DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-1023-26**	**Applicant:**	**Mr & Mrs M Fairchild**
Proposal:	Kitchen extension and alterations, alterations to flat roof over utility and proposed garage, storage and workshop building - Approved under H05-0253-20. Amendment to include installation of additional window & window materials, colour & details to match existing		
Location:	The Former Bull Inn Public House Old Main Road Fleet Hargate		
Terminal Date:	23rd 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

CASE OFFICER ASSESSMENT

Proposal

This is an application made under S96A of the Town & Country Planning Act 1990 (as amended), seeking to amend planning approval H05-0253-20. The proposal seeks to install a window within the west elevation of the approved extension.

Site Description

The proposal site is a Grade II listed former public house which has now been unoccupied and out of use as a Public House for several years. The site is also within the Fleet Hargate Conservation Area (FHCA) and is perhaps one of the most imposing and contributing structures within that conservation area. The Historic England listing description reads as follows:

"Public house. C17 with C18 and early C19 extensions and C20 alterations. Brick, mostly stuccoed and painted, with C20 tile roof and brick ridge stack. 2 storeys. 3-window range of 8/8 sash and 2 paired 6/6/sashes over 4 similar windows to ground floor. Brick doorcase to right. Single-storey section to left end. INTERIOR. Spine beams with quadrant chamfer and ogee stops. Two 1st floor rooms with C18 panelling, and C18 staircase with turned balusters. Some 2-panel doors. Part of the 2nd large stack remains to centre left although flue truncated by roof. An historic inn which although altered retains original interior features."

Fleet Hargate is a relatively well preserved and Historic Conservation Area and as such, the

immediate area is largely characterised by residential properties, but mostly of Georgian, Victorian and early C20th design, with the notable exception being the modern residential development to the rear of the proposal site.

Planning History

H05-0188-87 - Adv - Advertisement signboard on posts. Refused 28-04-87

H05-0515-94 - outline - Demolition of the Bull Public House and erection of 16 dwellings including details of siting. Application withdrawn on 26-01-95.

H05-0812-94 - Listed Building Demolition - Demolish public house and all outbuildings. Application withdrawn on 26-01-95.

H05-0204-95 Full - Amended access and car park to existing public house. Approved 13-10-95.

H05-0444-17 - Full Change of use of former public house to single dwelling, including internal alterations. Approved 06-07-17

H05-0445-17 LBC - Proposed internal alterations. Approved 06-07-17

H05-0253-20 - Full - Kitchen extension and alterations, alterations to flat roof over utility and proposed garage, storage and workshop building. Approved 16-07-20

H05-0255-20 - LBC - Kitchen extension and alterations, alterations to flat roof over utility and proposed garage and storage workshop building. Approved 03-09-20

Planning Considerations

The Local Planning Authority has powers under Section 96A of the Town and Country Planning Act 1990 to make a "non-material" change to a planning permission if the Local Planning Authority is satisfied that the change is not material. There is no statutory definition of "non-material"; this is because it is dependent on the context of the overall scheme. As such, an amendment that is considered to be non-material in one context, may be material in another.

Notwithstanding the fact that there is no definition of 'Non-Material' South Holland District Council Local Planning Authority sets out guidance criteria for non-materials amendments. This is set out on the council webpages. It states that a change may be considered non-material if:

1-There would be no change to the application site boundary and the proposal would be located within it (red line boundary)

2 - The amendment would not conflict with development plan policies or other Government guidance

3 - There would be no conflict with any conditions on the planning permission

4 - The proposal would not make worse any concerns raised by third parties when the original planning permission was considered

5 - The approved footprint/siting of the building will not be moved in any direction by more than 1 metre

6 - The proposal would not result in an extension to development already approved

7 - The height/volume of the building or extension would not be increased or significantly reduced

8 - The amendments must not result in a fundamental change in the design of the building

9 - The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application

10 - Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties

11 - There would be no change to the description of development in respect of number of proposed units

The criteria set out above are designed to prevent amendments being accepted that would have a detrimental impact upon neighbours or amenity in the wider public interest.

Assessing the proposal against the above, the following is considered:

1.There would be no change to red line boundary or application site

2.The amendment would not conflict with any government guidance or any provisions within the Local Plan. Seeing as The Town and Country Planning (General Permitted Development) (England) Order 2015 would enable to installation of these windows regardless of the outcome of this application (notwithstanding the restrictions under the Planning (Listed Buildings and Conservation Areas) Act 1990), it could be considered inappropriate to resist the alterations as a result.

3. The amendment would not conflict with any of the conditions placed upon H05-0253-20

4. The proposal would not exacerbate any concerns raised during the consultation process of the original application. No consultation responses were received within the initial application regarding the positioning of windows or overlooking.

5. There would be no change to the siting or footprint of any buildings

6. The proposal would not result in an extension to the approved development

7. There would be no change to the proportions of the extension/ dwelling

8.The amendments would not result in a fundamental change in the design of the building or the wider site. The insertion of a window would result in an extremely minor alteration to the appearance of the building.

9.The original application did not contain an environmental statement.

10. As the proposal relates to a single storey structure, the potential for overlooking would be negligible.

11.There would be no change to the number of proposed units

As such, when taking account of the above and the modest extent of the amendment proposed, the proposal is considered to be non-material.

Other Matters

The proposal relates to a listed building. Therefore, listed building consent under Planning (Listed Buildings and Conservation Areas) Act 1990 would be required for these works. The considerations of this Act sits separately from the considerations of a proposal's materiality; and therefore, requirements of further consents would not prevent the proposal from being considered non-material.

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

It is considered that the amendment proposed is acceptable and can be considered a non-material amendment.

Recommendation

The recommendation is for delegated approval