



Appeal Decision

Site visit made on 18 March 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal Ref: APP/A2525/W/24/3356622

Seagate Farm, 184 Seagate Road, Long Sutton, Spalding, Lincolnshire PE12 9AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs A Hoey against the decision of South Holland District Council.
 - The application Ref is H11-0960-23.
 - The development proposed is described as the change of use of land to form residential curtilage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was changed during the application, omitting the stationing of a mobile home for use as an annexe. The appellant has confirmed this amendment was agreed. Therefore, I deal with the appeal on the basis of the amended description as contained within the banner heading above.
3. During my site visit I observed a structure present on the site. Both parties are clear that this does not form part of the appeal proposal. Therefore, I deal with the appeal on that basis.

Main Issues

4. The main issues in determining this appeal are:
 - whether the proposed development would be in an appropriate location, with particular regard to the Council's spatial strategy;
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on existing agricultural land.

Reasons

Location

5. The appeal site lies outside of the defined settlement boundary of Long Sutton, in the open countryside according to Inset Map 7 of the South East Lincolnshire Local Plan 2011-2036 (2019) (SELLP). The dwelling associated with the appeal site is a two-storey detached, traditional, albeit modified and extended farmhouse fronting Seagate Road. Independent vehicular access is provided at its south side which leads to an expanse of hardcore chippings that cover the entire curtilage, wrapping around the dwelling.

6. No. 184 is a family sized dwelling that has been in existence for many years. The aerial imagery of the appeal site indicates the extent of the curtilage has remained broadly consistent. No convincing evidence has been provided setting out precisely why the garden area of the dwelling may be substandard at present. I observed 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.
7. Policy 1 of the SELLP details the spatial strategy for the district setting out the order of priority for areas where development shall be directed. Countryside falls at the bottom of the hierarchy. The policy 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.
8. The proposed change of use of land to extend the garden would constitute development requiring planning permission¹ and I am therefore satisfied that Policy 1 of the SELLP should apply, despite the appellants assertions to the contrary.
9. Whilst enhanced residential amenities are cited in support of the scheme, this would be a private, not a community benefit. There is little evidence before me to show a justified need for an extended garden or indeed point to any existing deficiencies. Therefore, I find that the development has not been demonstrated as being necessary as required by Policy 1 of the SELLP. Nor has it been demonstrated that it would meet the sustainable development needs of the area in terms of economic, community or environmental benefits, which is also a requirement of this policy.
10. Overall, I am not satisfied that the appeal proposal is reasonably necessary in the context of Policy 1 of the SELLP. Therefore, the proposal conflicts with Policy 1 of the SELLP, which seeks to restrict development to that shown to be necessary, which this appeal fails to do.

Character and appearance

11. No. 184 sits amongst a small cluster of dwellings fronting the road, away from the nearest settlement in a predominantly rural setting. The existing garden boundaries are defined by close boarded timber fencing and this also forms the shared boundary with the neighbouring dwelling at 186 Seagate Road. The site is otherwise open with the adjacent countryside, which, in turn, is open with the A17 sitting at a slightly higher level to the north. The appeal site is clearly visible due to the open, flat landscape.
12. Whilst the proposed change of use would be seen against a backdrop of existing linear buildings associated with No. 186, it would be closer to the A17. Owing to the low lying, flat, open landscape, the appeal site would be highly visible, particularly from the north. The proposed change of use would harmfully domesticate the character and appearance of this countryside location. Whilst landscaping is suggested in mitigation, it would be difficult to secure this for the longer term. Moreover, the planting itself would domesticate a wider parcel of land,

¹ By virtue of Sections 55 and 57 of the Town and Country Planning Act 1990 (as amended).

separating it visually from its wider countryside context and would be a more obvious feature, given the flat open topography.

13. It would also be unreasonable, given the proposed residential land use, to remove permitted development rights² for domestic development which could further harm the character and appearance. For example, securing the extended garden with high fencing could reasonably be expected, in order to keep pets and young children safe which soft landscaping alone, would unlikely achieve. Such an enclosure would be visible even with landscaping, especially until planting matured to sufficiently screen it. Whilst the removal of permitted development rights could control the siting of potentially harmful outbuildings, such a condition would not overcome all potential harm that the change of use is likely to bring about.
14. Furthermore, even if such rights were removed, this would not control domestic paraphernalia that would not constitute development. Such paraphernalia, which can be reasonably expected in a domestic setting, would nevertheless contribute to the harmful change in character and appearance. The overall result would be a development that is overtly domestic in appearance, in stark contrast to the surrounding, largely rural undeveloped landscape.
15. Therefore, I find that the effect of the development on the character and appearance of the surrounding area would be unduly harmful. This would conflict with Policies 2 and 3 of the SELLP. Amongst other things, these policies require development to meet sustainable development considerations, including in relation its relationship with existing development and land uses, and that development is appropriate to the local area including the landscape character.

Agricultural Land

16. It is disputed whether the proposal would result in the loss of agricultural land. While planning permission would not be required to use the site for agricultural purposes, and notwithstanding its classification as Grade 1 agricultural land³, there is very limited evidence before me to suggest the site has been, or is likely to be used for agricultural purposes. Indeed, aerial photographs provided by the appellant appear to support their claim that the land has not been used for agricultural purposes for at least 25 years.
17. Therefore, it has not been demonstrated that the development would amount to an unacceptable loss of agricultural land in the context of Policy 2 of the SELLP or paragraph 187 of the National Planning Policy Framework.

Other Considerations

18. I cannot be certain that the outbuildings associated with No. 186 are all in domestic use, nor is the precise extent of its curtilage clear. In any event, I do not accept that a garden should be extended simply to match the size of the neighbours without proper justification which is lacking in this appeal. As such, there are no material considerations before me that are sufficient to justify a departure from the SELLP.

² By virtue of The Town and Country Planning (General Permitted Development) (England) Order 2015

³ As identified by the Provisional Agricultural Land Classification (England).

19. The main parties refer to the Grade II listed Seagate Hall, and so I have had regard to the general duty under section 66(1) of the Act⁴. However, owing to the degree of separation and intervening landscaping I do not consider that the appeal site falls within its setting. It follows that the proposal would not affect any aspects of the listed building's special architectural or historic interest. The evidence before me does not show that the appeal site lies within the setting of any other statutorily listed buildings.

Conclusion

20. For the reasons set out above, the proposal would conflict with the development plan as a whole, and there are no other considerations which outweigh the adverse effects of the development having regard to its location and the character and appearance of the area. Therefore, the appeal fails.

C Walker

INSPECTOR

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990.