DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0850-26**	**Applicant:**	**Mr A Wright**
Proposal:	Erection of Outbuilding		
Location:	14 Cross Street Fleet Spalding		
Terminal Date:	16th November 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework August 2026

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a lawful development certificate for the erection of an outbuilding.

The application is submitted under Section 192 of the Town and Country Planning Act (1990) (as amended).

Site Description

The application site comprises land at 14 Cross Street in Holbeach. The site features a detached bungalow and a detached outbuilding with grassed and hardstanding areas to the rear. The immediate neighbouring properties, to the east and west, comprise single storey bungalows, which is the prevailing nature of properties along this southern side of Cross Street. To the rear of the site lies agricultural land.

Planning History

H05-0800-99: (Full Application) Erection of a 3 bed bungalow and integral double garage - approved 04th October 1999

H05-1163-22: (Full Application) Proposed detached garage and alterations to bungalow - approved 20th January 2023

H05-0294-23: (Full Application) Proposed dwelling & detached garage - refused 08th June 2023 - appeal dismissed 24th May 2024

H05-0861-25: (Full Application) Proposed Dwelling - refused 10th November 2025 - appeal dismissed 01st April 2026

Consultation

There is no statutory obligation for the Local Authority to publicise an application for a certificate of lawful development; however, a site notice has however been displayed next to the site for 21 days. In this instance, no representations have been received from members of the public.

Although South Holland Internal Drainage Board (IDB) were not consulted, the IDB have provided a consultation response within which the IDB have set out relevant restrictions that might need to be taken into account related to their byelaws.

Key Planning Considerations

Relevant Legislation

Section 192 of the Town and Country Planning Act (1990) (as amended) sets out the following:

"Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether
(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land,
would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall
(a) specify the land to which it relates;
(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
(c) give the reasons for determining the use or operations to be lawful; and
(d)specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness."

Therefore, the local planning authority needs to be provided with sufficient information to demonstrate that the proposed building is lawful in planning terms and would not require full planning permission.

Assessment

In this case, the proposal is for an outbuilding. Schedule 2, Part 1, Class E, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits the following:

"The provision within the curtilage of the dwellinghouse of
(a)any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
(b)a container used for domestic heating purposes for the storage of oil or liquid petroleum gas."

Based on the submitted information, the building is proposed as an outbuilding as it would be used for a purpose incidental to the enjoyment of the dwellinghouse. For example, the building is intended to be used for storage and hobbies and would not be used for commercial purposes.

It is also considered that the building would be within the curtilage of the host dwelling in this instance.

Class E is subject to various restrictions and conditions. The proposed development is assessed against these restrictions and conditions below.

"Development is not permitted by Class E if
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)"

The dwelling within the site has not been granted by virtue of the above referenced Classes.

"(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)"

The total area of ground covered by the existing and proposed outbuildings would not exceed 50% of the curtilage of the dwelling.

"(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse"

The principal elevation of the dwelling is considered to be the northern elevation which faces towards Cross Street. The outbuilding is proposed to the south of the dwelling and as such, the building would not be located forward of the principal elevation of the dwelling.

"(d) the building would have more than a single storey"

According to the submitted plans, the outbuilding would only have one storey.

"(e) the height of the building, enclosure or container would exceed
(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case"

The proposed building would be 3m from the western boundary of the site and would measure 4m in height up to its ridgeline. A dual-pitched roof is proposed and as such, the height does not exceed the allowance of part i.

"(f) the height of the eaves of the building would exceed 2.5 metres"

The height of the eaves would be 2.5m.

"(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building"

There are no listed buildings on or next to the site.

"(h)it would include the construction or provision of a verandah, balcony or raised platform"

The proposal does not include verandas, balconies or raised platforms.

"(i) it relates to a dwelling or a microwave antenna"

The proposal does not include a microwave antenna.

"(j)the capacity of the container would exceed 3,500 litres"

The proposal does not include a container.

"(k)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)."

The dwelling within the site was not build under Part 20.

As such, it is considered that the proposal accords with the requirements of Class E.

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

As listed above, the proposed building would conform to the details within The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Class E. Therefore, the proposal is considered to be permitted development.

Recommendation

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