

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H02-0643-25      **Applicant:** Mr G Quince  
**Proposal:** Incorporation of land into residential curtilage and erection of domestic wooden shed and associated fencing - Retrospective  
**Location:** 30 Postland Road Crowland Spalding  
**Terminal Date:** 8th September 2025

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

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

#### National Guidance

#### National Planning Policy Framework December 2024

Section 12 - Achieving well designed places

### Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	1	0	0

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full planning application seeking permission for the retrospective incorporation of land into residential curtilage and the erection of a domestic wooden shed and associate fencing at 30 Postland Road, Crowland.

The existing land subject to the change of use is classed as 'amenity land' as it has been recently purchased by the owner of 30 Postland Road and was land for the housing estate itself. A proposed 1800m high close boarded fence is to be sited along the east boundary edge whilst a 2500mm high shed is proposed on a concrete platform on this land.

### **Site Description**

The site is located within the defined settlement boundary of Crowland as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is located on the corner of Postland Road and Eastlands and is opposite Millfield Gardens. Postland Road is one of the main roads running through the settlement with residential properties of varying designs set the whole way along.

### **History**

H02-1529-06 - Proposed rear extension and garage conversion - Approved

### **Consultation Responses**

#### Lincolnshire County Council Highways Authority

Recommendation: No objection

The proposal is for Incorporation of land into residential curtilage and erection of domestic wooden shed and associated fencing - Retrospective and it does not have an impact on the Public Highway or Surface Water Flood Risk.

#### **No Objections**

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

#### South Holland Internal Drainage Board

No comment.

#### Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received, this has been summarised below:

- Currently unkempt and unused, this will improve the general appearance of Postland Road and support future maintenance. Fully support

### **Key Planning Considerations**

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design, and Impact on the Character of the Area

- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking

## Evaluation

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.

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. The relevant development plan policies are detailed within the report above .

The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

## Planning Considerations

### Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The application site in this instance is in Crowland as detailed by Policy 1. The siting of a residential shed is considered to be suitable due to it being located on an existing and established residential dwelling. Regardless of such, the extension of the residential curtilage is considered to be acceptable still as it would only be a very minor increase. Therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be acceptable with the requirements of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

### Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed

development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed boundary fence would be 1.8m spanning a total of around 20m along the eastern boundary of the host site. This is to encompass the additional residential land recently purchased by the applicant and the proposed shed. The fence would be made from treated timber posts, cross rails and feather edge boards. There would be a total of 0.75m of grass between the edge of the boundary treatment and the footpath. Whilst the proposed site plan labels that there would be 'Proposed native hedge planting' set in front of the fence line, no details of such have been provided regarding the type of hedging or the height. It is considered that due to the fence being located in such close proximity to the footpath and highway that it would appear an oppressive addition and would therefore adversely harm the character and appearance of the area.

The proposed shed would have a total height of 2.5m and 1.5m to the eaves whilst having a length of 7m and width of 3.5m and would sit 0.75m from the footpath. There would be a single door on the north elevation and double doors on the south elevation. Due to the siting of the shed, the fence would not sit in front of it with only the hedge providing cover in this instance. As previously mentioned, no details of this hedge have been provided within the application. As the height of the shed is 2.5m it would not only exceed the height of the fence if the fence was in front but would also more than likely be higher than any hedge that would try to conceal it. Therefore, a good amount of the shed would be visible from the highway and would adversely impact the street scene and locality in this instance.

When taking both the fence and shed into consideration, the application site lies within a readily visible location, located at the junction between Eastlands and Postland Road as well as being visible from Millfield Gardens. This provides a direct vantage point towards the application site and the site boundary when travelling west along Postland Road or at the junction of either aforementioned road. It is therefore considered that the site is widely visible from within the surrounding approaches. As a result of this, the proposed fence and shed, which would sit higher than the fence, would have a notable adverse impact upon the street scene and locality due to its scale, extent, prominence of the site and the proximity to the footpath. In this regard the extended curtilage would adversely alter the openness of the locality and introduce a stark and visually harmful feature in the immediate street scene adversely affecting the character of the locality.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore not be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024). There are no wider public benefits to the proposal, which would solely be to the applicant. As such, the limited benefit of the proposal would not outweigh the identified harm that would arise.

## Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development 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.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Whilst the land would be converted to residential garden with the erection of a shed, this would not result in any overlooking concerns in this instance. The proposed garden space and shed would be sited at least 14m away from the neighbours across the road which would be the only ones potentially impacted due to the positioning of the plot. Furthermore, there should also be no material overlooking concerns again due to the aforementioned separation distance and the lack of habitable structure/room.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

## Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The location of the shed and extension of residential curtilage would not impact any existing vehicle parking spaces and would not reduce the numbers in this instance. Lincolnshire County Council have been consulted to ensure that the siting within close proximity to the highway would not cause any harm, they raised no objections with their comments stating the following *'The proposal is for Incorporation of land into residential curtilage and erection of domestic wooden shed and associated fencing - Retrospective and it does not have an impact on the Public Highway or Surface Water Flood Risk'*.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

## Flood Risk

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the

current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

It is important to note that whilst minor developments must meet the requirements for site-specific flood risk assessments, they should not be subject to the sequential test, nor the exception test, as outlined in Paragraph 176 and to be read in conjunction with footnote 62.

The site lies within Flood Zones 1 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The property being within Flood Zone 1 and green/white within the SFRA. As the application is purely for a shed and increase in residential curtilage, there would not be any significant harm raised and it would not materially increase the flood risk for the site and surrounding area in a harmful way.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

### Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development

would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. The statement provided within the application states that the site is classed as a 'small site' as it is below 0.5ha. The application site currently features amenity grass, however, the development would be less than 25sqm of onsite habitat would be lost meaning the proposal is classed as de minimis and is exempt for this reason.

## Planning Balance

As detailed above, 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.

The proposal represents inappropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the amenity of nearby residents nor does it impact parking and is acceptable on flood risk grounds. Despite this, it would significantly materially harm the character and appearance of the locality due to the openness of the plot which has been discussed throughout this report. When viewed as a whole, the proposal does not conform with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024).

In this instance, this is a material considerations that weighs against the proposal and as such, the planning balance is not in favour of the development. The limited benefit of the scheme is not considered to outweigh the harm that has been identified in this instance.

## Additional Considerations

### Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

### Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **Conclusion**

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

Notwithstanding this, the proposal directly conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Paragraph 135 of the National Planning Policy Framework (NPPF) (December 2024) due to the impacts it would have on the character of the site and surrounding area, as outlined above. This is a significant factor in this case that indicates against the proposal and outweighs the consideration in favour of the proposal.

## **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.