within the site through the inclusion of a planning condition. The proposed development therefore accords with the requirements of Policy 29 of the Local Plana and Section 16 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 is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

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 these factors into consideration, the proposal accords with Policies 1, 2, 3, 17, 22, 28, 29, 33 and 36 of the Local Plan, as well as Sections 9, 12 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal. Therefore, the planning balance is in favour of the proposal.

Recommendation

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