



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

9 July 2026



S26/0237

Proposal:	Outline planning application for a residential development with all matters reserved except for access
Location:	Land adjacent Heatherway House, Fenton Road, Stubton, NG23 5DB
Applicant:	Mr P M King
Agent:	Mr Mike Sibthorp – Mike Sibthorpe Planning
Application Type:	Outline Planning Permission
Reason for Referral to Committee:	Departure from the Development Plan and Officer's are minded to approve. Called in by Councillor Milnes citing impact on the character of the area, cumulative impact, foul drainage, sustainability of the location and off-site BNG provision.
Key Issues:	<ul style="list-style-type: none"> • Principle of Development • Impact on the character of the area
Technical Documents:	<ul style="list-style-type: none"> • Preliminary Ecological Appraisal • Design and Access Statement

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Loveden Heath

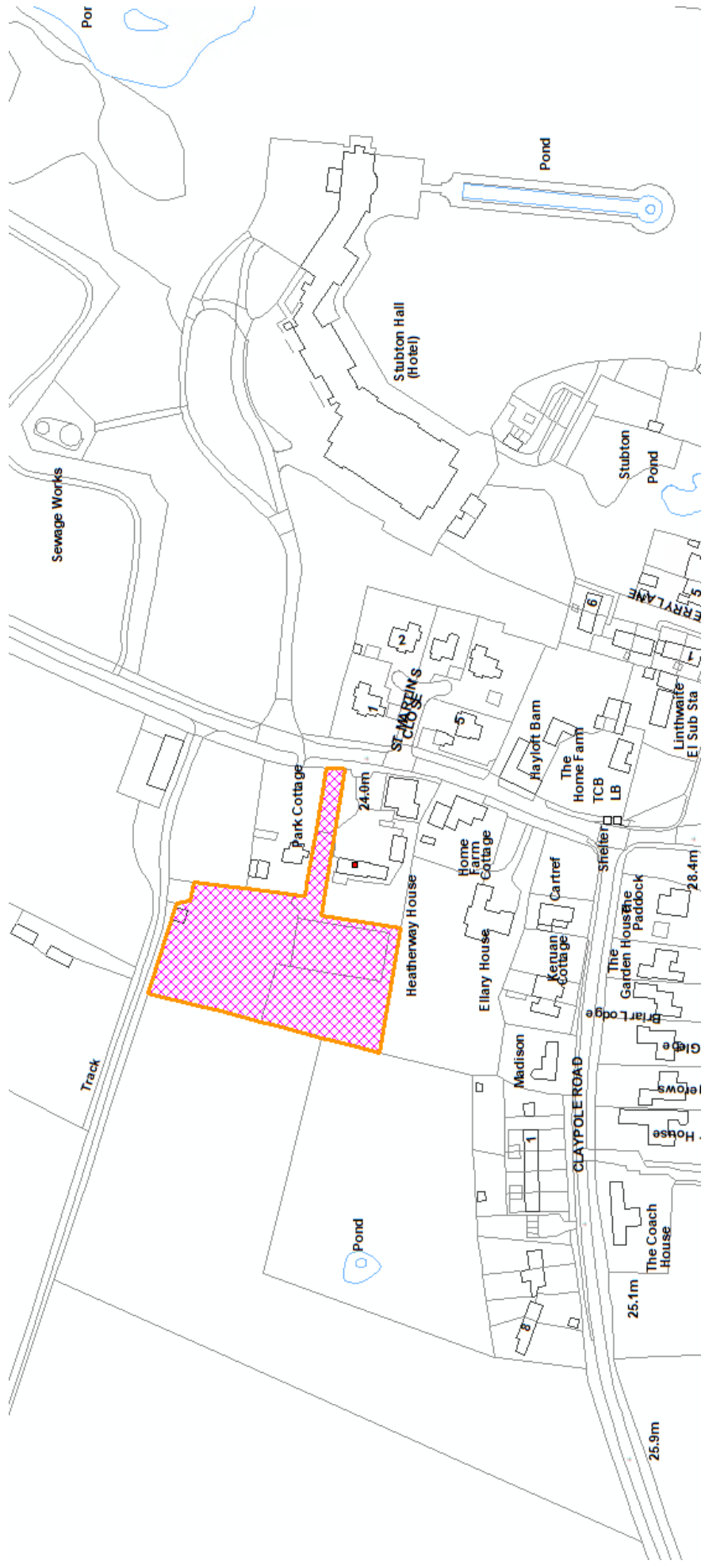
Reviewed by:

Adam Murray – Principal Development Management Planner

26 June 2026

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning and Growth to GRANT planning permission, subject to conditions.



Key



Application Boundary



1 Description of Site

- 1.1 The application site comprises of land associated with Heatherway House, on Fenton Road in the village of Stubton. Access to the site is via Fenton Road and is sited between Park Cottage and Heatherway House. The application site comprises of approximately 0.55 hectares of land.
- 1.2 Fenton Road hosts further dwellings, the building lines of which vary with there being examples of street fronting dwellings and then dwellings set further back within their respective plots.
- 1.3 The application site is largely situated to the rear of Heatherway House and the residential development of Park Cottages, and extends further north, bounding an existing track.

2 Description of Proposal

- 2.1 This application is seeking outline planning permission for the erection of up to 5 dwellings. This outline application is considering the principle of the development and the matter of access only, with all other matters (scale, layout, appearance and landscaping) being reserved.

3 Relevant History

- 3.1 There is no relevant planning history for this site, however the adjacent approved Park Cottage residential scheme is relevant in terms of site context. This full planning application (S23/1974) was approved conditionally for “Demolition of existing dwelling and replacement with three traditional dwellings, landscaping and existing access retained.”.

4 Relevant Planning Policies and Documents

SKDC Local Plan 2011-2036

- Policy DE1 – Promoting Good Quality Design
- Policy SP3 – Infill Development
- Policy SP4 – Development on the Edge of the Settlement
- Policy SB1 – Sustainable Building Measures
- Policy EN2 - Protecting Biodiversity and Geodiversity
- Policy EN5 - Water Environment and Flood Risk Management

National Planning Policy Framework (NPPF)

- Section 12 – Achieving well-designed places
- Section 9 - Promoting Sustainable Development
- Section 5 – Delivering a sufficient supply of homes

Stubton Neighbourhood Plan

Design Guidelines for Rutland and South Kesteven Supplementary Planning Document
(Adopted November 2021)

5 Representations Received

5.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 19 letters of representation have been received. The points raised can be summarised as follows:

1. The addition of 5 houses would be unnecessary and unsustainable.
2. The proposal would be development in the open countryside and therefore Policy SP5 would be applicable
3. A cluster of five houses behind existing frontage properties creates an uncharacteristic backland form, inconsistent with the linear pattern of Fenton Road. This represents visual intrusion and urbanisation of a rural edge, contrary to DE1's design principles.
4. The proposed access onto Fenton Road is constrained, with limited width, no footways, and restricted visibility. Additional traffic from five dwellings would increase risk to pedestrians, cyclists, horse riders and agricultural vehicles. Contrary to Policy ID2 and NPPF paragraphs 110-111.
5. The application provides no drainage strategy, no infiltration testing, and no SuDS proposal. The land is known locally to become waterlogged, and additional hard surfacing will increase run off toward neighbouring properties. Contrary to EN5 and NPPF paragraph 167.
6. The site contains hedgerows, mature trees, habitat used by birds and bats. No ecological assessment has been submitted, contrary to EN2 and NPPF paragraph 180.
7. The proposal would introduce overlooking of existing gardens, noise and disturbance from a new access road behind established properties and light pollution from vehicle movements and domestic lighting.
8. The site has been used for agricultural and equine use until recently, not residential.
9. Taking into account S25/1033 for 4 dwellings (approved on appeal), S25/1860 for 5 houses (currently in planning consultation process) and this potential development, if all were approved, would be roughly equivalent to a 20% increase in the size of a small village
10. Stubton is not a sustainable location, it is a small village with no facilities other than a church and a village hall
11. The housing stock in Stubton at the time of adoption of the local plan was 77, should this be allowed, and taking into account applications S25/1033 and S25/1860, this would create an additional 14 houses. This represents a massive 28% increase in housing stock since the Local Plan adoption.
12. By extending the built form beyond the established village envelope into rear garden/paddock land, the proposal fails to respect the local vernacular. Contrary to Policies BE1 and BE2 of the Stubton Neighbourhood Plan.
13. The loss of this open green space, which contributes to the rural setting of the village, is unacceptable. The introduction of suburban-style housing estate infrastructure (access roads, lighting, domestic paraphernalia) in this location harms the rural transition zone between the village and the open countryside.
14. Policies NE1, NE2, and NE3 of the Neighbourhood Plan are designed to protect the natural environment and green spaces.

15. The village has no shop, no school, no public house, and no regular public transport service. The only facility is a village hall. Residents of the proposed five new dwellings would be entirely dependent on private cars for employment, education, shopping, and leisure.

16. The Biodiversity baseline report states: "The application site falls within a strategic green corridor." (Section 3.1.6) Relevant SKDC Policy - EN3 - Green Infrastructure: requires protection of green corridors that contribute to landscape and ecological connectivity

17. The new access is positioned immediately adjacent to the driveways of existing properties, creating: - Inter visibility issues - Increased risk of vehicle conflict - Difficulty for residents safely entering/exiting their own driveways

18. The proposal would result in an unacceptable intensification of vehicle movements

19. The proximity of the new access road to existing homes will result in: - Noise from vehicle movements - Headlight glare into windows - Loss of privacy - Disturbance from construction traffic - Increased risk to pedestrians, including children

20. The Biodiversity Baseline Assessment calculates a baseline of 2.4 units, requiring uplift to 2.64 units. This is a statutory requirement, not a planning benefit. BNG cannot outweigh fundamental policy conflict.

21. The access arrangement represents poor design practice. A road serving multiple dwellings should not be positioned immediately adjacent to the wall of an existing dwellings

22. The tilted Balance in this instance does not override the harm

23. There is live 11000 volt overhead electricity equipment where the proposed development is proposed to be built. The Developer will need to contact National Grid, prior to commencing any works, to arrange for the equipment to be diverted at their cost

24. To give some context to the examples given:

Hargreaves Row was developed in the 17th century, when Doddington lane was at best a farm track; Church Lane pre-existed the two houses built there; Cherry Lane was developed before neighbouring properties were built; St Martins Close was a redeveloped farm yard where there had been building previously The new development off Doddington lane does not run behind existing properties This development would create three deep development behind Park Cottage development

25. Drainage in Stubton is very poor due to the heavy clay soil.

26. Great crested newts were regularly sighted on the land proposed for development. A large colony existed on the site of the felled oak tree and in the centre of the proposed new dwellings.

27. The proposals are not compliant with Policy SP3 and would detrimentally affect both Ellary House and the new homes at Park Cottage.

28. Highways comments relate to the access NOT the development

29. We have lived at Park Cottage since 1975 and worked in the area in agriculture since 1968. During this period the land to the West of the village build form has never been used as a garden. It has been used for grazing of sheep - and grazing / exercise for horses. The applicant themselves has used the land to graze sheep

30. When Park Cottage gained planning permission it was made very clear that it must not exceed the build form of the village. This was both to the West and North of Park Cottage.

6 Representations as a Result of Publicity

6.1 LCC Highways

6.1.1 No objections subject to suitable access construction.

6.2 Heritage Lincolnshire

6.2.1 The settlement of Stubton is recorded in the Domesday Survey, and medieval remains are recorded from the village. Extensive remains of the medieval field system surround the village, and include ridge and furrow earthworks immediately west of the proposal site. Prehistoric cropmark enclosures and boundaries rerecorded a short distance south of the proposal site.

6.2.2 It is considered that the site offers a potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity. Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. Our recommendation is for a Scheme of Archaeological Work, in the form of an archaeological field evaluation to determine the presence, character and date of any archaeological deposits present at the site. This evaluation should initially consist of a programme of trial trenching. The results of the evaluation will inform the required archaeological mitigation.

6.3 Environmental Protection

6.3.1 No objection subject to conditions.

6.3.2 Contaminated Land:

6.3.3 Historic maps indicate that there may have been some infilled land to the north of the site therefore should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop, and the local planning authority notified immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

6.4 Anglian Water

Section 1 - Assets Affected

6.4.2 New development must comply with Building Regulations and the Water Industry Act. Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary or affected by the proposals. It is highly recommended that the applicant carries out a thorough investigation of the proposed working area to establish whether any unmapped public or private sewers, lateral drains, or other water infrastructure assets are in existence. Due to the private sewer transfer in October 2011, many newly adopted public used water assets and their history are not indicated on our records. Any encroachment zones should be reflected in the site layout. The development site may contain private water mains, drains or other assets not shown on our records. These are private assets and not the responsibility of Anglian Water but that of the landowner.

6.4.3 Section 2 - Wastewater Treatment - Objection

6.4.4 Anglian Water objects to the proposed development due to the intended connection to the public foul drainage network. The proposed development is situated within the catchment area of the Stubton Water Recycling Centre (WRC), which is currently classified as a Descriptive Works – a small WRC with a descriptive permit. There is no planned investment in this catchment and any additional flow poses an environmental risk to the watercourse.

6.4.5 To overcome our objection the applicant should carry out 12 months of flow monitoring to measure the total daily volume of treated effluent being discharged from the WRC. The data should be shared with us and if it is proven that the total volume, with the addition from the proposed development, does not exceed the permitted volume for this WRC then our objection could be removed. Prior to carrying out flow monitoring the applicant needs to contact Anglian Water at planningliaison@anglianwater.co.uk to discuss how this must be undertaken. Please find the link for Anglian Waters Descriptive Works Position Statement: <https://www.anglianwater.co.uk/siteassets/developers/new-content/p--c/descriptive-works-position-statement-march-2025.pdf>

6.4.6 Section 3 - Used Water Disposal

6.4.7 The sewerage network at present has available capacity for the anticipated foul flows. However as advised above, any connection into our foul network from the proposed development will contribute to pollution and deterioration of the watercourse via the WRC as it cannot accommodate additional flows. If the LPA is minded to grant approval despite our WRC objection, the developer will need to serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

6.4.8 Section 4 - Surface Water Disposal

6.4.9 Condition The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the documents submitted, there are no confirmed details of how surface water will be discharged. There are no designated public surface water sewers within the vicinity of the proposed development, and surface water must not connect to a designated public foul sewer. Therefore, Anglian Water will be unable to serve the sites surface water disposal requirements. Anglian Water request a condition is applied, should planning permission be granted. Condition: No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy. Our surface water policy and further guidance is available on our website: <https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems>

6.5 **Conservation Officer**

6.5.1 The site is set opposite the property of Stubton Hall, a grade II listed building (NHLE 1146985). It is also set within the wider proximity of the grade II listed Barn at Home Farm (NHLE 1360053). The site is also set within the extent of Stubton Park, a non-designated heritage asset (MLI92364). The proposal has the potential to impact upon the setting of the designated heritage assets, as well as the significance of the non-designated heritage asset.

Any such impact would need to be weighed against the public benefits of the proposed works, and a balanced judgement will need to be found in regards to the potential impact (NPPF 215 and 216).

- 6.5.2 This is an outline application for the redevelopment of a parcel of land to the rear of Heatherway House, with all matters reserved except access.
- 6.5.3 The L-plan property of Heatherway House was created in the later second half of the 20th century, prior to this the area comprised a large open field with a footpath from Stubton to Claypole. Principal access is to be provided from Fenton Road, by removing a section of the brick boundary wall to the front of Heatherway House. Albeit a positive feature within the streetscape, removal of a section of this wall is not considered to cause harm to the heritage assets. It is noted that the siting of the dwelling is at odds with the general streetscape of the village as a backland development, which predominantly comprises set back detached or semi-detached dwellings, former farmsteads, and dispersed courtyard/cul-de-sac developments.
- 6.5.4 In principle, the access as proposed is not considered to cause harm to the heritage assets. This is, however, dependent on the final design, layout, material and scale of the development. No full assessment of the potential harm can be provided without these details.

6.6 **Parish Council**

- 6.6.1 The proposed windfall development site comprises a parcel of undeveloped land to the rear of Heatherway House, Fenton Road, Stubton
- 6.6.2 SP3 Infill
- 6.6.3 The application is made under SP3 Infill Development, subject to the following provisions:
- 6.6.4 a. it is within a substantially built up frontage or re-development opportunity (previously development land);
- 6.6.5 b. it is within the main built up part of the settlement; c. it does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties; d. it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties. It is the Parish Council's view that the proposed development does not satisfy the above SP3 criteria:
- 6.6.6 a. The proposed site is backland development, set back from existing buildings, so does not sit within substantially built up frontage. The site is not previously developed land – it is a greenfield site.
- 6.6.7 b. The proposed location is situated to the rear of current development along Fenton Road and therefore cannot be described as within the main built up part of the settlement. It would extend built form to the west and north of the village.
- 6.6.8 c. Adjacent properties will be affected by the proposal. In particular, the access would impact on the neighbouring home nearest the site, to be developed at Park Cottage. The block plan suggests very little space between the access lane and the new dwelling and the traffic would affect amenity of that home. Heatherway House currently sits central within its own grounds, with open space to all sides. The current owners have put considerable effort and time into improving their home. The introduction of another access road and development

at the rear will, in the Parish Council's view, significantly reduce the attractiveness of Heatherway House and how it sits gracefully within the built form of the village.

- 6.6.9 d. The site would extend existing built form to the north of the village where plots 4 and 5 are proposed on the block plan. To the west, the development extends beyond the linear pattern of development along Fenton Road.
- 6.6.10 SP4 Edge of Settlement
- 6.6.11 As this application has been made under SP3, the essential criteria set out in SP4 has not been met: No pre-application consultation has taken place to show "substantial support from the local community."
- 6.6.12 In terms of SP4(b) "scale, layout and character," backland development principles suggest proposed development should be subservient in mass, scale, height and form to neighbouring properties. The introduction of 5 large detached dwellings would not conform with those design objectives and would detrimentally affect the landscape character of the locality. The development would "extend obtrusively into open countryside" contrary to SP4(d) and DE1 ("Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area")
- 6.6.13 Relevant Policies
- 6.6.14 *NPPF Chapter 15, Conserving the Natural Environment Para 187 & Para 195, S*
- 6.6.15 *SKDC EN1*
- 6.6.16 *Stubton Landscape Character Assessment 6.9 C3*
- 6.6.17 *Stubton Neighbourhood Plan NE1*
- 6.6.18 *Stubton Neighbourhood Plan BE1*
- 6.6.19 *Stubton Neighbourhood Plan BE2*
- 6.6.20 The proposed site is surrounded by open countryside to the immediate west and north. A Public Right of Way (PRoW) extends diagonally across the field to the west; to the north, the Right of Way leads along a farm track running parallel to the site. The PRoW is used by walkers from Claypole, Fenton, as well as Stubton residents. The view from the PRoW is framed by Stubton Hall and its grounds when walking eastwards along the footpath towards the edge of the village. When walking westwards, there are open views towards Claypole and Newark beyond. The location has a tranquil, rural feel, which attracts wildlife, including bats, barn owls, red kites, brown hares and hedgehogs, along with the occasional deer. The unspoilt landscape, when viewed from the PRoW is worthy of preserving and protecting in accordance with the aforementioned policies.
- 6.6.21 The Parish Council is informed that a colony of Great Crested Newts are evident in the locality, where a pond is situated next to the site boundary to the south of the site.
- 6.6.22 The proposed site would be at odds with the immediate natural surroundings, resulting in encroachment into open countryside. The proximity of the proposed buildings to the PRoW would spoil views, urbanise an otherwise rural landscape and be contrary to the policies cited above.
- 6.6.23 NPPF Chapter 14, Climate Change
- 6.6.24 The emerging pattern of milder winters with long periods of heavy rainfall present a particular challenge for Stubton as the land is heavy clay and the village has no mains drainage

available for new development. Without significant investment in mains drainage infrastructure to support additional development, the challenges faced in recent years will worsen as the land becomes more waterlogged and localised flooding takes place.

6.6.25 Windfall Development

6.6.26 One small settlement providing almost 50% of the entire annual windfall allowance (for all 58 settlements in the SP2 Smaller Village Hierarchy) would compromise the nature and character of Stubton. It is the Parish Council's view that Stubton's nature and character will be compromised. The built form goes against the predominant, existing linear frontage and will be at odds with settled urban design which comprises a gentle transition from low density edge of settlement development into open countryside. Stubton has consistently supported small amounts of development over the years, often for one or two properties, but the recent tranche of applications over the space of a few months will be difficult to absorb without the village losing its charm and character. As a Domesday village, it is important the historic nature of Stubton is not lost by larger, generic cul-de-sac developments overpowering existing rural properties and the traditional patterns of rural development.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the adopted development plan comprises of the following documents:

7.2 - South Kesteven Local Plan 2011-2036 (Adopted January 2020)

7.3 – Stubton Neighbourhood Plan 2014-2026 (Made 3 July 2015)

7.4 The Lincolnshire Minerals and Waste Local Plan forms part of the development plan in relation to minerals planning.

7.5 The policies and provisions set out in the National Planning Policy Framework are also a material consideration in the determination of planning applications, alongside the adopted Design Guidelines for Rutland and South Kesteven.

7.6 As of March 2025, the Council are presently unable to demonstrate a 5-year supply of housing land and as a result, the policies most important for determining the application are deemed to be out-of-date by virtue of footnote 8 and paragraph 11d) of the Framework. Paragraph 11d) requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in The Framework, indicate that development should be restricted.

7.7 Principle of Development

7.8 Policy SD1 (The Principles of Sustainable Development in South Kesteven) sets out the overarching obligation for development proposals to minimise its impact on climate and contribute toward a strong, stable and more diverse economy. The policy requires consideration of a number of matters including the impact of development of climate change, minimising the need to travel, avoiding development of areas of flood risk and development proposals giving rise to pollution, encouraging the use of previously developed or underutilised land, providing a supply of housing to meet the needs of present and future generations, and enhancing the character, natural environment and cultural and historic environment of the District.

- 7.9 The South Kesteven Local Plan (SKLP) sets out the principles for the location of development within Policies SP1 and SP2. Policy SP1 (Spatial Strategy) outlines the strategy for the District during the plan period. It identifies that the overall strategy of the Local Plan is to deliver sustainable growth, including new housing and job creation, in order to facilitate growth in the local economy and support local residents.
- 7.10 Policy SP1, spatial strategy states proposals should protect the best and most versatile agricultural land to protect opportunities for food production and the continuance of the agricultural economy. The 'best and most versatile agricultural land' is defined in the NPPF as agricultural land of grade 1, grade 2 and grade 3a with grade 1 classification being the best. Natural England's Land Classification Map shows the land contained within the site classed as Grade 3 and therefore within an area of land that could be considered good to moderate land.
- 7.11 Policy SP1 also states that development affecting the best and most versatile agricultural land will only be permitted if: - There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and - Where feasible, once any development which is permitted has ceased its useful life the land will be restored to its former use, and will be of at least equal quality to that which existed prior to the development taken place (this requirement will be secured by planning condition where appropriate).
- 7.12 However, given the proximity to the settlement, it is likely that the site would have been lower grade agricultural land value. In addition, it is also noted that the entirety of Stubton is situated within Grade 3 and therefore, there would be no alternative, sequentially preferable land within the settlement.
- 7.13 Decisions about the location and scale of new development will be taken on the basis of the settlement hierarchy set out in Policy SP2. Policy SP2 (Settlement Hierarchy), alongside Policy SP1, seeks to focus the majority of new development to Grantham to support and strengthen its role as a Sub-Regional Centre, followed by the three other market towns being Stamford, Bourne and The Deepings, then in the hierarchy comes the larger villages, followed by smaller villages. SP2 states that development in Smaller Villages, development will be supported in accordance with Policy SP3, SP4 and all other relevant policies, where development will not compromise the village's nature and character.
- 7.14 The application site is situated to the west of Fenton Road at the northern edge of the existing built- up area of Stubton. The existing built development on Fenton Road terminates with Park Cottage on the Western side and St Martins Close to the eastern side. Stubton Hall is sited on the eastern side of the road with the access point opposite the access for the application site however, this is set further east, past the St Martins Close development. Given that the application site would be immediately adjacent the rear boundaries of properties on Fenton Road with an access point between two properties on Fenton Road, the proposal is considered to be an extension the existing built form of Stubton on the western side Fenton Road beyond its existing limitations and, therefore, Policy SP4 (Development on the edge of settlements) is the relevant policy to establish the principle of development on this site. Despite this, the applicant's submission is on the basis that the site is infill development as within Policy SP3 of the SKDC Local Plan. SP3 states:
- 7.15 In all settlements defined in Policy SP2, infill development, which is in accordance with all other relevant Local Plan policies, will be supported provided that:

- a. it is within a substantially built-up frontage or re-development opportunity (previously development land);
- b. it is within the main built-up part of the settlement;
- c. it does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties;
- d. it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties.

7.16 The proposal would not meet criteria a), b) or the first part of d) and therefore Policy SP3 is not the applicable policy.

7.17 Policy SP4 states that proposals for development on the edge of a settlement, which is in accordance with all other relevant Local Plan policies, will be supported provided that essential criteria are met. This requires the proposal to:-

(a) Demonstrate clear evidence of substantial support from the local community through an appropriate, thorough and proportionate pre-application community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum.

(b) Be well designed and appropriate in size, scale, layout and character to the setting and area.

(c) Be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan.

(d) Not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area.

(e) In the case of housing development, meet a proven local need for housing and seeks to address a specific targeted need for local market housing; and

(f) Enable the delivery of essential infrastructure to support growth proposals.

7.18 There has been no pre-application community consultation exercise carried out and it is therefore not able to be clearly evidenced that there is substantial support from the local community for the proposal.

7.19 The parish council have raised objections to the proposal. The scheme is therefore considered to be contrary to SP4(a).

7.20 As identified above, the LPA is not meeting the identified required housing land supply and therefore Policy SP4 is out-of-date and the tilted balance applies.

7.21 In this case, the provision of housing is a significant benefit which Officers would attribute moderate weight.

7.22 Further discussion on how the contradiction to SP(a) would be weighed against the tilted balance in the decision as well as any further material planning considerations that arise against the site-specific criteria below.

7.23 **Effect of the development on the character and appearance of the area**

7.24 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that to ensure high quality design is achieved throughout the District, all development proposals will be expected to make a positive contribution to local

distinctiveness vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the street scene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area. Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

7.25 Policy NE2 of the Stubton Neighbourhood Plan states:

7.26 New development must be appropriate to the character, natural historic and cultural attributes and features of Stubton's landscape. Developments must respect and retain the landscape character of Stubton Parish and incorporate features which contribute to the conservation, enhancement or restoration of these features.

7.27 In particular, new development should, wherever possible:

- Maintain existing hedgerows, trees and woodland and encourage the planting of new trees and hedgerows. Where new trees are proposed, these should wherever possible, be appropriate disease resistant and native species.

- Protect and enhance the existing landscape character and the important features that define the character, setting and views of the Parish (as set out within the Stubton Landscape Character Assessment). In particular, development which would impact on Stubton Neighbourhood Plan 39 Map showing key views from Stubton Parish towards surrounding areas and the escarpment slopes (shown in orange) views into and, where appropriate, out of the village should demonstrate that these features have been sensitively and appropriately considered and incorporated/mitigated as necessary.

7.28 Policy BE2 of the Stubton Neighbourhood Plan states:

7.29 New development for appropriate uses should be sympathetic to the existing form, scale and character of Stubton Parish and be appropriate to its rural location, by ensuring compatibility with the character of the landscape as well as buildings. Materials and boundary treatments should be sympathetic to the character of Stubton.

7.30 The importance of considering the impact of development on the significance of non-designated heritage assets is expressed in the National Planning Policy Framework (NPPF). The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.31 Policy EN6 (The Historic Environment) states amongst other criteria that the Council will seek to protect and enhance heritage assets and their settings, in keeping with the policies in the National Planning Policy Framework. Proposals will be expected to take into account the Conservation Area Appraisals, where these have been adopted by the council.

7.32 Layout, scale and appearance are all matters to be reserved and therefore are not being considered by under this application. However, the principle of development and its potential impact on the character and appearance of the site and surrounding context is a material consideration.

- 7.33 Whilst these details have not been provided, the indicative layout plan can be commented on to inform any future submissions.
- 7.34 SKDC's Conservation Officer was consulted on the scheme given the proximity of the proposal to Stubton Hall and its associated grounds. They advised to provide the access, a section of the brick boundary wall to the front of Heatherway House would need to be removed. Albeit a positive feature within the streetscape, removal of a section of this wall is not considered to cause harm to the heritage assets.
- 7.35 The Conservation Officer further advised, the siting of the dwellings would be at odds with the general streetscape of the village as a backland development, which predominantly comprises set back detached or semi-detached dwellings, former farmsteads, and dispersed courtyard/cul-de-sac developments. In principle, the access as proposed is not considered to cause harm to the heritage assets. This is, however, dependent on the final design, layout, material and scale of the development. No full assessment of the potential harm can be provided without these details.
- 7.36 The backland nature of the development was further commented on by the Parish Council and within representations. Whilst noting we do not have details of layout, by nature of the location of the site behind the properties on Fenton Road, whatever resulting layout would be backland development. Having identified the development even in principle would be backland development, consideration must be given to what, if any, impact would arise from this on the character and appearance of the area.
- 7.37 Representations refer to the site presently acting as a green corridor for the edge of the village, with the Parish Council's comments stating development in this area would have the potential to negatively impact the rural landscape and spoil views from the ProW. It is important to reinforce that it is solely the principle of development and not layout, scale or appearance at this stage.
- 7.38 It is considered that the proposal would inevitably result in a level of visual impact within the surrounding landscape, due to the site not currently hosting built form, however it is considered that residential development of the plot could be achieved and sensitively designed so that it would not result in an unacceptable adverse impact on the village's character when entering from the north.
- 7.39 In respect of there being a singular access to the development creating a cul-de-sac form of development. Whilst noting the prevailing type of development within the village is more of a linear style, cul-de-sac type developments or shared access developments can be evidenced, such as St Martins Close and the permitted Doddington Lane Development. The representation received does provide further context on the history of these sites, but nevertheless, they are cul-de-sac style developments.
- 7.40 Consideration has additionally been given to the cumulative impact of this proposal and the other recent housing developments within Stubton. Whilst acknowledging there would be an impact in the level of increase dwellings for this smaller village, the development when taken as a whole would not be considered to result in an unacceptable level of adverse impact to the character and appearance of the village, with the development largely being located at different positions around the village.
- 7.41 By virtue of the principle of residential development on the site, the proposal is considered to be acceptable in terms of ensuring there would be no unacceptable adverse impact on the character and appearance of the area, the setting of the heritage asset and surrounding

context in accordance with the NPPF Sections 12 and 16, and Policies DE1 and EN6 of the Local Plan.

7.42 **Neighbours Residential Amenities**

7.43 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 135 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.44 Given that this application is solely seeking for the matter of access to be considered at this stage, the consideration of impact on neighbours residential amenities is on the basis of whether in principle, 5 dwellings could be sited within the plot without there being unacceptable adverse impact on these amenities.

7.45 Whilst not a formal layout document, the indicative layout plan is considered to demonstrate that it would be possible to achieve 5 dwellings on the site without unacceptable adverse impacts on the existing properties. The relationship on the indicative layout plan between the northeastern proposed dwelling and the adjacent property in Park Cottages would be expected to be revisited at a layout application stage to ensure there was no unacceptable adverse impact on their residential amenities, however there is considered to be sufficient scope within the site for this to be achieved.

7.46 The concern raised in terms of light pollution from vehicles using the access between the existing residential properties is noted. It is acknowledged that in this eventuality there could be resulting impact to these adjacent neighbours, however given the use of the car lights in these directions would only be for a short period of time when cars would be entering or exiting the site, or manoeuvring into spaces, this level of impact is not such an increase that would warrant refusal of the application on this basis.

7.47 Taking into account the nature of the proposal, small scale, and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan

7.48 **Highway Safety**

7.49 Paragraph 116 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.50 Lincolnshire County Council advised that in reviewing the access details they have no objections subject to suitable access construction. Construction of the access would be the subject to a separate Section 184 application to Lincolnshire County Council. LCC requested a condition requiring details of the construction, however this is not considered appropriate to attach given the requirements of this suggested condition would duplicate the requirements of the S184 application and therefore attaching this condition would be ultra vires.

- 7.51 Furthermore, this application is solely considering the access point and further details in terms of the access point and the extent of this access would be a consideration during any application for the reserved matter of layout.
- 7.52 Whilst it is acknowledged that there would be additional vehicle movements associated with both the construction phase of development and the occupation of up to 5 dwellings, LCC Highways would have also considered the principle of development when providing their comment. These elements would fall under this assessment remit. They have not raised any concerns in regard to additional vehicle movements being unsuitable on the adjacent road, Fenton Road.
- 7.53 Whilst not requested by the Highways Authority or the Environmental Protection Department, given the proximity of the site to the existing dwellings and the access point proposed being between two residential properties, it is considered appropriate that should the application be approved a condition be attached requiring the submission of a Construction Environmental Management Plan to ensure that suitable mitigation measures are provided to ensure the occupiers of the adjacent properties residential amenities are protected during the construction phase of the development.
- 7.54 The point raised in relation to there not being any alternative sustainable transport routes to and from the village, in terms of walking and cycling and a bus service are noted. It is acknowledged that based on Stubton being a smaller village, occupiers of the development would be reliant on cars for access to elements of infrastructure, however sufficient parking provision is able to be provided within the site, and would be considered at the reserved matter application for layout stage. The reliance on cars is however a material planning consideration and will be factored into the planning balance.
- 7.55 The proposal would result in adequate access and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.
- 7.56 **Ecology and Biodiversity**
- 7.57 Local Plan Policy EN2 seeks to ensure the conservation and enhancement of ecological networks and deliver a net gain in biodiversity for all development proposals.
- 7.58 Additionally, Biodiversity Net Gain (BNG) became mandatory on all small sites on 2 April 2024 unless relevant exemptions apply. In the case of this application, the required BNG metric has been provided providing the baseline habitat value. Due to the proposal being at outline stage without the details of layout, the post intervention figures are not presently available, however from the indicative layout it can be concluded there would be the potential for some on-site habitat creation or enhancement and therefore, the relevant conditions are attached in relation to securing the appropriate habitat management and monitoring details.
- 7.59 It was raised in representation and within the Parish Councils response that there may be Great Crested Newts (GCN) present on the site. A Preliminary Ecological Appraisal (PEA) has been submitted, which included the results of a Great Crested Newt DNA testing on ponds within the immediate vicinity of the site. The results of the survey have indicated that there is a high likelihood of Great Crested Newts to be present within the neighbouring pond. Given the relative proximity of the pond to the site, and the suitability of terrestrial habitat on site, it is likely that the development would have an impact on Great Crested Newts. Therefore, mitigation will need to be provided prior to the commencement of development in order to ensure that there is no unacceptable adverse impact on protected species.

- 7.60 In this case, the mitigation would be obtaining a European Protected Species Mitigation Licence (EPSML) issued by Natural England, or the site can be registered under a District Level Licence (DLL). The specific mitigation measures would be determined by which licencing route is pursued.
- 7.61 To ensure that appropriate mitigation measures are put in place in respect of the GCN and the other recommendations within the PEA are undertaken, a Biodiversity Mitigation and Enhancement Plan is conditioned to be provided in accordance with the submitted PEA.
- 7.62 Whilst noting the need for BNG, policy EN2 does encourage the creation and enhancement of various forms of habitats where possible, and therefore, given the edge of settlement nature of the site, it would be recommended that each dwelling should be equipped with at least one bat and bird box or brick to support opportunities for wildlife within the site. It is therefore recommended that this be conditioned.
- 7.63 It is noted that at the reserved matters stage further information would be available as to the final figures in terms of on-site BNG.
- 7.64 At this outline stage, with the conditions as proposed, the scheme is considered to be in compliance with Policy EN2 of the SKDC Local Plan.
- 7.65 **Flood Risk and Drainage**
- 7.66 The site is located within Flood Zone 1 with a low risk of fluvial flooding, with a chance of surface water flooding, with a low risk of surface water flooding. Nevertheless, the representations received state that there is a layer of clay in the area which could make soakaways an unsuitable option, therefore a condition would be attached requiring an appropriate drainage strategy be provided for the site.
- 7.67 Anglian Water were consulted on the application and raised an objection on the basis of the scheme connecting to the foul network, they have requested a condition relating to the provision of details for foul drainage of the site, such as the package treatment plan that is indicated to be provided as per the application form. As such, the drainage strategy condition to be attached would further require details of the strategy for foul drainage.
- 7.68 Subject to the condition, the scheme would be considered to comply with Policy EN5 of the SKDC Local Plan.
- 7.69 **Climate Change**
- 7.70 It is acknowledged that the application submission does not specifically provide details about how the proposed dwellings would accord with the policy obligations of Local Plan Policy SB1, which requires developments to minimise carbon emissions and support low carbon travel. As such, a condition has been attached to require the submission of further details of sustainable building measures, in accordance with the requirements of Policy SB1.
- 7.71 **Housing within Stubton**
- 7.72 Recent permitted housing developments within Stubton has been raised within representation numerous times, on the basis in combination with S25/1033 (Appeal allowed for 4 dwellings) and S25/1860 being voted for approval at the May 2026 planning committee for 5 dwellings, permitting this outline application for up to 5 dwellings would see 14 new dwellings within Stubton.
- 7.73 In referring to these recent approvals, consideration should be given to the suitability of the village for these housing developments based on the level of available infrastructure within

the village and the factor that the future residents of these developments would be reliant on cars. Whilst noting that this is a material planning consideration, and would carry weight in the decision-making process, ultimately this factor did not outweigh the provision of housing units in their perspective cases. Consideration must be given to then how this application would differ in respect of its reliance on cars to access infrastructure, if at all. In this case, the application would be no less suitable than the previous schemes based on its reliance of private vehicles to access infrastructure and therefore it is a matter of this same level of weight being applied in the planning balance. Whether there is other material considerations identified within this report that would carry weight in the planning balance or amount to significant or demonstrable harm in respect of the tilted balance is discussed in the planning balance section.

7.74 In terms of discussion of cumulative impact of the additional housing, the representations have failed to provide identify what these cumulative impacts would be and further to this what the resulting harm would be other than the reliance on private vehicles to access facilities and infrastructure.

7.75 **Crime and Disorder**

7.76 It is considered that the proposal would not result in any significant crime and disorder implications.

7.77 **Human Rights Implications**

7.78 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

7.79 **Planning Balance and Conclusion**

7.80 When considering the above assessment, the following material considerations have been identified. There is an identified policy contradiction to SP4(a) given that the proposal has not evidenced clear substantial local support, and there is also no evidence of a specified local housing need for Stubton, contrary to SP4(e). Notwithstanding this, SKDC are currently unable to demonstrate a 5 year housing land supply and therefore, Policy SP4 is deemed to be out-of-of date and the tilted balance would apply.

7.81 The proposal would result in development where the future occupiers of the development would be reliant on private vehicles to travel for infrastructure. This can be classed as an unsustainable form of development. Nevertheless, the proposal would involve the development of up to 5 dwellings, which is a significant public benefit that Officer's would attribute moderate weight. This is particularly important in the context of the Council's 5YHLS shortfall and the application of the tilted balance.

7.82 Paragraph 11(d) of the NPPF states that therefore planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in The Framework, indicate that development should be restricted. In this case, it is Officer's assessment that the development in this village, would be no less sustainable than the recent approved housing schemes S25/1033 and S25/1860 in terms of reliance on a private vehicle. It is therefore, the Officer's assessment that there are no material considerations that would meet the definition of significantly or demonstrably outweighing the benefits of the additional housing units in this instance. As such, the balance of considerations weighs in favour of the grant of planning permission.

8 RECOMMENDATION:

- 8.1 To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions.

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the latter.

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2) Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i. layout;
- ii. scale
- iii. appearance
- iv. Landscaping

Approval of all reserved matters shall have been obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 3) The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- i. Location Plan received 10 February 2026
- ii. Access as Shown on Block Plan re. 2173 002C received 10 February 2026

Reason: To define the permission and for the avoidance of doubt

Prior to Commencement

- 4) The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:-

- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development; - wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;

- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Construction works would be carried out in accordance with the approved details.

Reason: To ensure that construction activities do not have an unacceptable impact on residential amenity.

- 5) Before the development hereby permitted is commenced, a written scheme of archaeological investigation must have been submitted to and approved in writing by the Local Planning Authority. The programme must include a provision for monitoring of all groundworks associated with the development, with the ability to stop and fully record archaeological features. The works must then be carried out in line with the written scheme of investigation. If human remains are found then groundworks must stop and the appropriate licences obtained to exhume the remains if they cannot be preserved in situ.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policies DE1 and EN6 of the adopted South Kesteven Local Plan and Paragraph 207 of the NPPF.

- 6) Before the development hereby permitted is commenced, a scheme for the treatment of surface and foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

- 7) Before the development hereby permitted is commenced, a Biodiversity Mitigation and Enhancement plan must be submitted to and approved in writing by the Local Planning Authority. The submitted report must be in broad accordance with the submitted Preliminary Ecological Appraisal, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the development must be carried out in accordance with the approved details.

Reason: To ensure the proposal does not result in any unacceptable adverse impacts on ecological assets and protected species, as required by Policy EN2 of the Local Plan.

- 8) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP)], prepared in accordance with the approved Biodiversity Gain Plan and including:
- a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the (HMMP)
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

The development shall be undertaken in accordance with the approved details.

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 EN2).

During Building Works

- 9) No development above damp-proof course shall take place until details demonstrating how the proposed dwelling would comply with the requirements of Local Plan Policy SB1 and SD1 must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of how carbon dioxide emissions would be minimised through the design and construction of the building; details of water efficiency.

The approved sustainable building measures shall be completed in full, in accordance with the agreed scheme, prior to the first occupation of the dwelling hereby permitted.

Reason: To ensure the development mitigates and adapts climate change in accordance with Local Plan Policy SB1 and SD1

- 10) Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop, and the local planning authority notified immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that works do not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policies EN2 and EN4 of the adopted South Kesteven Local Plan.

Prior to the development being occupied

- 11) Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

- 12) Prior to the occupation of the dwelling hereby permitted, 1 bird box and 1 bat box shall have been installed for each dwelling

Reason: To support biodiversity provision on site in line with Policy EN2 of the SKDC Local Plan.

Ongoing Conditions

- 13) This permission relates to a maximum of 5 dwellings on the site.

Reason: To define the permission and for the avoidance of doubt

- 14) Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved (HMMP).

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 EN2).

15) Notice in writing shall be given to the Council when the Habitat Management and Monitoring Plan (HMMP) works have started.

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.

16) The created and/or enhanced habitat specified in the approved Habitat Management Monitoring Plan [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

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.