

## Officers Report

Planning Application No: WL/2024/00947

**PROPOSAL:** Planning application to remove existing agricultural building and erect 5no. dwellings including the change of use of land from agricultural to residential and upgrade of the existing access.

**LOCATION:**

LAND AT ASH TREE FARM  
SUDBROOKE LANE  
NETTLEHAM  
LINCOLN  
LN2 2QQ

**WARD:** NETTLEHAM

**WARD MEMBER(S):** Cllr F Brown and Cllr J Barrett

**APPLICANT NAME:** Truelove Property and Construction Ltd

**TARGET DECISION DATE:** 13/01/2025 [EoT 16/10/25]

**CASE OFFICER:** Vicky Maplethorpe

**Recommended Decision:** Grant (subject to conditions)

This application has been referred to the Planning Committee as it would represent a departure from Policy S1 (The Spatial Strategy and Settlement Hierarchy) and Policy S5 (Development in the Countryside) of the Central Lincolnshire Local Plan.

**Site Description and Proposal:**

The application site comprises of a large modern agricultural building located to the east of Nettleham.

The site is surrounded by open countryside with Ash Tree Farm house to the west and another large agricultural building to the west.

The existing building measures approximately 41 metres x 18.5 metres and is of steel portal frame construction, under a corrugated sheet roof. The building has one large sliding door in the south east elevation. Outside the building there is a hardstanding yard area.

Prior approval for a conversion of the existing agricultural building, comprising change of use from agriculture to 4 smaller dwellings and one large dwelling was granted 20/10/23.

This application seeks permission to now demolish the agricultural building and erect 5 dwellings in its place.

### Relevant Planning History

| Reference | Proposal   | Decision   |
|-----------|--|--|
| 147245    | Prior approval for proposed change of use from agricultural building to 4no. smaller dwellings and 1no. larger dwelling. | Granted time limit plus conditions<br>20/10/2023   |
| 147011    | Pre-app to erect 5 dwellings.  | Positive pre-app advice. 'To conclude it would be expected that there would be a reap prospect of the 5 dwellings (Class Q) being completed through the fallback position, and weight would be given to this in any forthcoming application for planning permission. Furthermore the proposal would be expected to offer a betterment aesthetically and environmentally.'<br>5/7/24. |

### Representations:

Chairman/Ward member(s): None received

### Parish/Town Council/Meeting:

Nettleham Parish Council objects to this planning application on the following grounds:

- 1.) This is residential development in the open countryside, contrary to Policy S5 of the CLLP and Policy D6 of the Nettleham Neighbourhood Plan November 2024. As stated in the pre-application advice from West Lindsey Planning Department: The construction of the five proposed dwellings is contrary to the provisions of the CLLP in respect to development in the countryside:

- Policy S5: Development in the countryside: Part D: New dwellings in the countryside. Applications for new dwellings will only be acceptable where they are

essential to the effective operation of existing rural operations listed in tier 8 of Policy S1. Applications should be accompanied by evidence of:

- a) Details of the rural operation that will be supported by the dwelling;
- b) The need for the dwelling;
- c) The number of workers (full and part-time) that will occupy the dwelling;
- d) The length of time the enterprise the dwelling will support has been established;
- e) The commercial viability of the associated rural enterprise through the submission of business accounts or a detailed business plan;
- f) The availability of other suitable accommodation on site or in the area;
- g) Details of how the proposed size of the dwelling relates to the needs of the enterprise. Any such development will be subject to a restrictive occupancy condition.

- As stated in the pre-application advice from West Lindsey Planning Department: There is no information provided within this request for pre-application advice that would indicate that the proposal is essential to the effective operation of a rural operation that requires a countryside location. (Page 20, Design and Access Statement: Application WL/2024/00947.)

- Policy D6

(3) of the Nettleham Neighbourhood Plan 2024 states: New residential development outside the existing\* developed footprint of the village north of the Lincoln bypass will be strictly controlled in accordance with Policies S5 and, where appropriate, S63 of the adopted Local Plan. \*For the purpose of this policy, the term 'existing' means as from the adoption of this Plan.

- The concluding advice from West Lindsey was that the proposed site falls within Tier 8 of Policy S1 of the CLLP and would therefore be considered as development in the countryside. In the countryside, dwellings are restricted to being demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport, or utility services as required by Policies S1 and S5.

- The adjacent Ash Tree Farmhouse was built under the agricultural provision of a previous Local Plan.

2.) It will cause an increase in traffic flow on a narrow single-track lane.

3.) The site is not sustainable as it is far from local facilities such as shops and schools, so the use of cars will add to congestion already experienced in the village centre.

4.) Nettleham village has no need for additional residential accommodation as we have 130 houses currently under construction as part of the CLLP 2017 allocation plus another 205 allocated in the 2023 CLLP. More accommodation will only add to the pressure on local services.

5.) This development risks setting a precedent for further development in the neighbouring area, which is both outside the existing developed footprint of the village and very close to the sewage works.

6.) Flood Risk and Surface Water Management:

- This development, whilst outside of the village footprint, has the potential to cause surface water runoff into the Beck, increasing the risk of flooding to properties within the village that are already at risk. This presents a significant concern and must be fully addressed with detailed attenuation schemes.

Local residents: None received

LCC Highways and Lead Local Flood Authority:

No objections. Request informatives.

The proposal is for 5 dwellings utilising an existing access which is to be upgraded. The site layout provides sufficient parking and turning within the site and will not have an unacceptable impact on highway safety.

LCC Archaeology: No objections

Ecologist: The BNG details are ok. They have decided to class additional areas of onsite grassland as garden this is fine as long as it will fall within private curtilage and be within management of the occupant.

The BNG area to the North is acceptable despite not being directly connected to a Highway/ROW as it will immediately adjoin another secured BNG area so will benefit from the secured access granted by the other permission

Conditions requested.

Lincs Wildlife Trust: No objections

Date Checked: 25/9/25

### **Relevant Planning Policies and Legislation:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and Nettleham Neighbourhood Plan (MADE November 2024).

### Development Plan

- ***Central Lincolnshire Local Plan 2023 –***

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S57 The Historic Environment
- S59 Green and Blue Infrastructure Network
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- S66 Trees, Woodland and Hedgerows

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- **Nettleham Neighbourhood Plan (NP)**

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey>

Relevant policies of the NP include:

Policy D1 – Parking Standards for New Residential Development

Policy D3 – Water Resources, Quality and Flood Risk

Policy D4 – Design of New Development and Parish Design Code Principles

Policy D5 – Climate Change Mitigation and Adaption

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in December 2023.. Paragraph 225 states:

*However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

<https://www.gov.uk/government/publications/national-planningpolicy-framework--2>

- National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

- National Design Guide (2019)

<https://www.gov.uk/government/publications/national-design-guide>

- National Model Design Code (2021)

<https://www.gov.uk/government/publications/national-model-design-code>

## Main Considerations:

- Principle of development;
- Fallback position;
- Embodied Carbon;
- Design and visual amenity;
- Residential amenity;
- Highway safety and parking provision;
- Climate change and Energy efficiency;
- Flood risk, Water efficiency and drainage;
- Ecology, biodiversity, and Net Gain;
- Other Considerations.

## Assessment:

### Principle of the Development:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy S1 of the CLLP establishes a settlement hierarchy which aims to steer development towards the largest urban areas in Central Lincolnshire with development elsewhere being proportionate and primarily constrained to sites with the developed footprint of settlements that are within appropriate locations. Tier 8 of Policy S1 relates to development in the countryside and states the following:

*'Unless allowed by:*

*a) policy in any of the levels 1-7 above; or  
b) any other policy in the Local Plan (such as Policies S4, S5, S34, or S43) or a relevant policy in a neighbourhood plan, development will be regarded as being in the countryside and as such restricted to:*

- *that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *delivery of infrastructure;*
- *renewable energy generation; and*
- *minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.'*

Given the countryside location of the proposed development, the principle of the proposed development would fall to be considered under Policy S5 of the CLLP which relates to development in the countryside. Whilst the principles outlined above do not list residential development as an acceptable form of development, it defers

judgement of development proposals to the criteria within Policy S5 in terms of the appropriateness of residential development in the countryside. Part D of Policy S5 relates to the development of new dwellings in the countryside which states the following:

- a) Details of the rural operation that will be supported by the dwelling;*
- b) The need for the dwelling;*
- c) The number of workers (full and part time) that will occupy the dwelling;*
- d) The length of time the enterprise the dwelling will support has been established;*
- e) The commercial viability of the associated rural enterprise through the submission of business accounts or a detailed business plan;*
- f) The availability of other suitable accommodation on site or in the area; and*
- g) Details of how the proposed size of the dwelling relates to the needs of the enterprise*

The proposed development would be for the erection of 5 no market dwellings in the countryside, and would not be essential for an agricultural worker. Therefore, it would be expected that the proposed development would be a departure from the development plan, specifically Policies S1 and S5 of the CLLP, and as a consequence, D6(3) of the Neighbourhood Plan.

The Parish Council have objected to the proposal due to its location within the open countryside.

#### *Class Q Fallback*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. In most cases, a development being in conflict with Policies S1 and S5 of the CLLP would substantiate the application being refused. However, it is considered in this instance that there are material considerations that indicate otherwise that planning permission should be granted despite the conflict with the above development plan policies.

The argument in favour of the proposed development hinges on whether there is a 'real prospect' of a permitted development fallback and whether this fallback position should be afforded sufficient weight to outweigh the conflict with Part D of Policy S5 that has been outlined above. A commonly cited piece of case law is that of *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 which ruled on the matter 'real prospects' and whether this is a material planning consideration in favour of granting planning permission where a development is in contrast to relevant policies in the development plan. A real prospect does not have to be likely, a possibility is enough to justify a real prospect.

Like any planning application, a proposal should be determined first and foremost in accordance with the development plan. In addition, a fallback position is not the only material consideration in an application; in all applications, the NPPF and Planning Practice Guidance (PPG) are or may be very important material planning considerations.

It is considered that a real prospect of a fallback position exists and this is a material consideration in favour of granting planning permission. The site has an extant prior approval (147245) for the change of use from the existing agricultural building into 5 no dwellings. This is extant until October 2026 and could be implemented subject to compliance with any relevant conditions.

Therefore, whilst the proposed development would not accord with Part D of Policy S5, it is considered that there is a real prospect of a fallback and this carries significant weight in favour of the proposed development.

### Embodied Carbon

Whilst it is considered that a "realistic fallback" position exists, Policy S11 of the CLLP, Embodied Carbon, nonetheless states that there is a presumption against demolition:

*'To avoid the wastage of embodied carbon in existing buildings and avoid the creation of new embodied carbon in replacement buildings, there is a presumption in favour of repairing, refurbishing, re-using and re-purposing existing buildings over their demolition. Proposals that result in the demolition of a building (in whole or a significant part) should be accompanied by a full justification for the demolition. For non-listed buildings demolition will only be acceptable where it is demonstrated to the satisfaction of the local planning authority that:*

- 1. the building proposed for demolition is in a state of such disrepair that it is not practical or viable to be repaired, refurbished, re-used, or re-purposed; or*
- 2. repairing, refurbishing, re-using, or re-purposing the building would likely result in similar or higher newly generated embodied carbon than if the building is demolished and a new building is constructed; or*
- 3. repairing, refurbishing, re-using, or re-purposing the building would create a building with such poor thermal efficiency that on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) would mean a lower net carbon solution would arise from demolition and re-build; or*
- 4. demolition of the building and construction of a new building would, on an exceptional basis, deliver other significant public benefits that outweigh the carbon savings which would arise from the building being repaired, refurbished, re-used, or re-purposed.'*

An Embodied Carbon Assessment has been submitted with the application which provides a comparison of two developments on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) to assess which solution provides a lower net carbon solution. This is considered an acceptable method as prior approval has already been approved for the conversion of the existing building to 5 dwellings.



The two developments are that proposed here, no.5 new dwellings and the approved prior approval application for the conversion of the existing building to 5 dwellings.

The submitted Assessment concludes that:

*The conversion of the existing buildings results in buildings with lower embodied carbon over the life cycle due to the reuse of many of the existing building components. However, once operational carbon has been considered, the new build development proves to result in a lower whole life carbon scheme with and without consideration from renewable energy generation required under Planning Policy S7. The calculations demonstrate the total embodied carbon for Development A [5 new builds] is 834 TonnesCO<sub>2</sub>e with an average 1,352 kgCO<sub>2</sub>e/m<sup>2</sup>. The total embodied carbon for Development B [conversion of existing building] is 1,091 TonnesCO<sub>2</sub>e with an average 2,190 kgCO<sub>2</sub>e/m<sup>2</sup>. Development A exceeds the performance of Development B by a factor of 1.7 when comparing the whole life carbon including renewable energy.*

*Therefore repairing, refurbishing, re-using, or re-purposing the building would create dwellings with such poor thermal efficiency that on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) would mean; a lower net carbon solution would arise from demolition and re-build.*

Based upon the submitted information and the assessment outlined above, it is considered that the proposal would meet criteria 3 of Policy S11 as the construction of highly energy efficient dwellings with renewables would result in a lower embodied carbon footprint over the lifespan of the development. The main carbon savings would come from the higher operational carbon emissions of the lifespan of the development so it can be said in this instance that refurbishment would indirectly result in a higher carbon output. This would also satisfy criteria 4 in the sense that the new-build would offer an exceptionally high level of energy efficiency through lower energy demand, zero carbon heating and renewable energy generated on-site.

For these reasons, it is considered that the proposed development would accord with Policies S6, S7 and S11 of the CLLP.

This is undoubtedly a finely balanced decision, but it is considered that the standard of design and a high standard of thermal efficiency combined with the real prospect of a fallback position, outweigh the conflict with Policies S1 and S5 of the CLLP. The remainder of this report will assess the other relevant material planning considerations.

#### Visual Amenity

Policy S53 of the CLLP requires that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.

Nettleham NP policy D4 "Development proposals should positively address the relevant principles in the Nettleham Character Assessment and Design Code principles for the relevant character area in which they are located. The site is located in Character Area 4: Rural Outer Landscape of the Nettleham Character Assessment which comprises the largest part of Nettleham Parish and covers areas to the west, north, east southeast of the village. It is the rural outer landscape of the village and is formed of a predominantly arable field system.

The proposed scheme sees the removal of the existing large, modern agricultural building and replaced with 5 dwellings, 2 detached dwellings set towards the rear of the site and a block of 3 terrace dwellings towards the front of the site. The proposed dwellings have been designed to have a modern agricultural feel and are to be constructed from timber cladding and concrete which will retain the agricultural feel to the site but with a much higher quality and more aesthetic variation to that on site currently.

The existing agricultural building is large and unsightly. The proposed development has been designed to be in keeping with its context and the prevailing character and appearance of the area. The development reduces the massing and bulky appearance of the existing building whilst keeping the footprints of the dwellings largely within the footprint of the existing building.

There is currently no landscaping on the site which comprises of the agricultural building and large concrete apron to the front. The proposed development includes landscaping along all boundaries of the site.

It is considered that with the proposed landscaping, along with high quality materials the proposed development will offer a softer visual impact than if the existing bulkier building was converted and overall the proposed scheme would result in a visual improvement for this rural location.

It is considered that the overall nature, scale and external appearance of the proposed development achieves a modest betterment than the fallback position.

Whilst the design of the scheme in itself is considered to be acceptable on balance, granting full planning permission would offer a full suite of residential permitted development rights which could lead, if fully utilised, to an unacceptable harm to the character and appearance of the area via the use of extensions, alterations to the dwelling, outbuildings, unsympathetic boundary treatments and even additional floors. Therefore, it is considered that there is a clear justification for restrict all of Schedule 2 Part 1 of the Order (Development within the curtilage of a dwellinghouse), alongside Schedule 2 Part 2 Class A (gates, fences, walls etc.) which would otherwise permit boundary treatments up to two metres in height without planning permission.

#### Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

The proposed development would not have an unacceptable impact on residential amenity due to the size, scale and location of the proposed dwellings given its isolated location, with only one neighbouring property to the west of the site.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP

#### Highways and Parking

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users.

The Parish Council have raised concerns with regards to the increase in traffic along Sudbrooke Road.

The application site would use the existing access off Sudbrooke Road. The Highways Authority has reviewed the proposal and raise no objections. It is therefore not considered that there would be a harmful impact upon highway safety.

Further to the above, Appendix 2 of Policy S49 of the CLLP details the car parking standards required for residential development. It also states that *'Parking court style provision not associated with flatted development will only be acceptable in exceptional circumstances'*.

## Appendix 2: Car Parking Standards

The Standards set out in Table A2.1. will be applied in Central Lincolnshire.

**Table A2.1. Car parking standards in Central Lincolnshire**

| Accommodation type / size          | Lincoln City Centre   | Other Urban and Suburban Areas (including wider Lincoln urban area, main towns and market towns)                         | Villages and Rural Area   |
|------------------------------------|---|--|---|
| 1 bed dwelling (C3)                | No standards, each application considered on a case by case basis (with further detail provided in a Lincoln City specific SPD) | 1  | 1   |
| 2 bed dwelling (C3)                |   | 2  | 2   |
| 3 bed dwelling (C3)                |   | 2  | 3   |
| 4 bed dwelling (C3)                |   | 2  | 3   |
| 5+ bed dwelling (C3)               |   | 3  | 3   |
| Flatted Development                |   | 1 plus visitor allowance   | 1 plus visitor allowance  |
| C4 Houses in Multiple Occupation   |   | 1 per bedroom  | 1 per bedroom   |
| Sheltered Housing Category 1       |   | 1 space per unit, plus 1 per warden, plus 1 per 5 dwellings visitor spaces, plus 1 in 10 spaces to be disabled spaces. * |   |
| Sheltered Housing Category 2       |   |  |   |
| Extra Care                         |   |  |   |
| Residential care homes for elderly |   | 1 space per FTE staff, plus 1 space per 5 beds for visitors, and 1 in 20 spaces to be disabled spaces*                   | 1 space per FTE staff, plus 1 space per 3 beds for visitors, and 1 in 20 to be disabled spaces* |
| Residential institutions           |   | 1 space per FTE staff, plus 1 per 5 beds visitor spaces*   | 1 space per FTE staff, plus 1 space per 3 beds for visitors*                                    |
| Halls of Residence                 |   | To be agreed on a case by case basis, 1 space per 40 beds as a starting point  |   |

\* Adequate circulation space for ambulances should also be provided.

The submitted plans show 3 parking spaces for each unit and meet the requirements of the CLLP. The proposal therefore accords to Policies S47 and S49.

### Energy Efficiency

Local Policy S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy S7 states that: 'Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement which confirms in addition to the requirements of Policy S6 that all such residential development proposals:

1. Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as the electricity they demand over the course of a year, such demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and
2. To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m<sup>2</sup>/yr and a site average total energy demand of 35 kWh/m<sup>2</sup>/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess

of 60 kWh/m<sup>2</sup>/yr, irrespective of amount of on-site renewable energy production.

An Energy Statement has been submitted with the application which demonstrates the total energy demand for the dwellings is 33.52Wh/m<sup>2</sup>/year.

Within the report it is estimated that the installation of a 73 photovoltaic array, spread across the 5 dwellings, will generate 25,887 Wh/m<sup>2</sup>/year. This will cover the energy required by the properties on site with a nominal surplus.

The report concludes '*This scheme would be a significant performance improvement compared to the minimum requirements of the Building Regulations. The proposed development includes an efficient building fabric with the use of renewables to be 'net zero'. As defined by Policy S7 the average proposed development's total energy demand is calculated to be 33.52 kWh/m<sup>2</sup> /yr and includes an assessment for regulated and unregulated energy. No dwelling has a total energy demand of 60 kWh/m<sup>2</sup> /yr. As proven the development can generate at least the same amount of renewable electricity on-site by the proposed solar photovoltaics array to be mainly located on the buildings two storey southeast facing roof. The buildings post construction will benefit from Smart Meters that will allow for monitoring of electricity use.*'

From the information submitted it is considered that the proposal meets the requirements of policy S7 of the CLLP.

#### Flood Risk and drainage

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. Paragraphs 159 and 167 of the NPPF respectively require that development should be diverted away from areas at the highest risk of flooding and that all development proposals should not increase the risk of flooding elsewhere. The proposed development is located within Flood Zone 1 which is at the lowest risk of flooding.

It is proposed to utilise soakaways to accommodate any surface water drainage and a package treatment plant for foul sewage.

In relation to drainage, it is noted that the application form states that soakaways are proposed for surface water and a package treatment plant for foul. However, no specific information to prove their adequacy for the development have been included. Consequently, further information is required in this regard and will be secured with conditions to ensure a suitable drainage scheme is achieved. With such conditions in place the development would be expected to accord to local policy S21 of the CLLP and the provisions of the National Planning Policy Framework.

#### Biodiversity Net Gain

Planning legislation requires a mandatory 10% biodiversity net gain. This is secured through a statutory condition.

Local policy S61 of the CLLP requires “all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management”. Local policy S61 goes on to state that “All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development.”

An Ecology Report and Statutory Metric have been submitted with this application.

The statutory biodiversity metric is the way of measuring biodiversity value for the purposes of BNG. It measures all types of habitat and is measured in standardised biodiversity units. The statutory biodiversity metric measures the biodiversity value of habitats by calculating the number of biodiversity units. It calculates how many units a habitat contains before development takes place and how many units are needed to replace the units of habitat lost and to achieve 10% BNG, through the creation or enhancement of habitat.

This application sees the 10% BNG provided ‘on site’ which consists of a separate parcel of land located to the north of the application site, which adjoins an existing BNG site in the applicants ownership.

Following consultation with our Ecologist and amendments made to the metric the Ecologist was satisfied and requested conditions be added to secure the on site provision.

#### Other matters:

##### Water Efficiency

Policy S12 states that all residential development or other development comprising new buildings:

- with outside hard surfacing, must ensure such surfacing is permeable (unless there are technical and unavoidable reasons for not doing so in certain areas) thereby reducing energy demand on the water recycling network;
- should consider the potential to incorporate a green roof and/or walls in accordance with Policy S20; and
- which is residential and which includes a garden area, must include a rain harvesting water butt(s) of minimum 100l capacity.

Appropriate conditions would be added to the decision in the event permission were to be granted to ensure that the dwelling has a rainwater harvesting water butt installed prior to occupation.

#### **Conclusion and reason for decision:**

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S11: Embodied Carbon S12: Water Efficiency and Sustainable Water Management, S14: Renewable Energy, NS18; Electric Vehicle Charging, S20:

Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, S60: Protecting Biodiversity and Geodiversity and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan and policies D1 – Parking Standards for New Residential Development, D3 – Water Resources, Quality and Flood Risk, D4 – Design of New Development and Parish Design Code Principles and D5 – Climate Change Mitigation and Adaption contained within the Nettleham Neighbourhood Plan. Relevant guidance in the NPPF has also been considered.

In light of the assessment outlined in this report, it is considered that the proposed development be in contrast with Policies S1 and S5 of the Central Lincolnshire Local Plan. However, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions should be determined in accordance with the Development Plan unless there are material considerations that indicate otherwise.

The site is subject to an extant prior approval permission (147245) afforded by Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Having regard for *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, it is considered that there is a 'real prospect' of a fallback position afforded by Class Q which is equal to, if not marginally more harmful than the scheme that is being proposed as part of this application. This material consideration is afforded significant weight in favour of the proposed development and in combination with the likely improvements in thermal efficiency is afforded modest weight in favour of the proposed development. These material considerations are considered to outweigh the harm associated with the proposal development that would result from the policy conflict outlined above.

It is acknowledged that this is a finely balanced decision, but in the absence of other reasons for refusal, it is considered that the proposed development is acceptable on its merits and it is recommended that planning permission is granted subject to conditions.

### **Recommended Conditions**

#### **Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

#### **Conditions which apply or require matters to be agreed before the development commenced:**

2. No development hereby permitted must take place until a written Habitat Management and Maintenance Plan [HMMP], in accordance with the most recently submitted Statutory Biodiversity Metric dated 14<sup>th</sup> July 2025 and prepared by Kiran Johal Mzool, has been submitted to and approved in writing

by the Local Planning Authority. The HMMP shall relate to all 'significant' biodiversity gains on site and must be strictly adhered to and implemented in full for a minimum of 30 years following the initial completion period approved pursuant to condition 11. The HMMP document must be produced in accordance with sections listed below:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP];
- c) the details of funding, resources and mechanisms for long term delivery of the [HMMP].
- d) the planned habitat creation and enhancement works for the initial 5 completion period to create or improve habitat.
- e) the management measures to maintain habitat for a period of 30 years from the end of initial habitat creation.
- f) the monitoring/reporting methodology and frequency in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority on years 1, 5, 10, 15, 20 and 30. All reports must be submitted no later than September 1<sup>st</sup> on each reporting year (reports may be produced by those meeting the definition of a competent person as defined by the statutory Small Site Metric user guide)
- g) the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy S61 of the Central Lincolnshire Local Plan 2023-2043.

3. No development shall take place until a written Ecological Mitigation & Enhancement Plan (EMEP) prepared in accordance with the Preliminary Ecological Appraisal and Reptile Surveys dated October 2024 and prepared by Archer Ecology is submitted to and approved in writing by the local planning authority. The EMEP shall include: -

- Details of any precautionary method statements for protected species
- Details of a sensitive lighting strategy
- Details of wildlife friendly landscaping within curtilage of private dwellings (including native tree planting, garden ponds, flowering lawns and urban greening [i.e. rain gardens])
- Details of educational leaflets to be provided to all residence as to the enhancements for wildlife within their own cartilage and the wider development.
- Details, specification location of hedgehog highway within all closed panel fence boundaries and 1x hedgehog refugia
- Details, specification, locations of amphibian friendly curb and drain treatments.
- Details, specification and location of the following species enhancements incorporated into structures across the site:



- Integrated bird boxes, Total across site to be equal to number of dwellings (swift bricks should be installed in groups of 3)
- 1x Pole mounted Owl boxes
- Integrated bat boxes, Total across site to be equal to number of dwellings
- 2 bee/insect bricks per dwelling

The EMEP shall be implemented in strict accordance with the approved plan. All features shall be installed during construction and retained as such thereafter.

Reason: In the interest of nature conservation and to accord with the National Planning Policy Framework and local policy S60 of the Central Lincolnshire Local Plan 2023.

**Conditions which apply or are to be observed during the course of the development:**

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:
  - J20001-PL-00 P01 dated 23/7/25
  - J20001-PL-01 P02 dated 23/07/25
  - J2000a-PL-02 P04 dated 19/9/25
  - J2000a-PL-03 P01 dated 23/7/25
  - J2000a-PL-10 P01 dated 01/11/24
  - J2000a-PL-11 P01 dated 01/11/24
  - J2000a-PL-12 P02 Dated 19/9/25
  - J2000a-PL-13 P01 dated 01/11/24
  - J20001-PL-20 P02 dated 19/9/25
  - J2000a-PL-21 P02 dated 19/9/25

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

5. No development above foundations level shall take place until a scheme of foul sewage and surface water drainage has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To prevent flooding and protect future residents to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan.

6. The development hereby permitted shall be carried out in accordance with the details set out in the Amended Energy Statement A02 dated 18th October 2025 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

7. Prior to occupation of the dwelling hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the Amended Energy Statement A02 dated 18th October 2025 and approved in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan.

8. No external lighting shall be installed on the development hereby permitted unless a scheme of external lighting is submitted to and agreed in writing with the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development hereby permitted does not have an unacceptable impact on residential amenity to accordance the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

9. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health in accordance with the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan.

10. The Biodiversity Gain Plan shall be prepared in accordance with the most recently updated Statutory Biodiversity Metric dated 14<sup>th</sup> July 2025 and prepared by Kiran Johal Mzool.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy S61 of the Central Lincolnshire Local Plan 2023-2043.

11. Notice in writing shall be given to the Council within 15 working days of the Initial habitat creation and enhancement works as set out in the HMMP being completed.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy S61 of the Central Lincolnshire Local Plan 2023-2043.

12. Prior to occupation of the approved dwelling evidence must be submitted to and approved in writing by the local planning authority that a rainwater harvesting butt of a minimum 100 litres has been installed.

Reason: In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development as may otherwise be permitted by virtue of the following:  
— Schedule 2 Part 1 Classes A, AA, B, C, D, E, F, G and H of the Order shall be carried out within the curtilage of the dwelling permitted; and — Schedule 2 Part 2 Class A.

Reason: To ensure that the development hereby permitted does not have an unacceptable impact on the character and appearance of the area in accordance with paragraph 130 f) of the National Planning and Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

**Informatives:**

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

**Decision Level: Committee**

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.