



From: Mike Sibthorp [REDACTED]
Sent: 10 April 2026 10:13
To: Hannah Noutch <Hannah.Noutch@southkesteven.gov.uk>
Subject: Re: S26/0237 - Land Adjacent Heatherway House

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Representation of G Senior

This representation is made with several numbered points.

1. Status of the site

Within the application documentation, we highlighted that the site falls entirely within the consented curtilage of Heatherway House. Application plans are included to demonstrate this. The site comprises residential garden, and there has been no application since the erection of the dwelling to change the status of the land. There is nothing to prevent a limited grazing use within a residential curtilage, nor, is there anything to prevent the installation of a menage which has taken place also. The applicant's would point out that the use and enjoyment of the land as domestic garden land has been significantly impacted by the adjoining development at Park Cottage, the westernmost dwelling of which significantly overlooks the northern part of the garden area. This affects how they choose to utilise the space.

Whilst we would contend that the site comprises residential curtilage (and have demonstrated that it is), even if that were not the case, this would not preclude consideration of the application. The consented development at Doddington Lane (S25/1033) did not comprise land within a residential curtilage.

Access: Whilst the objection makes comments on the detailing of the access, we note that the local highway authority has not objected to the proposed

development and has suggested a condition relating to access detailing and construction.

Drainage: The Lead Local Flood Authority has made no representations in respect of drainage. It is considered that drainage matters can be readily addressed by means of an appropriately worded planning condition.

The referenced tree is a poor-quality silver birch tree which is considered to be of no significance, that does not contribute to the character of the wider locale. If it is necessary to remove the tree, there is scope for suitable replacement(s) within the extent of the site.

Having been made aware of the great crested newts, the applicant is taking steps to further investigate this via a PEA.

2. Stubton Neighbourhood Plan

We have demonstrated compliance with the Stubton Neighbourhood Plan within the Planning Statement accompanying the application.

It should be noted that the Stubton Neighbourhood Plan was 'made' in 2015, some considerable time before the adoption of the present Local Plan, at a time when the status of the village (in policy terms) was very different. At the time of the making of the plan, new residential development in the village was not supported, and it would appear for this reason that the policies in the plan do not specifically reference new residential development. Clearly, the policies of the adopted Local Plan; adopted after the plan was made, take precedence over those of the Neighbourhood Plan – albeit that the Local Plan's policies for the supply of housing are themselves out of date.

The 10% reference is a description of historic growth rates. This 10% figure is not reflected in any upper-case policies within the Plan (It was not engaged as an objection to either the Doddington lane or Claypole Road applications).

The development will not impact upon any existing rights of way and will not impeded the enjoyment of any existing paths. Development will not impact upon any notable views. Outward views from roads in the village are typically through and across existing residential curtilages. There are no uninterrupted views across open land.

3. Erosion of setting

There will not be an erosion of setting in this case. As highlighted above at (1), the site comprises a domestic curtilage (where normal Part E permitted development rights apply for example).

The consented development at Doddington Lane (S25/1033) did not comprise land within a residential curtilage, but was not considered to be harmful to the setting of the settlement.

4. Policy SP3

We have demonstrated compliance with Policy SP3 – notwithstanding the fact that the policy is presently out of date.

(c)The development will not give rise to adverse impacts upon neighbouring properties, although the design and siting of dwellings will be considered in further detail at the reserved matters stage (The applicant would contend that the development at Park Cottage has impacted their ability to more actively use the garden area to the west of the Park Cottage site which is now overlooked).

6.Drainage

Drainage matters can be readily addressed by means of planning conditions. There is considered to be scope in this case for surface water to discharge through appropriately designed soakaways (with attenuation if necessary). Foul drainage can discharging to either a package treatment plant discharging either to a suitable ditch or to ground, or to a septic tank. These are matters than can be fully addressed at the reserved matters stage through suitable planning conditions.

7.Emerging policy

No material weight can be ascribed to the emerging Local Plan given its current stage of preparation. The current Local Plan is out of date given the 5-year housing land supply shortfall. The NPPF sets out the tilted-balance approach to be followed in such circumstances. Adopting this approach there are compelling grounds to support the proposed development.

The proposals in this case are not dissimilar to those consented (on appeal) at Doddington Lane. Upon its individual merits, the proposals are considered acceptable, and will not give rise to significant or demonstrable harm, that would justify the withholding of consent. There will no adverse impacts upon adjoining footpaths and there will be no adverse impacts upon the character and setting of the settlement.

We note that the respondent did not object to either of the other recent applications in the village for residential development (Doddington Lane, Claypole Road, Park Cottage).

Stubton Parish Council

Pages 1 and 2 of the Parish Council comments deal with Policies SP3 and SP4 of the Local Plan. As we have highlighted in the Planning Statement, these policies may be considered out of date at the present time and the NPPF tilted-balance presumption in favour of granting planning permission is engaged. We have nevertheless, within our submissions demonstrated compliance with the terms of Policy SP3. The site comprises part of the residential curtilage of the property and will not extend the settlement into adjoining countryside. The residential amenities

of adjoining occupiers will not be detrimentally impacted. Policy SP4 is not engaged in this instance (and is, in any event out of date).

Pages 3 and 4 rehearses Neighbourhood Plan policies. At page 4, the response references the impact of the development upon an adjoining right of way. The use and enjoyment of this right of way will not be impacted by the proposed development. There is an established hedge adjoining the right of way and the anticipation is that this will be retained.

See commentary above in respect of the great crested newts identified on adjoining land.

Drainage matters are capable of being addressed by means of appropriate conditions.

It is not considered that the nature and character of the settlement will be impacted by the scale and type of development proposed in this case.

Regards

Mike

Mike Sibthorp Planning