

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0986-24 **Applicant:** Mrs S Atkins
Proposal: Erection of Self-Build Dwelling & Garage
Location: Rear Of Steeplegate House Stockwell Gate Whaplode
Terminal Date: 20th January 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
28 The Natural Environment
30 Pollution
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
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	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application with means of access and landscaping to be considered. The applicant has provided a location plan and site plan. The plans show how the access will serve the proposed plot as well as amendment made to the parking provision of the existing dwelling. Landscaping is also shown on plan as well as the indicative location of the dwelling.

Site Description

The application site is located outside the defined settlement for Whaplode and located within the open countryside for planning purposes. The application site is also located within flood zone 3 in accordance with the Environment Agencies Mapping System. The flood hazard and depth maps so that the site is located in an area at low risk of flooding.

The application site is located to the rear of dwelling fronting Stockwell Gate, which includes Meadow View, The Meadows, Tarodene and Steeplegate House (who are landowners of the application site).

To the south of the application site is a builders storage yard.

History

Application Site - None relevant

Wider history

H23-0177-15 - First floor extension above existing bungalow. Approved 15-04-15

H23-0905-23 - Proposed dwelling with garage, swimming pool and storage building. Refused 15-11-23

H23-0402-21 - Demolition of dwelling and erection of 2 houses. Approved 07-07-21

H23-0722-23 - Extension & Alterations - Resubmission of H23-0278-23. Approved 04-10-23.

H23-0259-24 - Erection of Salon - Retrospective. Approved 17-05-24

H23-0264-24 - Change of Use of Land to Domestic and Erection of Family Games Room, including Security Camera (Retrospective). Approved 04-06-24

H23-0267-24 - Erection of dwelling, garage, and swimming pool - Re-submission of H23-0905-23. Approved 26.07.24

H23-0428-24 - Change of use of agricultural land to storage of building materials and equipment including erection of 2.4m high fence (retrospective). Approved 15-10-24

H23-0889-24 - Proposed Car Port. Refused 05-12-24

Consultation Responses

South Holland IDB

Surface Water - The applicant has indicated that they intend to dispose of surface water via rain water harvesting then soakaway (infiltration), however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration

potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse.

Foul Water - I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Highways & SuDs Support

No Objections - The proposal is for the erection of a Self-Build Dwelling & Garage. It is for Outline with access to be considered. In order to ascertain if access is acceptable and that the land can accommodate the proposal, they have provided an indicative plan showing parking for the host dwelling and for the proposed dwelling. The width of the shared access has been demonstrated to meet Lincolnshire County Council standards. There is a connecting Footway on the other side of the road. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Environmental Protection

1. No comments regarding land contamination.
2. Ground works and other potentially noisy parts of construction should be undertaken within standard working hours for construction sites

Historic Places Team

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. 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.

Representations

The application has been publicised in line with requirements set out within the DMPO 2015. Objections have been received which are summarised into the following material considerations:

- Overlooking
- Drainage
- Noise and Disturbance
- Parking Issues

Planning Considerations

Determining Development Proposals (Legislative and Policy Framework)

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies for the proposal subject to this advice, are detailed above. The policies and provisions set out in the National Planning Policy Framework (December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The following issues are relevant to this assessment:

- Principle of Development
- Flood Risk and Drainage

- Amenity
- Highways Safety
- BNG
- Planning Balance

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework 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 in respect of sustainable development 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 is located within the open countryside in accordance with Proposal Map (inset 27 Whaplode) of the South East Lincolnshire Local Plan 2011 - 2036. Policy 1 'D' (Spatial Strategy) of the South East Lincolnshire Local Plan is concerned with development within the open countryside, it states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In 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 benefit.

The application site is located within the open countryside and South Holland District Council can demonstrate the deliverability of a 5 year land supply for homes across the district (the Council has identified a 6.4 year housing land supply as at 31 March 2024).

The proposal therefore which is for the erection of a self build dwelling is considered unacceptable in principle being contrary to policy 1 of the South East Lincolnshire Local Plan.

Material Considerations

Paragraph 48 of the NPPF relates to the determination of planning applications. It states that: *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing*

The applicant states that the proposal is for a self build dwelling and this is material to any assessment.

Duty to grant permission

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. Only plots that are suitable for development are to be considered.

It is considered that given the proposal is located outside of the development boundary, located within flood zone 3 then the application site would not represent a 'suitable development plot'. The proposal is contrary to the overarching spatial strategy as well as policy 4 of the South East Lincolnshire Local Plan 2019.

Flood Risk & Drainage

Policy 4 sets out South Hollands approach to Flood Risk. The application site is located within flood zone 3 in accordance with the Environment Agency Mapping systems. A review of the hazard mapping and depth mapping that are derived from the SFRA show that the application site is located within an area that has a low risk of flooding.

The applicant has provided an FRA which includes references to both the sequential and exceptions tests. The applicant states that given the low risk area of the site (in accordance with the hazard and depth mapping for South East Lincolnshire) the sequential test is based on the basis that there are no areas in a less vulnerable flood zone. However there is no sequential study carried out to demonstrate that this is the case. Policy 4 states that such test should be carried out on a 'district wide' basis. Given the absence of this test, along with the lack of justification to consider a reduced geographic area of search and that there are other areas of the district located in lower flood zones it is considered that the test is not met, and so failed.

Drainage

The IDB have been consulted and state that should infiltration on site not be feasible it is likely that consent will be required under Bye Law 3 for discharging into a watercourse. Notwithstanding the fact that infiltration testing has not been demonstrated (building regulations would mitigate soakaways, ensuring satisfactory infrastructure) the applicant would need consent to direct any flows into the watercourse should ground conditions not suit. Furthermore consent would be required to direct surface water to the mains. Given that the method is for ground infiltration it is clear the applicant is following the SuDs hierarchy. Therefore, surface water drainage is mitigated outside of planning and conditions are not required.

In terms of foul sewage, the strategy is to direct to the mains sewer, this is covered by external legislation (1991 Water Industries Act) and so a condition in this instance would be unreasonable. Therefore, subject to the aforementioned mitigation the proposal in terms of flood risk and drainage is considered acceptable.

Given the considerations surrounding the sequential test it is considered that the proposal would not accord with SELLP Policy 4.

Residential Amenity

Policy 2 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 3 is also relevant.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

An assessment on amenity cannot be fully robust given the outline nature of the proposal. An assessment on overlooking/overshadowing is for the detail design stage.

Steeplegate house itself would be subject to the most impact from the use of the access, to a lesser extent (due to its separation from the northern boundary) 'the Cottage' would also be affected by increased vehicular movements. It is considered that this impact would unduly impact the amenity of both neighbouring properties.

Furthermore as regards future amenity, a builders yard and storage area is located to the south of the application site. The applicant has failed to demonstrate that an acceptable noise environment can be achieved for future residents. Without this concerns would also be valid that unreasonable restrictions may be placed upon the owners of the builders yard should this application be approved. Whilst there are residential properties located close to the builders yard, this yard is linked to the property known as 'Spingway' this mitigates the impact in terms of amenity upon those occupants. This property provides a buffer from the said builders yard to other dwellings fronting Stockwell Gate

It is considered also that a condition on waste collection is appropriate given the length of the drive.

On this basis, it is considered that the proposal would be contrary to SELLP Policies 2, 3 & 30.

Landscaping

Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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"

The applicant has shown landscaping on plan and this is considered acceptable. There is planting proposed along the access as well as within the site and a grassed area. An area of hard landscaping is also shown just inside the gate.

The proposal if approved would be also subject to a condition on fencing.
On this basis, and given that a more robust assessment on amenity will take place at the detailed design stage the proposal would accord with SELLP Policies 2 & 3.

Highway Safety

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 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The highway authority have been consulted and have stated that they have no objections on highway safety or parking grounds in relation to the proposed development. The proposal would utilise an existing access on to Stockwell Gate and the authority have no objections to this access being intensified to accommodate a dwelling nor the arrangements to replace the parking to the rear of Steeplegate House. Furthermore, a sufficient parking area is proposed for future residents and this is likely to be demonstrated in more detail through the layout during the detailed design process.

It is noted that some of the building of Steeplegate House is within the proposed access. The applicant states that this will be removed, and this is reflected on plan. A condition ensuring that this access is formulated and obstructions cleared (Steeplegate is in blue and so a Grampian condition is useable) will be attached to ensure that this is the case.

The proposal then in respect of highway safety and parking provision would accord with policies 2, 3 and 36 of the South East Lincolnshire Local Plan as well as section 9 of the National Planning Policy Framework.

BNG

The applicant has stated that the proposal is exempt from mandatory BNG, due to the self-build exemption.

The development must:

- consist of no more than 9 dwellings
- be on a site that has an area no larger than 0.5 hectares
- consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

The proposal meets these two points and would meet with the self-build or custom housebuilding definition through the section 106 agreement.

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.

Material considerations in relation to the proposal being self-build are considered, however the site is not deemed to represent a suitable infill plot. The proposal is contrary to the overarching spatial strategy and has not demonstrated that other sites in more preferable flood zones do not exist. Furthermore there are concerns regarding both existing and future amenity rights.

There are limited impacts in relation to amenity and the impacts in relation to ecology, highway safety and flooding are acceptable.

Conclusion

Taking into consideration these factors, the proposal is considered not to comply with Policies 1, 2, 3, 4, and 30 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). Notwithstanding the departure from SELLP Policy 1, there are insufficient material considerations in this case that would weigh in favour of the proposal indicating that a departure from the plan should not be supported, therefore, in considering all the matters raised above the planning balance is against support for the proposal.

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.