

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0821-25 **Applicant:** Mr S Haynes
Proposal: Erection of 1.5 storey self build dwelling - Retrospective
Location: Ravens Bank Whaplode St Catherine Spalding
Terminal Date: 6th January 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
- 05 Meeting Physical Infrastructure and Service Needs
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- 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
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Full application for the erection of a 1.5 storey, self-build dwelling at Ravens bank, Whaplode St Catherine. This proposal is, in effect, a modification of the scheme approved under H23-0970-22 and H23-0225-24 (outline and reserved matters respectively), adding a first-floor along with five roof lights and a dormer light to facilitate this change. There would be no change to the materials or proportions of the dwelling previously approved.

Site Description

The site is located on Ravens Bank in Whaplode St Catherine. The site comprises a rectangular shaped plot and is located outside any defined settlement boundary and within the countryside in policy terms. The immediate area is characterised by mainly open countryside with a small number of dwellings along the road with Little South Holland Drain to the north and open fields to the south. The site is within the Environment Agency Flood Zone 3.

History

H23-0970-22 - Outline - Erection of Single Storey Dwelling - Approved 14.02.2023

H23-0797-23 - Reserved Matters - Erection of Single Storey Dwelling - Approved 27.10.23

H23-0031-24 - Condition Compliance - Details of external materials (Condition 3 of H23-0797-23) - Approved 06.02.2024

H23-0026-24 - Condition Compliance - Details of site levels & floor levels, foul & surface water disposal, archaeological investigation, boundary treatments, ecological biodiversity measures & water consumption (Conditions 5, 6, 7, 11, 12 & 13 of H23-0970-22) - Refused 05.03.2024

H23-0213-24 - Condition Compliance - Details of site levels & floor levels, foul & surface water disposal, archaeological investigation, boundary treatments, ecological biodiversity measures & water consumption (Conditions 5, 6, 7, 11 & 12 of H23-0970-22) - Approved 30.04.2024

H23-0225-24 - Reserved Matters - Erection of single storey dwelling - outline approval of H23-0970-22 (Re-submission of H23-0797-23) - Approved 30.04.2024

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Whaplode Parish Council

Support - no comment

Environmental Protection

No observations

South Holland Internal Drainage Board

Outline when consent from the Board may be required

Historic Environment Officer

"Having reviewed the application documents for this application, an archaeological mitigation (archaeological monitoring) was implemented as a result of application H23-0970-22. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request."

Highway and Lead Local Flood Authority

The proposal is for Erection of 1.5 storey self-build dwelling - Retrospective which has previous outline and reserved matters approval under H23-0970-22 and H23-0225-24 and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Proceed to recommend the imposition of two informative conditions.

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

Evaluation

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

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP 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 application site in this instance is outside of the defined settlement boundaries Whaplode St Catherine. Although the site is outside the settlement boundary, the principle of the development of this site for one dwelling, is set by the outline consent H23-0970-22 and subsequent reserved matters application H23-0225-24. Work has commenced on the site, and the permission can be considered to have been implemented as a result. Therefore, irrespective of the outcome of this application, a residential unit could be created on this site.

In light of this, the principle of development is considered to be acceptable. There has been a history of approvals on the site, which were assessed against the current SELLP without a significant material change in policy occurring in the interim, which have also been implemented.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the 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. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP 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 SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

As outlined previously, H23-0225-24 approved the reserved matters for a dwelling on this location. The design of the dwelling approved under this application was, from the principal elevation in particular, extremely similar to the scheme submitted here. The changes between schemes are summarised within the introduction to this report. All changes are located to the rear of the property or away from the public realm. The scope of alterations to the previously approved design are considered to be minimal, and would have no fundamental change in the visual appearance of the dwelling.

The addition of a first floor would not fundamentally change the character of the property, particularly given the lack of change in scale to facilitate this. The proposal would be located between a single and a two-storey property, which means that this proposal would act as a gradient of increase in built form along the road.

The proposed change in boundary treatments would not be significantly detrimental to the character of the plot, particularly given that the previously existing hedge was outside of the red line boundary for the development.

In light of the previous permissions on the site, the design is considered to be acceptable. From the public realm, there would be no fundamental change to the appearance of the dwellinghouse.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident 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 SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed dwelling is relatively low lying, preventing an overbearing impact and reducing the potential for overshadowing or overlooking. In any event, the proposal would not increase the height of the dwelling when compared to the scheme approved under H23-0225-24, so there would be no enhanced impact in comparison.

All bar of one of the proposed windows face the rear, looking onto agricultural land. They would have no intrusive views as a result. One roof light would face towards a neighbouring dwelling; however, this connects onto a bathroom and would be obscure glazed, preventing overlooking. To ensure that this is the case, a condition requiring this window to be obscure glazed is recommended.

It is proposed that a 1.8m high timber fence would run around the site's perimeter. Given the scale of the development, this is considered proportionate to ensure no overlooking occurs and to retain a decent standard of amenity.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, 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. Ample parking space would be retained on the site four three vehicles. As such, the proposal is consistent with Policy 36 of the SELLP.

The proposal would gain access directly via the southern side of Ravens Bank, similar in nature to those that current reside along Ravens Bank. The proposed access is typical for this area and is considered to be adequate.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: 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 site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of an identified hazard zone.

As with the rest of the assessment of this application, the flood risk and drainage implications should be considered in light of the fallback position (namely implemented permission H23-0225-24). The proposed scheme here would represent an improvement over this previous scheme, in that a safe refuge has been created in a flood event on the first floor. Whilst it is unlikely that flood depths would be high enough to enter the property (seeing as finished floor levels have been raised significantly above ground level and above expected flood depths), this extra security would still be a beneficial addition in an unlikely significant event.

Likewise, the drainage arrangements have not been altered compared to those approved within H23-0213-24. Seeing as the scale of the dwelling has not been altered, the scheme is once again considered to be acceptable.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to 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.

This proposal relates to a self-build dwelling. The proposal would therefore be exempt from the need to demonstrate Biodiversity Net Gain under Regulation 8 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Heritage and Conservation

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area should preserve or enhance the setting.

In this regard, in respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

A scheme of archaeological investigation and the findings of said investigation have been submitted to support this application. These details were approved under H23-0213-24. Seeing as these investigations have already taken place, and any relevant findings been recorded, and that the footprint of the dwelling has not altered, there would be no requirement for further investigations to take place on the site prior to commencement of this development.

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 proposal is in essence seeking alterations to H23-0225-24 and H23-0970-22, through the addition of a first floor to these previously approved schemes. These permissions have already been implemented. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

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 is considered to comply with Policies 1, 2, 3, 4, 5, 10, 11, 33, and 36 of the SELLP, as well as Sections 2, 5, 12, 14 and 15 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.