DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0340-26**	**Applicant:**	**Mr & Mrs A Usher**
Proposal:	Change of use of paddock to domestic garden including car port, gazebo and patio/wall - part retrospective		
Location:	100 Quadring Road Donington Spalding		
Terminal Date:	3rd June 2026		

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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the change of use of a paddock to a domestic garden. Consent is also sought for a car port, a gazebo, a patio and a brickwork wall. The application is part retrospective as according to the application form the works were completed by September 2025.

Site Description

The application site comprises land at 100 Quadring Road, which is located approximately 900m to the south-west of Donington. The site is located on the corner of Quadring Road and Washdyke Lane, and features a dwelling, garden land and part of a paddock.

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 (March 2019) and the accompanying policies map.

Most of the site is within Flood Zone 3, as identified by the Environment Agency's flood risk mapping. Some of the site, including the area where the dwelling is located is within Flood Zone 2.

Relevant Planning History

H04-0829-16: (Outline Application) Residential Development - refused 18 October 2016

H04-0167-18: (Full Application) Proposed extension to dwelling - approved 27 March 2018

Consultation Responses

The responses received from consultees during the consultation period are summarised below; however, the responses can be viewed in their entirety on South Holland District Council's website.

Cllr H J W Bingham: The area shown has been hedged off from the main paddock for a number of years (google earth shows 2016) and the increase seems minimal and in keeping with the type and size of property, also no objection to the works proposed.

Ecology Officer: There has been sufficient evidence provided to determine this application, and we believe that 10% net gain will be achieved onsite for hedgerow units, but will be secured offsite for habitat area units. In this case the metric indicates that 10% mandatory net gain can be achieved for hedgerow habitats on-site with a predicted overall gain of 70.17% in Hedgerow units. We will require an updated biodiversity gain plan, finalized metric and offsite habitat details to be provided pre-commencement.

We believe that the habitats on site have the potential to support nesting birds. It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, we request a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 31st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.

We request that the following habitat enhancements be implemented into the development plans.
-We request that a minimum of 1 wall, tree or pole mounted bird box and 1 bat box are also included on site to help mitigate habitat loss. These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14.
-In both cases, the authority requires the applicant to submit for approval sufficiently detailed maps

that indicate the proposed location of bird/bat boxes on-site.

Lincolnshire County Council - Historic Environment: The updated proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS: The proposals do not have an adverse impact on the public highway.

Donington Parish Council: No response received.

Cllr M A Geaney: No response received.

Cllr J L King: No response received.

Black Sluice Internal Drainage Board: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no representations have been received from members of the public.

Key Planning Considerations

Development Plan

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 adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Visual and Amenity Impact;
-Flood Risk; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

In this case, the site is within the countryside. Policy 1 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.

The proposal seeks to change the use of part of a paddock to garden land. As the proposal is for a change of use to domestic use, the proposal does not strictly accord with the requirements of Policy 1 of the Local Plan when viewed in principle. For example, it is not considered that the proposals would deliver any particular economic, community or environmental benefits other than personal benefits to the applicant. As such, a proposal for a change of use of land within the countryside to domestic use would not typically be supported in principle.

However, it is necessary to consider the site specific context and the overall impact of the proposals. In this case, the area where the change of use is proposed includes land immediately to the south and east of where the garden boundaries appear to have been located previously. The land is proposed to be enclosed with a boundary wall and planting, creating a sense of enclosure around the site. Furthermore, the area where the change of use is proposed covers approximately 370sqm of land whereas the host dwelling appeared to feature approximately 1,600 sqm of land, including the dwelling with its associated driveway and garden land. Due to the size of the land where the change of use is proposed, its proximity to the host dwelling and the sense of enclosure that is around the proposed new site boundary, it is considered that the area where the change of use is proposed is considered to be proportionate to the host dwelling. The vast majority of the paddock land would be retained, thereby continuing to offer land for grazing.

Therefore, whilst the proposal does not strictly accord with Policy 1, the proposals would not have a significant detrimental impact on the countryside in this instance. As such, in this case the principle of development is considered to be acceptable as the increase in garden and is considered to be proportionate to the host dwelling.

Visual and Amenity Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 also 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.

Policy 2 of the Local Plan 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.

Policy 3 accords with the provisions of Section 12 of the NPPF, 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.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The application seeks full planning permission for the change of use of a paddock to a domestic garden. As set out previously, it is considered that the proposed increase to the existing garden area around the dwelling would be proportionate to the dwelling. It is also considered that the proposed change of use of the land would have an acceptable impact on the character and appearance of the area. For example, the change of use is unlikely to result in significant levels of noise or an increase in the comings and goings to the site.

There are mature trees and hedgerows located in and around the site which add to the verdant character of the area. Where the change of use is proposed within the eastern portion of the site, 1.8m high Hazel Hurdle fencing has been installed and a hedgerow has been planted behind this, which over time would likely screen the fencing from public view. The fencing could have been installed using permitted development rights as the fencing is not adjacent to a highway. As such, the visual impact of the fencing is considered to be acceptable.

Where the change of use is proposed within the southern portion of the site, a brickwork wall has been installed that measures approximately 2.3m in height. The wall spans approximately 19m across the southern boundary and the wall features columns and decorative stone arches. The wall also extends to the north by approximately 14m and there is also a brickwork wall and back iron gates along the site access.

A copper beech hedge is proposed to the south of the site and over time this could provide some screening of the wall. Previously, it appears that the southern boundary was demarcated with a hedgerow which contributed to the verdant character of the site. As such, the proposed planting of a hedgerow to the south of the site is considered to be a suitable form of mitigation to soften views of the site. Furthermore, it is recognised that the brickwork wall could have been installed using permitted development rights if it was slightly smaller (2m or less). This represents a fallback position, and this has been taken into account when assessing the proposals. Therefore, it is considered that the visual impact of the proposed walls and entrance gates is acceptable.

A car port is proposed next to the southern boundary, to the south-west of the host dwelling. The car port would be located on land that was formerly used as part of the paddock. The car port measures 9.2m in length and 5.5m in width, featuring a gable end roof form that measures 4.5m in height up to its ridgeline and 2.7m up to its eaves. The building is proposed to feature black cladding that would match the host dwelling and terracotta pantiles on its roof.

The car port would be positioned to the north of the proposed copper beech hedging which would provide a degree of screening. The ridgeline height of outbuildings with gable end roof forms can typically measure 4m from the ground level and in this case, the car port would measure 4.5m from the ground level which is only slightly taller. Whilst the car port would be located in front of the dwelling and it would be visible from the street scene along Main Road, in this case it is considered that its visual impact would be acceptable. For example, the building line of the rear of the car port would continue along the brickwork boundary wall, creating a sense of enclosure within the site. It is also considered that the scale of the car port would be proportionate to the host dwelling in this instance and the materials would be appropriate given that they would match the host dwelling.

Lastly, a patio area and a gazebo are proposed to the south of the dwelling. The gazebo measures 4m in length and 3m in width. The gazebo is 2.7m in height and features dark grey aluminium. The patio would not be visible from public viewpoints and whilst the gazebo would be partially visible from Main Road, it is not considered that this would have a detrimental impact on the character and appearance of the area.

There are no dwellings immediately adjacent to the site and the nearest dwelling is 1 Washdike Lane, which is located to the east of the site. It is not considered that the proposals would have an adverse impact on the amenity of the occupants of the nearest dwelling.

It would be considered appropriate to include a condition restricting permitted development rights for additional outbuildings due to the proposed increase in the garden land around the site. Such a condition would help the LPA retain control over any future development within the site.

Therefore, it is considered that the development would have an acceptable impact on the character and appearance of the area and the amenity of neighbouring properties. As such, the proposals accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

Paragraph 176 of the NPPF sets out that some minor development and changes of use should not be subject to the sequential or exception tests. As the proposal is for a change of use and for the erection of a car port and gazebo for domestic use, the proposed development is not required to pass the sequential or exception tests. Notwithstanding this, Paragraph 176 still requires proposals

to meet the requirements for site-specific flood risk assessments.

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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within a hazard rating area and as the proposal is for a change of use and for the erection of a car port and a pergola, the SFRA does not require any specific mitigation in this case.

A soakaway is proposed to accommodate surface water runoff from the proposals. This represents a sustainable means of managing water flow from the proposals.

Therefore, it is considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

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.

The application is accompanied by a BNG Assessment and the LPA's ecology officer considers that there has been sufficient evidence provided to determine the application. The proposal will deliver 10% net gain onsite for hedgerow units; however, the proposed habitat area units are proposed to be delivered offsite.

It is noted that the ecology officer has requested a condition requiring further details if works take place within the bird nesting season (March to August) due to the site's potential to support nesting birds. However, the application is part retrospective as the boundary wall has already been installed. The area where the proposed car port is to be located comprises open and unvegetated land. As such, this condition is not considered to be necessary in this case.

The ecology officer has requested that a minimum of 1 wall, tree or pole mounted bird box and 1 bat box are included within the site to help mitigate habitat loss. The implementation of these measures can be secured via a planning condition.

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 does not strictly accord with the requirements of Policy 1 of the Local Plan when viewed in principle due to the lack of identifiable economic, community or environmental benefits. Notwithstanding this, it is considered that the are where the change of use is proposed would be proportionate compared to the existing host property. It is also considered that the proposed boundary walls, car port and pergola would have an acceptable impact on the character and appearance of the area. There are various trees and hedgerows in and around the site which provides screening and a sense of containment around the site. Planning conditions can be included to restrict further development of the site such as further outbuildings to avoid a sense of overdevelopment. As such, and on balance, it is considered that the proposals can be recommended for approval.

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 accord with Policies 1, 2, 3 and 4 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.