DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0102-26**	**Applicant:**	**Mr & Mrs Congreve**
Proposal:	Change of use of agricultural land to domestic land		
Location:	Ladypud Lodge Lowgate Fleet		
Terminal Date:	25th May 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

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	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application to extend the domestic curtilage of Ladypud Lodge, Lowgate. The curtilage would be extended south by approximately 4.5m, giving a total extension of approximately 172sqm.

Site Description

The site is located outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019. The site is approximately 300m north of the settlement of Fleet Hargate. The area is characterised by agricultural developments, interspersed with residential dwellings.

The existing dwelling is a reasonably small, two bedroom bungalow. It has been finished in yellow brick, with a slash of grey render along its front elevation.

Relevant History

No relevant site history.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Internal Drainage Board

Thank you for your consultation on the above planning application. Having screened the application, the site in question does not meet the South Holland Internal Drainage Board's threshold to comment, therefore the Board has no comments to make.

SELCP Ecologist

Having reviewed this application, we have no comments regarding ecology.

Historic Environment Officer

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Highway and Lead Local Flood Authority

This proposal is for the change of use of agricultural land to domestic land and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

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 letters of representation have been received.

Key Planning Considerations

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.

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP 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.

The application site lies outside of any settlement boundary outlined in the SELLP; and therefore, can be considered to be within the Countryside from a planning perspective. In this context, Policy 1 states: "in the Countryside development will 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."

Appeal decision APP/A2525/W/24/3356622 is clear that developments that extend the domestic curtilage must be assessed against Policy 1 and must demonstrate need or benefits in line with Policy 1 in order to be acceptable.

No case for the need for an extension to the domestic curtilage has been provided. It is understood by the Council that there is an intention for the land to be used to accommodate an extension to the dwellinghouse; however, it is not considered that this represents adequate justification. Any perceived deficiencies of the existing dwelling have not been outlined to the Council. The dwelling has been serviceable in its current form for a significant period of time, and no argument has been put forward to the Council why these circumstances have now changed. Moreover, it has not been evidenced why an extension within the existing curtilage (such as one to the rear of the site) would be unviable.

The aerial and historic Google Street View imagery of the site indicates the extent of the curtilage has remained broadly consistent since 2009. No convincing evidence has been provided setting out precisely why the garden area of the dwelling may be substandard at present. Whilst the extent of the garden is not large and is unusually shaped, it is considered 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.

On this basis, it is considered that need for the extension has not been adequately demonstrated. The proposal would therefore be required to demonstrate suitable benefits to the area, in line with Policy 1.

It is considered that all benefits emerging from the extension of the domestic curtilage would be private and that there would be no benefit to the wider area resulting from the change of use. Policy 1 is clear in this regard, in that there must be wider sustainability benefits to the area. The proposal would not enhance the biodiversity of the site, it would remove potentially useable agricultural land (representing a negative economic implication), and would provide no community facility. There are therefore considered to be no public benefits arising from the change of use.

As such, the proposal is considered to be contrary to Policy 1 of the SELLP, and is unacceptable in principle accordingly.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states 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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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 change of use would have no significant visual impacts. Whilst the land is technically agricultural, it does not appear to be currently farmed and appears to have been left in fallow for several years. On that basis, the domestication of the land would have limited character implications.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

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

By virtue of the nature of the proposal, and the isolation of the plot, it is not considered that there would be any amenity impacts.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

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 an unjustified expansion of a domestic curtilage into the countryside. It has

not been evidenced that the expansion is necessary or that it would provide suitable benefits to the area.

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 these factors into consideration, the proposal is considered to contrary to Policy 1 of the SELLP. There are no significant factors in this case that would outweigh the conflict with the development plan; therefore, the planning balance against the proposal.

Recommendation

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