



PINS Ref: 6014462

LPA Ref: H22-1270-25 (1371)

TOWN AND COUNTRY PLANNING ACT 1990
WRITTEN REPRESENTATIONS PROCEDURE

APPEAL BY
Mr S Gibbard

STATEMENT OF CASE FOR THE LOCAL PLANNING AUTHORITY

Enclosures:

- Statement of Case
- Appendix 1 – Conditions recommended by the Local Planning Authority if the appeal is allowed
- Appendix 2 – Appeal Decision (3356622)

South Holland District Council
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

Statement of Case for the Local Planning Authority

1.0 Background

- 1.1 The application was refused as a delegated decision for the reason set out within the decision notice dated 17th February 2026 and as set out in Paragraph 6.1 of this Statement.

2.0 Proposal

- 2.1 The application sought full planning permission for the change of use of agricultural land to be used for domestic purposes for the dwelling 196 Moulton Chapel Road.

3.0 Appeal Site and Surrounds

- 3.1 The site comprises land to the rear of 196 Moulton Chapel Road. The site features grassed land and an existing building.
- 3.2 196 Moulton Chapel Road includes a dwelling which is set amongst a small cluster of four dwellings. Other than these dwellings, the site is mostly surrounded by open agricultural fields.

4.0 Relevant Site History

- 4.1 H22-0863-96: (Full Application) Erection of garage – approved 04th November 1996
- 4.2 H22-0812-98: (Full Application) Extension to house – approved 02nd October 1998
- 4.3 H22-0013-01: (Full Application) Extension to house – approved 21st March 2001
- 4.4 H22-1190-07: (Full Application) Erection of 2 conservatories – approved 18th October 2007
- 4.5 H22-0455-17: (S191 Certificate of Lawfulness) Occupation of dwelling by persons not employed in agriculture (Condition 3 of H22- 0680-78) – approved 04th July 2017
- 4.6 H22-0834-24: (Retention of dwelling without complying with agricultural habitation clause (Condition 3 of H22-0680-78) – approved 26th November 2024
- 4.7 H22-1270-25: (Full Application) Change of use of part of agricultural land to extend domestic curtilage – refused 17th February 2026
- 4.8 H22-0176-26: (S191 Certificate of Lawfulness) Change of use of part of agricultural land to extend domestic curtilage – refused 23rd April 2026

5.0 Development Plan Policies

- 5.1 Regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The relevant development plan policies are indicated below, along with the most relevant sections of national policy.

5.2 The Development Plan

South East Lincolnshire Local Plan 2011-2036 (adopted March 2019)

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 04 Approach to Flood Risk
- 28 The Natural Environment

Copies of the above referenced policies were provided alongside the questionnaire.

- 5.3 The application was assessed against the National Planning Policy Framework (December 2024) (NPPF) and since the application was determined, a revised version of the NPPF was published (August 2026). The most relevant changes within the revised NPPF are considered in relation to the appeal proposal in section 7 below.
- 5.4 The following sections from the revised NPPF are most relevant to the current appeal:
 - Section 2 - Plan-making policies (PM1-17)
 - Section 3 - Decision-making policies (DM1 - 10)
 - Section 4 - Achieving sustainable development (S1 - S6)
 - Section 12 - Making effective use of land (L1 - 3)
 - Section 14 - Achieving well-designed places (DP1 - 4)
 - Section 15 - Promoting sustainable transport (TR1 - 8)
 - Section 17 - Pollution, public protection and security (P1 - 6)
 - Section 18 - Managing flood risk and coastal change (F1 - 9)

6.0 Reason for Refusal

- 6.1 The application was refused on 17th February 2026 for the following reason:

“Policy 1 sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Development outside the defined settlement boundaries is designated as countryside. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location for development, as identified by Policy 1 of the South East Lincolnshire Local Plan (2019). Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, indicate that sustainable considerations should be met in terms of impact on the character and appearance of the area and the relationship to existing development and land uses. These policies reflect guidance in the National Planning Policy Framework, December 2024. Paragraph 187(b) states that planning decisions should recognise the intrinsic character and beauty of the countryside.

The site in which the change of use is proposed is located outside any defined settlement boundary and is considered to be in the open countryside, and the proposal would result in an extension of domestic land into the countryside. This is not suitably located with particular regard to the development plan's growth strategy and spatial intent. Furthermore, no justification has been provided as to

why the change of use and loss of 'Excellent' agricultural land should be supported nor any evidence as to how it meets the sustainable development needs of the area. The development would not result in economic, community or environmental benefits to justify a departure from Policy 1 of the South East Lincolnshire Local Plan (2019).

Alongside this, whilst the site would not be readily visible when travelling along Moulton Chapel Road, it would result in a clear domestication of existing agricultural land within a primary agricultural and rural setting. This would conflict with the wider area and create a harmful extension into the open countryside, which itself is not consistent with the wider setting. If this development was carried out it would set a harmful precedent for further extensions into the countryside and would create further detracting from the rural character

Therefore, the proposed development would be contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019 and paragraph 187(b) of the National Planning Policy Framework (December 2024)."

7.0 Statement of Case

7.1 As set out above, the application was refused as the proposal was considered to be contrary to Policies 1, 2 and 3 of the SELLP and Paragraph 187(b) of the NPPF. Overall, this conflict was considered to outweigh the benefits of the proposal and as such, the planning balance was against the development.

7.2 The three main considerations in considering the appeal are considered to include the following:

- Whether the proposed development is within an appropriate location, including in relation to the Council's spatial strategy;
- The effect of the proposed development on the character and appearance of the area; and
- The effect of the proposed development on agricultural land.

Site's Location Outside a Settlement

7.3 As set out previously, a revised version of the NPPF has been published since the application was determined and as such, it is necessary to consider the implications of the revised NPPF in relation to this appeal.

7.4 Paragraph 2 within the "Introduction" section of the revised NPPF sets out that planning law continues to require that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (as amended) continues to apply.

7.5 The South East Lincolnshire Local Plan 2011-2036 (SELLP) (adopted in March 2019) is the development plan for South Holland and Boston, and is the basis for decision making in the area.

7.6 The policies in the revised NPPF are a material planning consideration that need to be read alongside the policies in the development plan.

7.7 A key change within the revised NPPF is set out within Paragraph 2 of Annex A as follows:

“Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted(66) or made against this Framework. Other development plan policies(67) should not be given reduced weight simply because they were adopted prior to the publication of this Framework.”

7.8 Footnotes 66 and 67 set out the following:

“66 Reference to the ‘adoption’ of a plan in annex A also applies to where a plan has been ‘approved’ by the Secretary of State.

67 Including policies in made neighbourhood plans.”

7.9 As set out within Annex A of the revised NPPF, it is necessary to consider whether Policies 1, 2 and 3 are materially inconsistent with the NPPF as the development plan was adopted prior to the publication of the revised NPPF. If the policies are found to be materially inconsistent, they can only be given “very limited weight”.

7.10 The revised NPPF still requires planning applications to be determined in accordance with the relevant development plan, unless material considerations indicate otherwise. Whilst it appears that more weight is to be given to policies within the revised NPPF than under the previous version of the NPPF, consideration still needs to be given to the relevant policies within the development plan. Furthermore, Annex A of the revised NPPF is clear that development plan policies which are not materially inconsistent with the revised NPPF should not be given reduced weight simply because they were adopted prior to the publication of the revised NPPF.

7.11 To summarise, Policy 1 identifies the spatial strategy and hierarchy for the SELLP area, prioritising development within the most sustainable settlements. Outside of defined settlements, land is considered to be within the Countryside. Development within the Countryside is largely restricted unless it can be demonstrated to be necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

7.12 The revised NPPF now contains a definition of a settlement whereas under the previous version of the NPPF (December 2024) settlements were not specifically defined. The definition of a settlement is set out within Annex B of the revised NPPF as follows:

“Settlement: Includes cities, towns, villages and other predominantly built-up areas, including land which is allocated or has permission for development which will form part of the built-up area once the development is complete. This includes areas defined as a settlement in the development plan (whether using defined

settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined). Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan. For the purpose of this Framework they also exclude villages which lie within and are defined as part of the Green Belt in the development plan.

7.13 Based on this definition, it is considered that the site remains outside of a settlement. For example, the site remains outside of a settlement within the SELLP and the site is not within a city, town, village or a predominantly built-up area.

7.14 Within the revised NPPF, Policy S5 (Principle of development outside settlements) is considered to be of most relevance in relation to Policy 1 of the SELLP.

7.15 Policy S5 sets out the following:

“Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

7.16 Policy S5 then lists the various types of development that can be approved outside of settlements (parts a to j). It is not considered that the appeal proposal accords with any of these types of development.

7.17 Policy S5 goes on to state the following:

“Development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.”

7.18 Therefore, it is considered that Policy S5 shares similarities with Policy 1 of the SELLP as both policies only support development outside of settlements under certain circumstances. Policy S5 appears to be more restrictive than Policy 1 as Policy S5 specifies the types of development that are considered to be acceptable outside of settlements (part a to j), whereas Policy 1 does not contain specific examples of permissible developments. The additional criteria within Policy S5 do not automatically demonstrate that the policies are inconsistent so long as the core objective of what they seek to achieve is consistent, which is considered to be the case in this instance.

7.19 Furthermore, for proposals that do not fall under any of the identified development types (parts a to j), Policy S5 requires the benefits of the proposal to substantially outweigh the adverse effects. Policy 1 is arguably less prescriptive, and instead either requires a proposal outside a settlement to be demonstrated as necessary and / or “where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits”. Under Policy 1, the benefits do not

have to “substantially outweigh” the adverse effects as with Policy S5. Although Policy 1 is arguably less prescriptive than Policy S5,

- 7.20 Policy S5 and Policy 1 are considered to be materially consistent in what they seek to achieve and allow. Both policies seek to restrict development outside of settlements to certain forms of development in the interests of promoting sustainable development. Whilst Policy S5 contains more detailed policy criteria by specifying the types of development that can be allowed outside of settlements, the underlying aims of the Policy are the same as Policy 1. As such, Policy 1 continues to be afforded full weight in the determination of the appeal and remains the primary policy by which the proposal should be assessed in the opinion of the LPA.
- 7.21 The appellant’s Statement of Case (SoC) sets out that there is “*no conflict with Local Plan policy 1 as the appeal proposal has no impact whatsoever on the ability of the LPA to plan spatially for growth across the district*” (Paragraph 4.2). As set out above, within the delegated assessment and the decision notice for the application, the LPA considers that there is a clear conflict.
- 7.22 Furthermore, the appellant’s SoC does not set out any identified benefits of the proposal. The LPA considers that there would not be any benefits arising from the proposals beyond the private benefit to the applicant through the provision of additional outdoor amenity space. This would not comprise an economic, community or environmental benefit, as is required by Policy 1.
- 7.23 An appeal is enclosed at Appendix 2 (PINS ref 3356622) for a similar proposal for the change of use of land outside a settlement to garden land. Within the appeal decision, the inspector found that the only benefit that would arise would be enhanced residential amenities which would be a private benefit, not a community benefit (Paragraph 9). The inspector also found that there was not a justified need for an extended garden as there was no evidence of existing deficiencies (Paragraph 9). In the case of the current appeal, there is also considered to be no justified need for the additional garden land as the existing garden is considered to provide ample amenity space.
- 7.24 Whilst each case needs to be considered on its own merits, there are similarities between the current appeal proposal and the example appeal within Appendix 2. Attention is drawn to this example appeal to support the LPA’s position on the current appeal regarding the clear conflict with Policy 1, despite the assertions within the appellant’s SoC that there is no conflict.
- 7.25 For reference, within the appeal decision included at Appendix 2, the inspector concluded that the proposal would conflict with Policy 1 as follows within Paragraph 10:

“Overall, I am not satisfied that the appeal proposal is reasonably necessary in the context of Policy 1 of the SELLP. Therefore, the proposal conflicts with Policy 1 of the SELLP, which seeks to restrict development to that shown to be necessary, which this appeal fails to do.”

- 7.26 Although Policy S5 was not an adopted policy when the application was determined, it is considered that the appeal proposal also conflicts with Policy S5 as the proposal does not accord with any of the identified forms of development (parts a to j), and the benefits of the proposal are not considered to “substantially outweigh” the adverse effects.

Character and Appearance of the Area

- 7.27 As set out previously, part of the reason for refusal related to the negative impact on the character and appearance of the area through the domestication of the site. The negative impact was found to weigh against the development in the overall planning balance.
- 7.28 The reason for refusal referred to Policies 2 and 3 of the SELLP and Paragraph 187(b) of the NPPF (December 2024). It is noted that Paragraph 187(b) has been replaced within the revised NPPF. Previously, the relevant wording from Paragraph 187 was as follows:

“b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”

- 7.29 Paragraph 187 has largely been replaced by Policy N2 of the revised NPPF (Improving the natural environment) and the equivalent relevant wording from the policy is as follows:

“a. Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply)”

- 7.30 The introduction to Section 4 of the revised NPPF is also relevant, setting out the following:

“The objective of the policies in this chapter is to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements, enabling development which will support the rural economy, rural communities and the provision of infrastructure, and limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.”

- 7.31 Therefore, there is a recognition that there is a need to safeguard the intrinsic character and beauty of the countryside within the revised NPPF, and this shares similarities with Paragraph 187(b) of the previous version of the NPPF and Policies 2 and 3 of the SELLP. For example, Policies 2 and 3 of the SELLP indicate that sustainable considerations should be met in terms of impact on the character and appearance of the area and the relationship to existing development and land uses.

- 7.32 It is considered that Policies 2 and 3 of the SELLP are also materially consistent with Policy DP3 of the NPPF (Key principles for well-designed places), which amongst other things,

seeks to achieve well-designed places. As all proposals should be assessed against the relevant development plan and the NPPF as a whole rather than one isolated section or policy, it is considered that Policies 2 and 3 are materially consistent with the NPPF.

- 7.33 It was acknowledged within the delegated assessment and within the decision notice for the application that the site is not considered to be readily visible when travelling along Moulton Chapel Road. Notwithstanding this, the development would result in a clear domestication of the site, which is located within a primarily agricultural and rural setting. The proposal represents an unjustified extension into the countryside which might set a harmful precedent for further extensions into the countryside further detracting from the rural character of the area. This weighs against the development in the overall planning balance.

Loss of Agricultural Land

- 7.34 As part of the determination of the application, weight was given to Paragraph 187 of the previous NPPF which recognised the benefits of retaining the best and most versatile agricultural land.
- 7.35 Within the revised NPPF, Policy N1 (Identifying environmental opportunities and safeguards) sets out that the location of development should be steered in ways which utilise land of least environmental value including avoiding the use of higher quality agricultural land.
- 7.36 Within the appellant's SoC, Paragraph 4.4 sets out that the land has not contributed towards agricultural production for over 20 years; however, the land within the site is listed as 'Excellent' within Natural England's agricultural land classification. Whether or not the land has been used for agricultural production in the last 20 years, the land is still capable of such use and clearly to a highly productive level given Natural England's rating of the land. If the appeal is allowed, this would result in the permanent loss of land that can be used for agriculture, and it is considered that this weighs against the proposal. The very limited private benefits to the applicant through the provision of additional amenity space do not outweigh the loss of such high-quality agricultural land.

Overall Planning Balance

- 7.37 As set out above, it is considered that the relevant policies from the development plan are materially consistent with the relevant policies within the revised NPPF. As such, in accordance with Annex A of the revised NPPF, full weight should be given to the policies within the development plan in the determination of the appeal.
- 7.38 The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh the adverse effects of the development.

8.0 Planning Obligations

- 8.1 No planning obligations such as financial contributions are considered to be necessary in this case. For example, contributions were not requested by any statutory consultees.

Furthermore, the proposal is for a minor development that is not considered to meet the threshold for specific obligation requirements.

9.0 Conclusion

- 9.1 The proposal is considered to be contrary to Policies 1, 2 and 3 of the Local Plan and Policies DP3 and S5 of the NPPF, representing an unsustainable form of development. There is insufficient justification for the change of use of the land and there are insufficient benefits that weigh in favour of the development.
- 9.2 The LPA would like to thank the inspector for considering the points made within this statement which should be read alongside the officer report, the decision notice and the broader suite of documents that make up this appeal. The Council respectfully requests that this planning appeal should be dismissed for the reasons set out above.

Appendix 1

Draft List of Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

- PL01b – Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

Appendix 2
Appeal Decision (3356622)



Appeal Decision

Site visit made on 18 March 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal Ref: APP/A2525/W/24/3356622

Seagate Farm, 184 Seagate Road, Long Sutton, Spalding, Lincolnshire PE12 9AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs A Hoey against the decision of South Holland District Council.
 - The application Ref is H11-0960-23.
 - The development proposed is described as the change of use of land to form residential curtilage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was changed during the application, omitting the stationing of a mobile home for use as an annexe. The appellant has confirmed this amendment was agreed. Therefore, I deal with the appeal on the basis of the amended description as contained within the banner heading above.
3. During my site visit I observed a structure present on the site. Both parties are clear that this does not form part of the appeal proposal. Therefore, I deal with the appeal on that basis.

Main Issues

4. The main issues in determining this appeal are:
 - whether the proposed development would be in an appropriate location, with particular regard to the Council's spatial strategy;
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on existing agricultural land.

Reasons

Location

5. The appeal site lies outside of the defined settlement boundary of Long Sutton, in the open countryside according to Inset Map 7 of the South East Lincolnshire Local Plan 2011-2036 (2019) (SELLP). The dwelling associated with the appeal site is a two-storey detached, traditional, albeit modified and extended farmhouse fronting Seagate Road. Independent vehicular access is provided at its south side which leads to an expanse of hardcore chippings that cover the entire curtilage, wrapping around the dwelling.

6. No. 184 is a family sized dwelling that has been in existence for many years. The aerial imagery of the appeal site indicates the extent of the curtilage has remained broadly consistent. No convincing evidence has been provided setting out precisely why the garden area of the dwelling may be substandard at present. I observed that there is already sufficient space to the rear and sides of the dwelling to provide for adequate external amenity space for occupants, which is commensurate with the size of the associated dwelling.
7. Policy 1 of the SELLP details the spatial strategy for the district setting out the order of priority for areas where development shall be directed. Countryside falls at the bottom of the hierarchy. The policy states that development in the countryside will be permitted that is necessary to such a location/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of its economic, community or environmental benefits.
8. The proposed change of use of land to extend the garden would constitute development requiring planning permission¹ and I am therefore satisfied that Policy 1 of the SELLP should apply, despite the appellants assertions to the contrary.
9. Whilst enhanced residential amenities are cited in support of the scheme, this would be a private, not a community benefit. There is little evidence before me to show a justified need for an extended garden or indeed point to any existing deficiencies. Therefore, I find that the development has not been demonstrated as being necessary as required by Policy 1 of the SELLP. Nor has it been demonstrated that it would meet the sustainable development needs of the area in terms of economic, community or environmental benefits, which is also a requirement of this policy.
10. Overall, I am not satisfied that the appeal proposal is reasonably necessary in the context of Policy 1 of the SELLP. Therefore, the proposal conflicts with Policy 1 of the SELLP, which seeks to restrict development to that shown to be necessary, which this appeal fails to do.

Character and appearance

11. No. 184 sits amongst a small cluster of dwellings fronting the road, away from the nearest settlement in a predominantly rural setting. The existing garden boundaries are defined by close boarded timber fencing and this also forms the shared boundary with the neighbouring dwelling at 186 Seagate Road. The site is otherwise open with the adjacent countryside, which, in turn, is open with the A17 sitting at a slightly higher level to the north. The appeal site is clearly visible due to the open, flat landscape.
12. Whilst the proposed change of use would be seen against a backdrop of existing linear buildings associated with No. 186, it would be closer to the A17. Owing to the low lying, flat, open landscape, the appeal site would be highly visible, particularly from the north. The proposed change of use would harmfully domesticate the character and appearance of this countryside location. Whilst landscaping is suggested in mitigation, it would be difficult to secure this for the longer term. Moreover, the planting itself would domesticate a wider parcel of land,

¹ By virtue of Sections 55 and 57 of the Town and Country Planning Act 1990 (as amended).

separating it visually from its wider countryside context and would be a more obvious feature, given the flat open topography.

13. It would also be unreasonable, given the proposed residential land use, to remove permitted development rights² for domestic development which could further harm the character and appearance. For example, securing the extended garden with high fencing could reasonably be expected, in order to keep pets and young children safe which soft landscaping alone, would unlikely achieve. Such an enclosure would be visible even with landscaping, especially until planting matured to sufficiently screen it. Whilst the removal of permitted development rights could control the siting of potentially harmful outbuildings, such a condition would not overcome all potential harm that the change of use is likely to bring about.
14. Furthermore, even if such rights were removed, this would not control domestic paraphernalia that would not constitute development. Such paraphernalia, which can be reasonably expected in a domestic setting, would nevertheless contribute to the harmful change in character and appearance. The overall result would be a development that is overtly domestic in appearance, in stark contrast to the surrounding, largely rural undeveloped landscape.
15. Therefore, I find that the effect of the development on the character and appearance of the surrounding area would be unduly harmful. This would conflict with Policies 2 and 3 of the SELLP. Amongst other things, these policies require development to meet sustainable development considerations, including in relation its relationship with existing development and land uses, and that development is appropriate to the local area including the landscape character.

Agricultural Land

16. It is disputed whether the proposal would result in the loss of agricultural land. While planning permission would not be required to use the site for agricultural purposes, and notwithstanding its classification as Grade 1 agricultural land³, there is very limited evidence before me to suggest the site has been, or is likely to be used for agricultural purposes. Indeed, aerial photographs provided by the appellant appear to support their claim that the land has not been used for agricultural purposes for at least 25 years.
17. Therefore, it has not been demonstrated that the development would amount to an unacceptable loss of agricultural land in the context of Policy 2 of the SELLP or paragraph 187 of the National Planning Policy Framework.

Other Considerations

18. I cannot be certain that the outbuildings associated with No. 186 are all in domestic use, nor is the precise extent of its curtilage clear. In any event, I do not accept that a garden should be extended simply to match the size of the neighbours without proper justification which is lacking in this appeal. As such, there are no material considerations before me that are sufficient to justify a departure from the SELLP.

² By virtue of The Town and Country Planning (General Permitted Development) (England) Order 2015

³ As identified by the Provisional Agricultural Land Classification (England).

19. The main parties refer to the Grade II listed Seagate Hall, and so I have had regard to the general duty under section 66(1) of the Act⁴. However, owing to the degree of separation and intervening landscaping I do not consider that the appeal site falls within its setting. It follows that the proposal would not affect any aspects of the listed building's special architectural or historic interest. The evidence before me does not show that the appeal site lies within the setting of any other statutorily listed buildings.

Conclusion

20. For the reasons set out above, the proposal would conflict with the development plan as a whole, and there are no other considerations which outweigh the adverse effects of the development having regard to its location and the character and appearance of the area. Therefore, the appeal fails.

C Walker

INSPECTOR

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990.