

[5.] Outline Planning Permission

S/168/01836/ 23

APPLICANT: Wilkinson Properties (Boston) Ltd,

VALID: 18/09/2023 **AGENT:** BG Planning,

PROPOSAL: Outline erection of 7 no. self-build/custom dwellings with associated access, parking, amenity space, landscaping and infrastructure works.

LOCATION: LAND OPPOSITE CRISMA COTTAGE THORN LEA AND WILLOWS, CUL DE SAC, STICKFORD

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application is referred to Planning Committee by virtue of the nature of the proposal and the significant level of local objection to the application.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site comprises approximately 1.39ha hectares of greenfield land located south of Stickford. The site is in active agricultural use and forms part of a larger parcel of agricultural land. The parcel of agricultural land lies on the west side of the cul-de-sac and provides an approximate 220 metre gap in the frontage, with residential development sitting either side. The north, south and east edges of the field are bound by narrow drainage ditches, and a small number of semi mature trees are located on the road side of the eastern boundary ditch.

2.2 The site lies to the immediate south of a detached bungalow known as the conifers which is the end property in the row. Further residential properties are located to the east of on the opposite side of the highway. The majority of the properties in the area sit in spacious plots.

2.3 The site is located within Stickford which is defined as a Small Village within the Local Plan. It mainly has a linear form running north to south. The northern end of the village bends to the west and is intersected by the A16. The A16 main road is located approximately 400m to the west of the site.

2.4 The site is located within flood zones 2 and 3, where the risk of flooding is deemed to be at medium and high probability. The site slopes downwards from the western boundary to the eastern boundary. Ground levels on the western boundary are between +2.7m OD and +3.2m OD. The eastern boundary of the site is typically between +2.0m OD and +2.2m OD.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The proposal is for planning permission for the erection of

7no dwellings, with all matters reserved. The properties would be self-build dwellings which would be marketed to local people.

- 3.2 An indicative site plan accompanies the application indicating a proposed layout which follows existing plot size and rhythm and pattern of development to the north. It is proposed that Plots 1 and 2 would be single storey, plots 3 and 4 would be 1.5 storey and 5, 6 and 7 would be two storeys. Scale is reserved for later approval and these details are indicative. Each dwelling would be accessed directly from the Cul de Sac. The development seeks to retain the existing drainage ditches on its north, east and south boundaries.

4.0 CONSULTATION

- 4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

- 4.2 The application has been advertised by means of a site notice, an advertisement in the Local Paper and neighbours have been notified in writing.
- 4.3 At the time of preparing the report, 78 objections from 53 properties have been received. The key concerns raised are summarised below.
- Flood risk concerns
 - historic ground water drainage that will be exacerbated by the proposals
 - Concerns over impact on broadband speed
 - Concerns over volume of traffic on narrow road
 - Road is not suitable for HGVs
 - Site is not an infill plot
 - Concerns over impact on wildlife being directed towards the A16
 - The proposals would lower water pressure in the area
 - As the builds would be self-build, this would prolong the noise and disruption due to potentially having different build out periods, each with its own construction impact.
 - Poor facilities and infrastructure in the area to support 7 additional properties
 - Development is not policy compliant
 - Unsustainable Development
 - No demand for this type of housing
- 4.4 Full copies of all representations received are available on the

application file.

Consultees

- 4.5 Environment Agency – No objections to the development subject to a condition (see below) to ensure compliance with the recommendations of the Flood Risk Assessment:

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: ECL1062a/BG PLANNING, compiled by Ellingham Consulting LTD, dated September 2023) and the following mitigation measures it details:

- *Finished floor levels to be set no lower than 2.6m above Ordnance Datum (AOD)*
- *Flood resilience and resistance measures to be incorporated into the proposed development as stated These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.*

Reason: to reduce the risk of flooding to the proposed development and future occupants.

- 4.6 Environmental Health – No objections subject to conditions
- 4.7 Lincolnshire County Council (Highways and SUDs - No objections subject to conditions
- 4.8 Stickford Parish Council – Objects to the development. Concerns over increase in vehicle movements and access issues. Loss of view. Impact on wildlife. Unsustainable development. Contrary to policy. Concerns over water supply and drainage issues. Concern about potential flooding.
- 4.9 Witham 4th Drainage Board – Standard advice and suggestions for mitigation.

5.0 RELEVANT SITE HISTORY

- 5.1 There is no planning history directly relevant to the application site.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the

Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

- SP1 – A sustainable pattern of places (confirms a hierarchy of settlements within the district)
- SP2 – Sustainable development (mirrors the presumption in favour of sustainable development within the NPPF)
- SP3 – Housing growth and the location of inland growth (together with SP4 confirms how appropriate sites for residential development will be identified).
- SP4 – Housing in inland medium and small villages
- SP8 - Rural exceptions (confirms specific exceptions opportunities for dwellings in rural areas).
- SP10 – Design (seeks to secure good design outcomes)
- SP16 - Inland Flood Risk (seeks to ensure that flood risk and drainage are considered)
- SP22 - Transport and Accessibility (seeks to support accessibility and reduce isolation in the district)
- SP23 – Landscape (seeks to ensure that the districts landscapes are appropriately protected).
- SP24 – Biodiversity and geodiversity (seeks to ensure the safeguarding and enhancement of biodiversity and geodiversity).
- SP25 – Green Infrastructure (protects existing greenspaces and landscapes).

National Planning Policy Framework (NPPF) National Planning Policy Guidance

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

7.1 Having reviewed the submitted information and the relevant planning policies, the key material planning considerations relevant to this application are:

- Principle of the development and whether the site is a suitable location for housing having regard to flood risk
- Flood Risk
- Impact of the proposal on the character and appearance of the area
- Residential amenity
- Highway Safety
- Drainage
- Ecology
- Provision of Self Build Housing
- Other considerations
- Planning Balance

Principle of the development and whether the site is a suitable location for housing having regard to flood risk

7.2 Policy SP1 (Sustainable Pattern of Places) sets out the settlement pattern which guides the spatial strategy for East Lindsey, in order to guide the distribution, scale and nature of future developments to the most sustainable locations. Stickney is located within a Small Village as defined by Policy SP1.

7.3 Strategic Policy 4 (SP4) - Housing in Inland Medium and Small Villages is permissive of housing in small villages such as Stickney, subject to the following criteria being satisfied:

- In an appropriate location* within the developed footprint** of the settlement as infill, frontage development of no more than 2 dwellings.
- Conforms to Clause 2 of Strategic Policy SP25 – Green Infrastructure.

** Appropriate location means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan.*

*** Developed footprint is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are detached from the continuous built-up area of the settlement. It also excludes gardens, community and recreation facilities, land used for an active employment use.*

7.4 In this case it is considered that the site is not an appropriate location for development, for the following reasons

- The site is not infill development as the development is not enclosed by development on both sides.
- The proposal seeks outline planning permission for up to 7 dwellings, Policy SP4 permits no more than 2 dwellings.
- The site lies within Flood Zone 3 (High Risk) where policy SP16 (Inland Flood Risk) applies. The development is in conflict with the provisions of SP16 criteria and is not an appropriate location residential development when areas at a lower risk of flooding are available in the settlement of Stickney (discussed further below).

7.5 For these reasons, the proposal would not meet the strategy of the Development Plan, including its aim to safeguard the open countryside, and provide housing in areas at a low risk of flooding. There is therefore conflict with East Lindsey Local Plan Policy SP4 and SP16. For the same reasons, it would also conflict with the National Planning Policy Framework (the Framework), which makes clear that planning decisions should recognise the intrinsic character and beauty of the countryside. As such, this conflict is given significant negative weight.

- 7.6 SP8 (Rural Exceptions) is permissive of sites presented as rural exceptions, which includes affordable housing and rural worker dwellings. The proposals have not been submitted as a rural exception site and the East Lindsey Local Plan does not contain a permissive policy for self-build or custom build as a rural exception.

Flood Risk and Policy SP16

- 7.7 The majority of the sites lies in Flood Zone 3, with a small area along the western boundary and sides of Plots 1 and 7 being within Flood Zone 2.
- 7.8 Policy SP16 states that the Council will support housing in areas of inland flood risk, providing all the following criteria are complied with:

Criteria 2:

- *A site is in need of regeneration and is not suitable for a business, leisure and commercial use.*
- *The site is brownfield and has become empty, buildings have become disused and run down or a combination of both.*
- *Applications should evidence that they have tried to develop/market sites for a business, leisure or commercial use, this includes active marketing for a minimum of 12 months.*

It is considered that the site comprises agricultural land and therefore by definition as set out in the Framework, it is not 'brownfield'. There is also no evidence the site is in need of regeneration nor has any evidence been provided of marketing for alternative use, the proposal therefore fails to satisfy criteria 2 of policy SP16.

Criteria 3:

Brownfield sites in towns, large villages, medium and small villages that are only partly in areas of flood risk will be supported for housing providing that the development takes place on the area of low flood risk and does not conflict with any other policies for town centre development in this plan.

As noted above, the site is not brownfield land and furthermore, all of the site is within a flood zone and therefore does not comply with criteria 3 of Policy SP16.

Criteria 11.

Where required by national planning policy development proposals in areas at risk of flooding must be accompanied by a site-specific flood risk assessment.

The NPPF requires that inappropriate development should be avoided in areas at risk of flooding by directing development away from areas at highest risk. It sets out a sequential test to steer new development to areas with the lowest risk of flooding. Only where there are no reasonably available sites at a lower risk of flooding, (i.e. FZ1 or FZ2) should FZ3 be considered. If the sequential test demonstrates that it is not possible for the development to be located in zones with a lower risk of flooding, then the exception test may have to be applied, which is the case for residential development.

The Planning Practice Guidance (PPG) adds that when applying the sequential test, a pragmatic approach on the availability of alternative sites should be taken. The Framework does not set out specific parameters for the search radius to be used in conducting sequential test, but the PPG advises that the area to apply the sequential test across will be defined by local circumstances relating to the catchment area for the type of development proposed. Housing is a form of development found across the whole district that, in general, does not have a need to locate in a flood risk area. The approach of the aforementioned development plan policies recognises this and seeks to limit development in the most at risk areas.

The planning application is accompanied by a site-specific flood risk assessment (FRA), which includes an exception test. At para 3.3 the report states it is for the Local Planning Authority (LPA) to undertake a sequential assessment.

Having reviewed the FRA, the applicants sequential test sets can be summarised as '*Large parts of the East Lindsey District Council lie in Flood Zone 3. The potential to undertake the development in an area of lower flood risk is therefore limited*':

As stated above, the sequential test provided by the applicant does not look at alternative sites within the immediate area or within the wider area. Neither the NPPF nor the Local Plan detail exactly how such search areas should be defined, but it is considered appropriate to consider the immediate settlement and the surrounding settlements as a starting point. On this basis it is considered that the sequential test area should also consider as a minimum the closest large and medium A16 villages.

Both Sibsey and Stickney have a substantial number of approved but undeveloped sites and no evidence is given of any attempt to explore their availability. There is also land that would be available for development at a lower risk of flooding. The Sequential Test is therefore not considered to have been passed.

The submitted FRA also includes an Exception Test. The LPA are not required to undertake the Exception Test as the Exception Test would only apply were the Sequential Test to be passed.

However, in order to fully assess the details contained within the FRA, an assessment of this is also set out below:

- 7.9 In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will: Part 1) provide wider sustainability benefits to the community that outweigh flood risk, and that, Part 2) it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- 7.10 In this regard, the applicant states as follows:
- Part 1: The development provides wider sustainable benefits. The Local Plan defines the housing requirements across the District over the period from 2017 to 2031. The total housing requirement is 7819 over this period and the development will contribute to this target. Furthermore, the development will meet the need for custom and self-build housing plots within the district.
 - Part 2: Section 5 of the Flood Risk Assessment describes the flood mitigation measures and the management of the residual risks, demonstrating that this development will be safe and not increase flood risk elsewhere. The development is considered to pass the Exception Test.
- 7.11 The first part of the exception test requires that the development demonstrates that it would provide wider sustainability benefits to the community that outweigh the flood risk. The proposal would contribute to the housing supply, provide self-build and custom build properties aim, albeit for a short period, at local residents, would support existing local facilities, and create a number of jobs, particularly during the construction process. The application is also proposing that a drainage scheme would be implemented that would address existing ground water issues at the site and localised flooding. There is no drainage scheme before the LPA to confirm these wider flood risk measures would materialise. As set out later in this report, there is no evidence of demand on the Councils register for self-build dwellings in this area or that there is an existing meet not being met. Therefore, while the provision is weighted in the balance, the proposals do not present wider sustainability benefits to the community that would outweigh the flood risk issue. The first part of the exception test therefore fails.
- 7.12 The second part of the exception test requires that the development demonstrates that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, reducing flood risk overall. The FRA indicates that the primary risk of flooding is rivers, surface water and reservoirs flooding. The FRA states that flood resilient construction and flood protection measures should be employed as recommended within the FRA. Other recommendations include the development being built at 2.6

ODN, flood resilience and for the site owner to sign up for the government Flood Warning Service.

- 7.13 Given the evidence presented, it is considered that the development passes the second part of the exception test, subject to it following the recommendations outlined within the FRA. Although the proposal would satisfy the second part of the exception test, the Framework is clear that both elements should be satisfied for development to be permitted. Accordingly, the proposal does not pass the exception test.
- 7.14 While the Environment Agency has not objected to the proposal, this is a neutral matter, rather than one that carries positive weight for the development. Moreover, it does not negate the need for the development to be assessed against the sequential test and relevant policies of the ELLP and the Framework.
- 7.15 Accordingly, it is concluded that the application site is not a suitable location for the proposed development, having regard to the risk of flooding. Therefore, the proposal would be contrary to Policy SP16 and SP4 of the ELLP and the requirements of the Framework.
- 7.16 Since the Sequential Test has not been passed the proposal does not meet the requirements set out in the Framework, and in consequence the proposal conflicts with Local Plan policy SP16. The conflicts with local and national policy mean that the site is not an 'appropriate location' as defined by policy SP4.2.

Character and appearance of the area

- 7.17 Paragraph 131 of the NPPF sets out that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that 'good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities'.
- 7.18 Of particular relevance is Paragraph 135 of the NPPF which goes on to state that planning decisions should ensure developments: b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.19 Local Plan Policy SP10 relating to design furthers this and sets out how the Council seek to support well-designed sustainable development which maintains and enhances the character of the Districts towns, villages and countryside by layout, scale, massing,

height and density which reflects the character of the surrounding area.

- 7.20 Policy SP23 relates to landscape considerations. Clause 1 of the Policy states that 'the Districts landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment. Development will be guided by the Districts Landscape Character Assessment and landscapes defined as highly sensitive will be afforded the greatest protection
- 7.21 Policy SP4.2 requires that development conforms to Clause 2 of Strategic Policy SP25 – Green Infrastructure. These include that development will only be permitted on open spaces provided unacceptable harm will not be caused to their appearance, character or role in providing (amongst other things) 'an important element in the street scene or a well-defined visual relief in an otherwise built up frontage; particularly in the case of ribbon development extending into the countryside'.
- 7.22 In this case, this part of Cul de Sac provides an open view towards the agricultural fields to the west, and a large open frontage that is very rural in character, that provides an important break that adds to the character and appeal of the area. Were the application to be allowed an urbanised frontage would eradicate that important feature in the street scene, and by joining the houses to the north and south together would be contrary to local character and the provisions of Policy SP10 as well as SP25 of the Local Plan. Where the Local Plan allows infill plots, this is usually for 2no. dwellings, thereby limiting the impact on the openness of an area. This frontage, over approximately 180 metres, is considered to be too large to be class as infill contrary to SP4.2.
- 7.23 The scheme therefore fails to accord with policies SP25.2 and SP4.2 of the Local Plan.

Highway Safety

- 7.24 Criteria 5 of Policy SP10 also states that development will be supported if it does not unacceptably harm or reduce the safety of highways, cycleways and footways.
7. 25 The NPPF Paragraph 115, which advises that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 7.26 Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:
- *The highway network is over-capacity, usually for period extending beyond the peak hours*
 - *The level of provision of alternative transport modes*
 - *Whether the level of queuing on the network causes safety*

issues

- 7.27 The proposed development would be accessed off the Cul-de-Sac, which is subject to a 30 mph speed limit and a no through road that terminates at the East Fen Catchwater Drain, where a turning facility is provided to allow vehicles to enter and leave in a forward gear. The carriageway reduces in width from the junction of Fen Road before reaching the proposed development site, while narrow there is sufficient width and forward visibility along this section of carriageway to allow for the safe passage of two-way vehicular movements. The carriageway reduces to a single track carriageway from a property known as 'Meadow View' to the proposed site and beyond. At this point, vehicles would be unable to pass one another without causing over-run damage to the carriageway edge and rutting of the highway verge. There are no footway along the Cul-de-Sac or any footways to connect to.
- 7.28 Objections have been received from the neighbouring residents relating to the width of the road, substandard passing places, and concerns over the size and frequency of the vehicles using the road during construction.
- 7.29 LCC Highways in their formal consultation has raised no objections as their assessment concludes that the additional vehicle and pedestrian movements along the Cul-de-Sac for the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact on the highway network. A condition has been recommended regarding a requirement to widen the carriageway of the Cul-de-Sac to the sites frontage and back to the dwelling known as 'Meadow View' making connection with the existing highway. It is also requested that the applicant is made aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach and for a condition to be imposed relating to the provision of a Construction Management Plan (CMP).
- 7.30 Access is reserved for later approval. Given the scale of the proposed development and nature of the highway, it is considered the proposed conditions requiring a road widening scheme and CMP are necessary and reasonable. While it is clear that local residents have concerns regarding the traffic impacts of the development and increased traffic movements on this narrow road, there is no evidence that this development would lead to a serve impact on the highway. The scheme is for outline permission and issues relating to detailed access and parking would be assessed at the reserved matters stage. On balance, it is considered the highway impacts of the development would be acceptable subject to conditions.

Drainage

7.31 The application site is within a flood zone 2 and 3 and there is surface water flooding for 1:30 and 1:100-year events, which is mainly to the sites frontage and around the open watercourses. A significant level of objection has been received relating to the drainage impacts of the development and whether the proposals will lead to increase surface water and flooding. A FRA and Preliminary Drainage Strategy supports the application.

7.32 The FRA states that surface water run-off will be managed, so that stormwater from the development will not affect any adjoining properties or increase the flood risk elsewhere. The FRA also states that *'The proposed development will increase the impermeable surface so there is the potential that flood risk will be increased elsewhere due to surface water runoff'*.

7.33 There has been some localised flooding at the application site and letters of representation are supported by photographic evidence of this.

7.34 Witham Fourth IDB in their consultation response provided the following response:

The Board advise that a comprehensive analysis of surface water is completed to ensure that the development does not increase flood risk to surrounding property, land, and infrastructure. In recent weather events a significant amount of water came off this site and any development will reduce the natural permeable drainage and as such this water needs to be managed as part of the development by way of appropriate attenuation to mitigate any flooding risks to the site itself and surrounding areas.

7.35 In order to fully consider the drainage requirements of the proposed development and whether a drainage strategy could be designed to address current onsite flooding, the application proposals were taken to a PAD drainage Group meeting in May for discussion with the IDB and Lead Local Flood Authority. The summary of the meeting was as follows:

- There are open watercourses around the site which are in riparian ownership which are in the responsibility of the adjacent landowners.
- The use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the properties and surrounding land any design could manage the surface water back to green field run off rate and deal with overland flows from the high ground. There is a solution, it will be a case of cost of attenuation and other mitigation measures versus the profit. The applicant in attendance agreed that the drainage scheme for the site would seek to achieve this.

7.36 While it is clear that there are some existing onsite surface water

drainage issues, it is considered that a condition could be imposed requiring a full drainage strategy to be prepared to address this and deal with the drainage requirements of the proposed development.

Ecology

- 7.37 Policy SP24 - Biodiversity and Geodiversity states that 'Development proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings, and minimise fragmentation and maximise opportunities for connection between natural habitats.'
- 7.38 A Preliminary Ecological Appraisal (PEA) has been prepared to support the application. The PEA concludes there are no features that support bats or habitats for bats, negligible suitability for reptiles or hedgehogs or riparian mammals or birds.
- 7.39 The PEA includes proposals for the provision of Biodiversity Net Gain (BNG) which is not mandatory as the proposals were submitted before the BNG came into force through the Environment Act. Although the BNG is welcomed and of notable benefit to the scheme and wider environment (it is considered that notable weight can be given to those benefits given the timing of the application), it is not considered that those benefits alone do not carry sufficient weight to override the overarching issue regarding the principle of development.
- 7.40 If planning permission were to be granted for this development, it would be recommended that the development is undertaken in accordance with the recommendations of the PEA at section 6. This includes a scheme of BNG, native planting, timescales for vegetation clearance, and Construction Environmental management Plan (CEMP) and Ecological Management Plan (EMP).

Climate Change

- 7.41 The Local Plan has a section on climate changes which primarily focuses on flood risk and renewable forms of energy.
- 7.42 The Road to Zero (Published in July 2018) describes the Government's ambition to end the sale of new conventional petrol and diesel cars and vans by 2040. By 2030, the Government's ambition is that at least 50 per cent, and as many as 70 per cent, of new car sales – and up to 40 per cent of new van sales – should be ultra-low emission.
- 7.43 The NPPF, which is a material consideration, recognises the importance of sustainable forms of travel and at Para 107 set out that if setting local parking standards, LPAs should consider the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

- 7.44 Having regard to the Local Plans general objective of addressing the impacts of climate change and the guidance in the NPPF, it would be considered appropriate to impose a condition requiring the development to make provision for EVCP, if planning permission were to be granted.

Provision of self-build housing as a material consideration

- 7.45 The application is for 7no. self-build units. The applicant details the benefits of self-build properties and gives great weight to the fact that this application would provide 7no. self-build units. The Heads of Terms confirms the mix and marketing as follows:

- **Over 55 Housing** - Plots 1 & 2 are to be permanently restricted for Over 55s, unless sufficient evidence can be provided that there is no demand.
- **First Time Buyers** - Plot 3 to be marketed towards first time buyers for an initial period of 12-weeks, before being marketed more broadly if it can be evidenced that there is no demand from first-time buyers during this period.
- **Local Marketing** – Each plot will be marketed to ensure locals have the first opportunity to purchase these plots. Each plot would be marketed for a period of 12-weeks towards prospective purchasers located within the parish. If there is no interest, then a further period of 12-weeks marketing will commence for prospective purchasers in any immediate neighbouring parishes. If there is no interest, marketing will then occur within the administrative district of the Council for 12 weeks, before being open to all.

It is considered that if planning permission were to be granted, these outcomes would need to be secured by legal agreement (s106).

- 7.46 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are *where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.*
- 7.47 The Self-Build and Custom Housebuilding Act 2015 requires East Lindsey District Council to keep a register of individuals who are seeking to acquire serviced plots of land in their area for this purpose. The Housing and Planning Act 2016 added a duty to grant planning permission in respect of enough serviced plots of

land to meet the demand for self-build and custom housebuilding in the Authority's area arising in each base period.

- 7.48 The Local Plan contains policies and allocations for housing. It does not make specific provision for self-build housing as this is considered to be addressed by current housing policies and demand and locations outside of general housing policies would be assessed on a case by case basis having regard to need.
- 7.49 East Lindsey District Council's self-build and custom housing register was established in 2016 and provides details of the number of persons who have been added to the register in each base period since this date. The Council has approximately 38 people on the register. The Council approves many plots above this number that are considered as potentially 'suitable' for custom/selfbuild under the definition. This has historically been the position of the Council and formed the basis for the Council to not need a specific policy requirement.
- 7.50 The Council submit returns to Central Government annually. The last reported period shows there were 38 people on the register but 104 potentially suitable plots approved. Generally, the number of suitable plots increases year on year but the numbers of people on the register remains relatively low and static. The Council also periodically notifies those on the register of suitable plots on the market as well. With this in mind, from a strategic policy point of view, the Council considers that they cover their requirements under the legislation.
- 7.51 The applicant has disputed the number of suitable plots available and how the LPA calculates its self-build approvals, in particular it is alleged that the figures accounted for are inaccurate and market properties are being counted when they are not genuine self-build.
- 7.52 Guidance for recording suitable permissions is set out within the PPG (Paragraph: 038 Reference ID: 57-038-20210508) below:

How can authorities record suitable permissions?

The legislation does not specify how suitable permissions must be recorded. However, the following are examples of methods a relevant authority may wish to consider to determine if an application, permission or development is for self-build or custom housebuilding:

- *Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout;*
- *Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout;*

and Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development.

- *The relevant authority must be satisfied that development permissions being counted meet the legislative requirements.*

7.53 The Council's Policy Team who record suitable permissions has advised that they consider the recording to be accurate and accord with the relevant guidance. Therefore, given 38 people on the register but 104 suitable plots approved the Council can demonstrate that supply is exceeding demand.

7.54 The benefits of self-build housing is recognised by the Planning Practice Guidance (PPG) finding that it helps to diversify the housing market and increase customer choice. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes. This policy requirement and national guidance have been weighted in the assessment of the proposals. However, this is weighted against the unsuitable location of the site with regard to Policy SP4, SP16 as well as the landscape harm that has been identified. There is no overriding justification as to why 7 self-build plot should be granted in this location (for example a high demand for properties in Stickney on the register).

7.55 Additionally, while the properties are marketed towards local people, the marketing period is limited, and this is likely to act as a constraint to interest, allowing 12 weeks for those in parish and up to 9 months district wide.

7.56 It is therefore considered that the benefits of self-build units on the site do not outweigh the concerns raised above.

Other considerations

7.57 Other concerns such as the drop in water pressure, and pressure on broadband speeds have been raised by Local residents. Water pressure would be dealt with through Building regulations should an application be approved. Also, if an application was approved a condition could be considered for any permission to ensure that Broadband internet could be provided for the new dwellings.

7.58 Planning Balance

In the Planning Balance, the application submission suggests that in favour of the proposals the following considerations are relevant and should be weighted in favour of the proposals

- There are significant benefits to the proposed development: Owing to the UK Government's long-term commitment to boosting the self-build and custom housing market, significant weight is afforded to the provision of 7 no.

genuine self-build and custom housing. This is particularly so as it has been demonstrated that there is demand for this type of housing and within close proximity to the site in a suitable location where there is identified demand. Further weight is afforded to this given the applicant's desire to maximise the accessibility of self-build and custom housing by securing outline planning permission to minimise risk for people wanting to build their own homes. Great weight is also afforded to the proposed 'locals-first' marketing strategy, as well as the initial marketing of plots 1, 2 and 3 to the over 55's and first-time buyers. These considerations weigh heavily in favour of the proposed development.

- The site is a logical housing site being located within the existing built form of Stickford, with existing residential development to the north, east and south of the site. Given its relationship to existing development, it is a site in which residential development can reasonably be expected and would assimilate effectively within the locality.
- The proposed development has been demonstrated to achieve valuable economic benefits associated with the provision of self-build and custom housing. The proposed development therefore contributes towards achieving sustainable development via the economic objective of the planning system.
- The proposed development has also been demonstrated to achieve significant social and environmental benefits which have been secured through the provision of a well-designed and locally appropriate development. The development would accord with key design principles as contained within the local plan and NPPF in order and help build strong, vibrant and healthy communities and achieve well-designed, beautiful and safe places. The development would also achieve environmental benefits owing to the provision of landscaping and the creation of habitats, and planning contributions for BNG.
- The development has been demonstrated to be safe and acceptable in flood risk terms and is supported by the EA on flood risk grounds, in accordance with local policy and the NPPF.
- The construction of the dwellings would likely create construction jobs and utilise materials from local merchants. Therefore, there would be some economic benefit.

7.59 However, due to the limited facilities within the village, it is considered that the occupants of the dwellings would likely rely on the private car to access many services, facilities and employment opportunities and therefore have a harmful effect on the environmental dimension of sustainable development. Policy SP4 identifies Stickney as a small settlement in recognition of its low level of services and facilities and the limited growth permitted though the policy is to enable sustainable growth in more

sustainable locations.

- 7.60 Whilst the self-build element, elderly person's bungalows and initial targeting period towards locals, is welcomed and given weight, this is not considered to outweigh the overall significant harm it would have by way of undermining the Council's adopted housing strategy, allowing residential development in a high flood risk area and the impact on the rural character of the area.

8.0 CONCLUSION

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.2 It is considered that this proposal would conflict with the strategy of the Development Plan, including its aim to safeguard the open countryside, allow only limited growth in the small settlements and in directing development to areas not at risk of flooding.
- 8.3 For the reasons given above, it is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. There is therefore an officer recommendation to refuse outline planning permission for the reason set out below.

9.0 RECOMMENDATION: REFUSE for the following reasons

RECOMMENDATION: Refuse

for the following reasons:

1. The majority of the application site lies in Flood Risk Zone 3, a high category of flood risk. The application has failed to demonstrate that the proposal passes the Sequential Test and prove that there are no other reasonably available sites for development at a lesser risk of flooding as required by the National Planning Policy Framework which aims to direct new development away from areas of high flood risk to areas of lower flood risk. The proposal also fails to meet the requirements of the East Lindsey Local Plan regarding new housing development in areas of flood risk. If allowed the proposal would place the occupants of the new house at a high risk of danger from flooding and would, therefore, be contrary to paragraphs 165 - 169 of the National Planning Policy Framework and to Policy SP16.2 of the East Lindsey Local Plan. Given this policy conflict, and failure of the proposal to pass the sequential test, the application site would not represent a suitable location for housing with respect to flood risk. This would further conflict with Policy SP4 and with the overall settlement pattern for the district under Policy SP1.

2. The proposed development for 7no plots is contrary to Policy SP4 of the East Lindsey Local Plan which permits up to 2no. dwellings only. The site is a large open space which provides a break between development to the north and south. Infilling the space with 7 properties would be harmful to the rural character of the area contrary to Policy SP10 and SP25. There are no material considerations presented in the application of weight to override this conflict the policy. The site is therefore not an appropriate location for development and conflicts the Policy SP4 of the East Lindsey Local Plan.