

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0567-25 **Applicant:** Mr O Read
Proposal: Proposed static caravan
Location: Land Adjacent Sea Breeze Marsh Road Gedney Drove End
Terminal Date: 7th August 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	1	0	0
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal comprises a lawful development certificate (proposed) for the siting of a static caravan and its use for accommodation during the construction of a residential dwelling approved on site under H06-0848-23.

The submitted application comprises:

- Application Form
- Site Plan
- Location Plan

Whilst there is no outline showing where the caravan would be located on site, it is considered that if the siting of the caravan is permitted development as, whilst it would not be ancillary to an existing dwelling, the caravan would be temporary for the purpose and timeframe of development on site. As such, it could be located anywhere on site and is therefore not necessary for it to be outlined. It would however, be located on the site outlined in red on the location plan and can therefore be used as temporary accommodation.

Site Description

The site lies within the defined settlement boundaries of Gedney Drove End as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The area where the proposed dwelling will be situated is one of the only areas of land which is yet to be developed within this area. The majority of properties along Marsh Road are bungalows, with the exception of a few dwellings in the immediate area.

Initially, the site location on the application was shown as 'Sea Breeze', this was updated to state 'Land adjacent Sea Breeze' in line with the previous applications on site. Due to the nature of the application purely seeking lawful confirmation for the siting of a static caravan the LPA took the decision that a new site notice and consultation was not required. The relevant plot has been outlined in red in drawing number '6797/PL02'.

History

H06-0202-18 - Erection of two new dwellings with vehicular access - Approved

H06-0868-21 - Erection of pair of 2 bed semi-detached dwellings - Approved

H06-1116-22 - Details of contamination of land or pollution of controlled waters (Condition 4 of H06-0868-21) - Refusal

H06-0848-23 - Proposed Dwelling - Approved

H06-0299-24 - Details of landscaping & tree planting, site & floor levels, contamination of land or pollution of controlled waters, boundary treatments, foul and surface water disposal (Conditions 4, 5, 6, 11 & 15 of H06-0848-23) - Approved

Consultation Responses

Oliver Wright - NAPC

The National Annexe Planning Consultancy (NAPC) is pleased to offer its support for the planning application concerning the proposed static caravan at Sea Breeze, Marsh Road, Gedney Drove End, Spalding, PE12 9PJ. This proposal aligns with NAPC's national position on ancillary and modular development, which we believe makes efficient use of existing residential plots and supports flexible living arrangements.

The proposed static caravan serves as an ancillary accommodation, enhancing the existing residential setting without necessitating large-scale new development. Such developments are crucial in addressing housing and care pressures sustainably. We commend the applicant for considering this approach, which is in line with modern housing needs, including multigenerational living.

While we support the proposal, we gently advise attention to planning considerations such as ensuring the caravan remains ancillary to the main dwelling, maintaining appropriate scale and layout, and ensuring access does not disrupt the existing environment. These factors are essential to prevent any risk of separation from the main dwelling, which could affect the proposal's compliance with local planning policies.

We encourage the applicant to reach out to NAPC for expert advice on ensuring policy compliance and achieving long-term peace of mind. Our expertise in ancillary accommodation can provide valuable insights into optimising the proposal's benefits. Furthermore, we urge South Holland Council to consider incorporating supportive annexe policies in future local plan iterations. The positive impact of ancillary accommodation is evident in regions like Ireland and California, where it significantly alleviates housing pressures. For more information on our support for such developments, please visit <https://napc.uk/annexe-support/>.

We look forward to seeing this proposal contribute positively to the local community and housing landscape.

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, three letters of representation have been received. These have been summarised as follows:

- Concerned over the provisions for disposal of sewage and waste water due to the current absence of any waste treatment/cess pit on site
- Will the caravan have mains electricity or run with a noisy generator?
- Is council tax being charged?
- Why were we excluded from notification of caravan and the change to three storey dwelling?
- What hours are allowed for building?

Relevant Statutory Provisions

In relation to proposed uses, Section 192 of the Town and Country Planning Act, 1990, states that:

"(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."

Furthermore, Section 3 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) provides that:

"(1A) Subject to the provisions of this Order, where a building or other land is situated in England and is used for a purpose of any class specified in - (a) Part B or C of Schedule 1, or (b) Schedule 2, the use of that building or that other land, or if specified, the use of part of that building or the other land ("part use"), for any other purpose of the same class is not to be taken to involve development of the land.

(2) References in paragraph (1) and (1A) to a building include references to land occupied with the building and used for the same purposes.

(3) A use which is included in and ordinarily incidental to any use in a class specified in Schedule 1 or 2 is not excluded from the use to which it is incidental merely because it is specified in Schedule 1 or 2 as a separate use."

Planning Considerations

Part 4, Class A of the General Permitted Development Order (2015) discusses temporary buildings and structures which include, but are not limited to, the provision on land of moveable structures required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land. As the static caravan in this instance would be for the use of the applicant to reside in during the construction of the dwelling already approved on site, this would meet the definition of Part 4, Class A. Further to this, the following points set out why development would not be permitted under this order, as well two conditions they must meet:

Development not permitted

A.1 Development is not permitted by Class A if -

- (a) the operations referred to are mining operations, or*
(b) planning permission is required for those operations but is not granted or deemed to be granted

Conditions

A.2 Development is permitted by Class A subject to the conditions that, when the operations have been carried out -

- (a) any building, structure, works, plant or machinery permitted by Class A is removed, and*
(b) any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out

Firstly, the operations would not relate to mining operations and the planning permission required has already been granted under H06-0848-23. The conditions must be complied with to ensure the static caravan remains lawful. The applicant is therefore advised to remove the caravan once the operations for building the house have been carried out and if any development is carried out on adjoining land this must also be removed.

It is therefore considered that as the siting of a static caravan is considered to meet the requirements set out within Part 4, Class A of the General Permitted Development Order (2015), the siting of a static caravan on land adjacent to Sea Breeze is a lawful development.

Other Matters

Three comments have been received through public representation, these concerns will be covered off within this section of the report:

- Concerned over the provisions for disposal of sewage and waste water due to the current absence of any waste treatment/cess pit on site - As the application is purely on the assessment of whether or not the siting of a static caravan is lawful development or not, the LPA are only able to assess it on this basis. The siting of the caravan is considered to be lawful and can be done under permitted development meaning the applicant does not need to apply for full planning permission.
- Will the caravan have mains electricity or run with a noisy generator? - In a similar light to the above, how the caravan gets electricity will be decided by the applicant. The LPA are not able to assess this and would not typically assess this in any case.
- Is council tax being charged? - Council tax will be decided by a separate department and is not a materially planning matter.
- Why were we excluded from notification of caravan and the change to three storey dwelling? - Section 192 applications are not required to be advertised through public consultation; however, a site notice was erected nearby on 27/06/25 to allow for nearby residents to be made aware of the proposed static caravan. Alongside this, direct neighbours would have received letters for the application for the original permission for the proposed dwelling, a site notice was also erected during the officers visit.
- What hours are allowed for building? - No restrictions for hours of construction were set out in the previous permission; however, the 1974 Pollution Control Act restricts construction hours, so the applicant must follow these.

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

Having regard to the above and taking the submitted documents into account, it is considered that the proposal would be considered as a lawful development as it meets the requirements under Part 4, Class A within the General Permitted Development Order 2015. The applicant is once again reminded to comply with the conditions set out within A.2.