PINS Ref: 6014905
LPA Ref: H05-0102-26

TOWN AND COUNTRY PLANNING ACT 1990

WRITTEN REPRESENTATIONS PROCEDURE

APPEAL BY
Mr S Congreve

STATEMENT OF CASE FOR THE LOCAL PLANNING AUTHORITY

Enclosures:

- Statement
- Conditions recommended by the Local Planning Authority if the appeal is allowed
- Appendix 1 – Appeal Decision

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

Statement of Case for the Local Planning Authority

Background

1.1 The application was received on 04/02/26, validated on 30/03/26 and was refused for the reasons set out in the decision notice dated 12/05/26, following a decision to refuse the application by South Holland District Council, under delegated powers.

Proposal

2.1 The proposal is for the change of use of agricultural land to domestic land

2.2 The Application was accompanied by the following documents:

- Planning Application Form
- Site Location Plan
- Site Plan - SD25-020/4 Rev B
- Flood Risk Assessment
- Biodiversity Net Gain Exemption Statement

Appeal Site and Surrounds

3.1 The site lies outside of any settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019. It is comprised of a narrow strip of agricultural land to the south of the domestic dwelling known as Ladypud Lodge. This strip of agricultural land is part of a wider plot of agricultural land.

Relevant Site History

4.1 H05-0969-25 – Householder - Proposed Extension – Rejected

4.2 The above proposal was formed of a Householder Application for a side extension to the dwelling at Ladypud Lodge. As the application involved the use of land outside of the domestic curtilage, including part of the land to which this Appeal relates, this application was subsequently found to be invalid on 23/12/25.

Development Plan Policies

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

5.2 In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland.

5.3 Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be

considered when assessing development proposals. In this instance, no relevant neighbourhood plan has been adopted.

5.4 The relevant development plan policies are indicated below, along with the most relevant provisions of the Framework.

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

Policy 1: Spatial Strategy
Policy 2: Development Management
Policy 3: Design of New Development:

Copies of the above were provided alongside the questionnaire.

National Planning Policy Framework, 2026

Section 4: Achieving Sustainable Development
Section 14: Achieving Well-Designed Places

5.5 It should be noted that between the determination of the original application and the start of this Appeal, an updated National Planning Policy Framework has been published. As a result, elements of the Officer's Report, published alongside the decision notice on 12/05/26, are now outdated. Where this is the case, the following statement will offer additional commentary on the updated position of the Framework.

Reasons for Refusal

6.1 The application was refused on 12/05/26 for the following reason:

The site is located within the Countryside for the purposes of Policy 1 of the South East Lincolnshire Local Plan, 2019. Policy 1 of the South East Lincolnshire Local Plan 2019 states that development in the Countryside will only be "permitted that is 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"

It has not been evidenced that the extension of the domestic curtilage is necessary in this instance. Likewise, any benefits arising from the extension would be solely for site's occupants and would not benefit the area. On that basis, the requirements of Policy 1 of the Local Plan with regards to Countryside development have not been met.

As such, the proposal is considered contrary to Policy 1 of the South East Lincolnshire Local Plan, 2019.

Statement of Case

7.1 The main issues in relation to this appeal are whether the proposal represents an appropriate form of development for a countryside/outside of settlement location.

7.2 The Council's case for refusing the planning application was set out in the Case Officer's report associated with H05-0102-26. The following is intended to supplement that report, providing commentary on the Appellant's Statement of Case and any additional evidence base/guidance produced in the interim, including the alterations to the National Planning Policy Framework. As such, it is requested that the Case Officer's report is taken, alongside this Statement, to form the Council's position on this appeal

Development Outside of Settlement Boundaries

7.3 It should be noted at this time that the Appellant has explicitly stated within their submission that the land which this appeal relates to is not within their domestic curtilage and is currently agricultural.

7.4 As previously outlined, since the release of the decision and the start of this Appeal, revisions to the National Planning Policy Framework have occurred. This includes the introduction in Section 4 of the Framework, which outlines that a permanent presumption in favour of sustainable development should be applied.

7.5 Policy S3 outlines that:
"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
b. Outside settlements, policy S5 should be applied"

7.6 The definition of "settlement" is found within Annex B of the NPPF, reading 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."*

7.7 The Framework is clear that settlements which are defined in a Local Plan would constitute settlements for the purposes of the National Planning Policy Framework. It is also clear that settlements would not include hamlets or scattered groups of houses. On this basis, it is considered that the settlement boundaries outlined in the South East Lincolnshire Local Plan, 2019 are still wholly applicable, and that the site should be considered as an outside of settlement location.

7.8 Accordingly, Policy S5 of the NPPF is relevant here. This states:

> *"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:*

a. *Development for: agriculture, horticulture and forestry; outdoor sport and recreation; allotments; cemeteries and burial grounds; mineral extraction and processing; engineering operations and infrastructure (including for transport, energy, water and telecommunications); roadside facilities in accordance with policy TR5; national defence and security; or which is solely for nature conservation, restoration and/or enhancement;*

b. *Development for rural businesses and services, including tourism, where a location outside settlements is shown to be necessary;*

c. *The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building. In the case of proposals for a replacement building, it should be for the same use and not disproportionately larger than the one it replaces;*

d. *The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential);*

e. Limited infilling within groups of houses;

f. An exception site as provided for in policy HO10, or development brought forward under a Community Right to Build Order or Neighbourhood Development Order;

g. Development which would address an evidenced unmet need for gypsy, traveller or travelling showpeople accommodation, provided it meets the criteria in policy HO12;

h. Residential and mixed-use development which would:

i. Be within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B);
ii. Be physically well-related to the station or the settlement within which the station is located;
iii. Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and
iv. Not prejudice any proposals for long-term comprehensive development in the same location.

i. The development of land allocated for that purpose in the development plan (where this lies outside settlements); and

j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or
ii. Comprise major development for freight and logistics purposes which accords with policy E3."

7.9 When assessing the proposal against the provisions of Policy S5(1) of the Framework, the following is considered:

a) The proposal does not relate to any of the development types listed in part a. It would instead see the loss of a small section of agricultural land. Part a is therefore not considered applicable here.

b) The proposal does not relate to a rural business, and therefore Part b is not relevant here.

c) It has been stated by the Appellant that the proposal relates to an extension to the existing dwellinghouse. However, the description of development is clear that the proposal solely relates to the "change of use of agricultural land to domestic land". This application has explicitly not applied for an extension to the existing building. Whilst the proposal may help to facilitate an extension, the Local Planning Authority could not oblige the Appellant to construct or apply for the erection of an extension to the existing building. On that basis, it is not considered that the provisions of Part c have been met.

In any event, the "red line" boundary for this application, which determines the area the change of use has been applied for, is far greater than the extension proposed under the invalid application H05-0969-25. Therefore, even if it was to be accepted that the application did involve the extension of an existing building, which is not considered to be the case here, then the scope of works proposed would still be far beyond the limits of the extension.

d) Previously developed land is defined within Annex B of the National Planning Policy Framework. It is not considered that this definition has been met, particularly given the agricultural use of the land which is not contested by the Appellant; and therefore, Part d has not been met.

e) The site is not considered to represent infill, or to be within a group of houses. The site is a relatively solitary plot, with the nearest dwellinghouse approximately 100m from the site to the south. There are clear physical and visual barriers between the site and any other house. Therefore, the requirements of Part e have not been met.

f) The proposal has not come forward as an exception site. Part f has not been met.

g) The proposal has not come forward as a gypsy, traveller or travelling showpeople site. Part g has not been met.

h) The site is not within reasonable walking distance of a well-connected station. Part h has not been met.

i) The site has not been allocated for any purpose within the Development Plan. Part i has not been met.

j) It has not been evidenced that the site would meet an evidenced unmet need, as outlined within Part h.

7.10 For the above reasons therefore, it is not considered that the requirements of Policy S5(1) of the Framework have been met.

7.11 Due to the nature of the proposal, it is not considered that the requirements of Policy S5(3), and by extension Policy HO11, are relevant. The proposal does not relate to the development of a new isolated home in the countryside.

7.12 Policy S5(4) states:

> *"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."*

7.13 It is not considered that there are any significant benefits arising from this proposal, as discussed within the Case Officer's Report. Any benefits arising from this development would be felt primarily by the site owner, and there would be little to no benefit to the wider community. The proposal therefore is considered contrary to Policy S5 of the National Planning Policy Framework, 2026.

7.14 Moreover, it is noted that the Appellant has stated that there is a need for further space and an extension to the dwelling, although no significant elaboration has been provided on this point. However, even if this point was accepted, it has not been evidenced that the extension here is the most prudent or beneficial course of action, particularly given the availability of land to the rear of the plot which could accommodate a domestic extension.

7.15 Expanding upon this, and the provisions of the Officer's Report, it is considered that the proposal would be contrary to Policy 1 of the South East Lincolnshire Local Plan, 2019, in any event.

7.16 Appeal APP/A2525/W/24/3356622, available as an Appendix to this report, is explicit that the change of use of land to domestic land would constitute development and therefore Policy 1 of the South East Lincolnshire Local Plan should apply. Whilst this appeal decision was issued under the 2024 Framework, it is the view of the Council that this conclusion is still relevant here, and can be extrapolated to infer that Policy S5 of the Framework (see above) would also be relevant.

7.17 Policy 1 of the Local Plan is explicit that a development in the Countryside should necessitate the location or contribute to the sustainable development needs of the area.

7.18 As discussed within the Officer's Report, it is not considered that the proposal is necessary in planning terms. Whilst the works may facilitate an extension, this is speculative and the Council could not require this further development to occur. Moreover, it has not been wholly demonstrated that the existing curtilage is entirely insufficient, particularly given the historic period of use of the dwelling without contention.

7.19 Moreover, whilst enhanced residential amenities are cited in support of the scheme, this would be a private, not a community benefit. There are no wider community benefits which would emerge from the domestication of the land. To the contrary, the loss of the agricultural land in this instance would create a slight negative effect. This effect is proportionate to the area of agricultural land lost, which is very small; however, this harm would still be greater than the benefits of the proposal which themselves are negligible.

7.20 The Appellant has referenced a lack of impact upon wider residential amenity, highway safety, design etc. It is considered that this is an absence of harm, rather than a benefit and as such, would form a neutral matter in the planning balance.

7.21 For these reasons, the proposal is considered to be contrary to Policy S5 of the National Planning Policy Framework, 2026, and Policy 1 of the South East Lincolnshire Local Plan, 2019. There is therefore harm emerging from the proposal, due to its conflict with the provisions of the Framework and the Development Plan, which is not outweighed by the minor private benefits emerging from the scheme.

Conclusion

8.1 The proposal is for the change of use of agricultural land to domestic land. It is considered that the development would not constitute development permitted under Policy S5 of the National Planning Policy Framework, 2026, and which would conflict with the provisions of Policy 1 of the South East Lincolnshire Local Plan, 2019.

8.2 On such basis the proposal would conflict with the provisions of the development plan for South East Lincolnshire and with the Framework. The Council respectfully requests that this planning appeal should be dismissed for the reasons set out in this statement.

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List of Suggested Conditions if Appeal is Allowed

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

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

   -Site Location Plan
   -SD25-020/4 Rev B - Site Plan

Planning Inspectorate

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 permission[1] 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 rights[2] 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 land[3], 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 Act[4]. 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.