DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0946-24**	**Applicant:**	**Mrs M Spencer**
Proposal:	Proposed conversion of dutch barn to form a single residential dwelling		
Location:	Holmlea Mill Gate Whaplode		
Terminal Date:	4th April 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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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 a 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	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission to convert a dutch barn into a residential dwelling.

Site Description

The application is situated on the east side of Mill Gate, to the south of Whaplode. The site is located on a stretch of ribbon development, south of Whaplode within a countryside location.

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

The application site is a sub-divided section of a wider smallholding which contains a metal dutch barn, visible from the road, albeit partially shielded by an existing hedge. The site has an existing access.

The Dutch Barn has been previously identified as a non-designated heritage asset. The site is not however within a Conservation Area, nor is it a listed building.

Planning History

H23-0508-24: Proposed demolition of existing dutch barn, change of use of land to domestic curtilage and erection of single storey timber lodge with associated off street parking and landscaping - withdrawn 30 July 2024

Whilst the above referenced application was withdrawn, the application was due to be refused planning permission due to the proposal being outside of a settlement boundary in an unsustainable location, thereby contrary to Policy 1 of the Local Plan, and due to lack of information associated with the non-designated heritage asset, thereby contrary to Policy 29 of the Local Plan.

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.

A second period of consultation took place from 11 March to 25 March in order to notify consultees of changes to the submitted information. Responses were received from South Holland Internal Drainage Board, Lincolnshire County Council's Highways and SUDS team, Lincolnshire County Council's Historic Environment Team and SHDC's conservation officer. No other responses were received during this second period of consultation.

Conservation Officer:

First Response (19 November 2024): The existing Dutch barn on site is considered to be a non-designated heritage asset (NDHA). Owing to its NDHA status, it is vitally important that the building is preserved, if possible. I therefore fully support the proposal to retain, convert and therefore find an appropriate viable alternative use for the NDHA, and am satisfied that the proposal as presented would satisfactorily preserve the NDHA, such that I raise no objections. However, in order to ensure that the structure is capable of accepting the proposed works, I would suggest that the applicant be required to provide a full, detailed structural assessment of the extant structure and the proposed works in relation to it. This ensures that either the works, if approved, would not risk the survival of the NDHA, or that a precedent of residential use of the site is not established if the extant NDHA is not capable of proper conversion. This also would assist in satisfying the specific requirements of Policy 23 of the SELLP in ascertaining whether the site is capable of conversion without significant alteration.

Second Response (02 April 2025): Following the submission of the recent amendment, I have no further concerns with this proposal, apart from to suggest that should the application be approved, in line with the recommendations of my colleagues at the LCC historic places team, a mitigation strategy in the form of a Level 3 historic building recording should be added as a condition to be discharged prior to alteration of the structure.

SHDC Environmental Protection:

Following review of the screening assessment form, a standard land contamination condition is requested.

Ecology Officer:

First Response (29 November 2025): There are grounds to require a bat emergence/re-entry survey prior to demolition of the building. Given the proximity and density of bats in the area, there is a much greater likelihood that bats may use sub-optimal sites temporarily or seasonally such as the barn building in question. Combine this with the suitability of commuting and foraging habitat adjacent to the site, and I believe that we should require that at least one emergence/re-entry survey be done during the bat active season (April + Sept = sub-optimal, May-Aug = Optimal) prior to the commencement of demolition work.

Second Response (03 April 2025): I think the loft void plans are appropriate. In regard to a watching brief, I think that ultimately the environmental consultants have provided strong arguments suggesting that a watching brief would not be needed due to the very low likelihood of impact, and therefore following their recommendation that "In the unlikely event that a bat or evidence of bats is discovered during the development, all work must stop and a bat licensed ecologist contacted for further advice" should be deemed a proportionate approach to avoid negative impacts on bats.

Sir John Hayes MP:

Is in support of the planning application.

Lincolnshire County Council - Historic Environment:

First Response (09 December 2024): The existing Dutch barn on site is considered to be a non-designated heritage asset (NDHA). These types of construction are highly distinctive buildings. Any documented pre-1880s examples will be rare. 1880-1940 Dutch Barns are included in Historic England, Agricultural Buildings, Listing Selection Guide, April 2011. Conversion will have a significant impact on any surviving original fabric of the barn. I recommend that if permission is

granted, there be a condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of mitigation work including, but not limited to, a level 3 historic building recording of the Dutch barn, in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice'. This will enable the Dutch barn to be recorded prior to conversion. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03.

Second Response (25 March 2025):

We reiterate our previous comments. Also, no objection to amendment 1.

South Holland Internal Drainage Board:

First Response (22 November 2024): Consent may be required under Byelaw 3. A drainage strategy has not been identified for the site. This is required. The applicant intends to treat foul waste using a package treatment plant, discharging to a soakaway or drainage field subject to percolation testing on site. A Board Maintained watercourse (DRN197P7401 - F74 Clays Dyke) is adjacent to the eastern side of the ownership boundary.

Second Response (22 November 2024):

Previous comment reiterated.

Lincolnshire County Council - Highways and SUDS:

First Response (29 November 2024): A note should be added to the proposed site plan to say the access will be upgraded to Lincolnshire County Council specification.

Second Response (20 March 2025): I previously requested that a note is added to the proposed site plan to say the access will be upgraded to Lincolnshire County Council specification - I cannot see that this has been done.

Whaplode Parish Council:

No response received.

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.

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;
-Flood Risk; and
-Biodiversity.

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 any defined settlement boundary. The nearest settlement to the site is Whaplode, for which the settlement boundary is approximately 270m to the north 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.

Policy 23 is however also relevant in this case as this policy relates to the re-use of buildings in the countryside for residential use. Policy 23 sets out that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that criteria 1 to 5 are addressed:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building.

In terms of the above reference criteria, the proposed development seeks to retain the structure of the existing building; however, various new elements are proposed including replacement cladding. No extensions are proposed, and whilst re-building would be involved, the purpose of this is to retain the main elements of the building which is a non-designated heritage asset. The building is therefore considered to be of architectural and historic merit to justify its retention. It is recognised

that new cladding and a new roof are needed to ensure the structure is suitable for habitation though. The proposal would result in a change to the character of the site to an extent by changing the use to residential. Given that only one dwelling would be created, it is considered that the impact of this would be acceptable on both the site and the area around the site.

Policy 23 also set out that where permission is granted, permitted development rights might be removed to ensure the local planning authority can retain control over future alterations and extensions that may impact on the appearance and character of the surrounding area. As the proposal would establish a residential curtilage and due to the nature of the building as a non-designated heritage asset, it is considered appropriate to restrict permitted development rights relating to extensions and the construction of outbuildings.

The principle of the proposed development is therefore acceptable. This is however subject to a consideration as to whether the proposed development accords with the development plan and national policy in terms of other material considerations.

Visual and Heritage 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 site is not within a Conservation Area and there are no listed buildings on or next to the site. The building within the site is however identified as a non-designated heritage. Policy 29 of the Local Plan sets out that distinctive elements of the historic environment will be conserved and, where appropriate enhanced. The policy sets out that 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 National Planning Policy Framework (December 2024). Development proposals will 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.

Section 16 of the NPPF is also relevant as this section sets out how proposals which affect heritage assets should be assessed. Paragraph 216 of the National Planning Policy Framework (December 2024) relates to non-designated heritage assets and details that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

The proposed development seeks to re-use the barn within the site and convert the building to residential use. The building measures approximately 14m in length and 7.5m in width. No extensions are proposed and the overall scale of the building will remain unchanged as the roof height will remain unaltered.

The frame of the building will be retained, however, the cladding is proposed to be replaced with timber weatherboarding on the southern and northern elevations. Steel accord cladding is proposed on the roof, the side elevations, and part of the northern elevation. Steel rainwater goods, and aluminium frame windows are proposed. New window and door openings are proposed to facilitate the conversion.

The council's conservation officer reviewed the initial plans. The officer was consulted on the amended plans and provided no objections to the scheme. The amended plans are broadly similar. For example, the proposed window and door openings are similar. The plans have been updated to

include further details of the external material and the internal roof structure. The council's conservation officer set out support for the proposals, considering that the proposed residential use represents a viable alternative use of the building as a non-designated heritage asset. The officer suggested that a detailed structural assessment should be provided to demonstrate how the structure is capable of accommodating the proposed works. The application is however accompanied by a Preliminary Structural Report and this demonstrates that the building is capable of being converted.

It is noted that Lincolnshire County Council's Historic Environment team have requested conditions to secure a written scheme of investigation (WSI) for a level 3 historic building recording of the existing building. The building does not contain any internal rooms as it is an open structure and photos of the building have been provided within the submitted heritage statement and structural survey report. These photographs show the building comprehensively and it is therefore not considered necessary to include the conditions for a WSI.

The design and visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area, and would therefore accord with Policies 2, 3 and 29 of the Local Plan, and Sections 12 and 16 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; 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.

The nearest dwellings to the site include Bobtail Corner, which is located to the north of the site, and Holmelea, which is located to the south. There are agricultural fields to the east and west of the site and as such there no dwellings to the east or west.

There is approximately 35m between the southern elevation of the building and Holmlea to the south of the site. There are also buildings in between and as such the proposed dwelling would not result in an unacceptable degree of overlooking with Holmlea to the south either.

No extensions are proposed, and the proposed development does not seek to increase the height of the building. The proposed development therefore would not pose a risk in terms of overshadowing nearby dwellings.

Windows are proposed on the northern elevation and this elevation faces towards Bobtail Corner, however, the windows would not face directly onto the southern elevation of Bobtail Corner. The northern elevation of the building would instead face towards the front garden of Bobtail Corner and there are some trees and vegetation which provides a degree of screening between the properties. It is therefore considered that the proposed conversion would not result in an unacceptable degree of overlooking with Bobtail Corner.

The proposed dwelling would feature approximately 86sqm of internal floorspace. This accords with the nationally described space standard for a single storey 2-bedroom dwelling, for which the minimum reequipment is 61sqm. There is therefore sufficient internal living space.

Outdoor amenity space is proposed to the north of the building. There is considered ot be sufficient outdoor amenity space for future occupants.

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.

Two parking spaces are proposed to the west of the barn near the site frontage. This accords with the recommendations from Appendix 6 of the Local Plan. Lincolnshire County Council's highways team have not raised any objections to the proposals in terms of highway safety. The team requested that a note is added to the plans setting out that the access will be upgraded to the county council's specification. This has subsequently been added to the site plan.

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 site lies within Flood Zone 1 which has the lowest probability of flooding. As a result, no specific flood risk mitigation is considered to be necessary in this case. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and Section 14 of the NPPF in terms of flood risk.

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. Regulation 4 sets out the criteria for the de minimis exemption. This includes where proposals affect less than 25sqm of onsite habitat and less than 5m of onsite linear habitat. No new floorspace is proposed and it is considered that the proposed development would fall under the de minimis category and would therefore be exempt from the requirement for BNG.

Initially, the council's ecology officer considered that a bat emergence or re-entry assessment was required. Discussions subsequently took place with the applicant's agent and the ecology officer, and it was agreed that the bat suitability assessment was not required. The ecology officer clarified in an email dated 16 December that the building provides negligible roost potential and that an emergence / re-entry survey was not needed prior to demolition. It is considered appropriate to include a planning condition requiring the development to be monitored during construction works, and if any bats are found or evidence of bats, then a suitably qualified ecologist will need to be

contacted and appropriate steps taken.

Due to the potential for bat activity within the area, the ecology officer also requested that certain key features were considered and incorporated into the design, including bat access points to the roof void space, the use of a suitable roof membrane that will not fray or deteriorate and entangle bats over time; and the installation of internal wood frames along the rafters or ridge line for bats to grip and roost upon. The plans have subsequently been updated to include bat access panels to a roof void space, and timbers to allow for roosting.

In terms of its ecological impact, the proposed development will therefore accord with Policy 28 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 development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 17, 28, 29 and 36 of the Local Plan, as well as Sections 4, 5, 9, 12, 14, 15 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.