

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0519-26 **Applicant:** Mr & Mrs K Schwarz

Proposal: Proposed Pitched Roofed Single Storey Extensions to Front & Rear of Existing Dwelling, Detached Single Storey Flat Roof Swimming Pool in Rear Garden

Location: Harecroft Lutton Bank Lutton

Terminal Date: 5th October 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 4 - Achieving sustainable development
Section 14 - Achieving well-designed places
Section 15 - Promoting sustainable transport
Section 17 - Pollution, public protection and security

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

CASE OFFICER ASSESSMENT

Description of Proposal

This is a householder application for a single storey front extension, a single storey rear extension, and a detached, single storey, flat roof swimming pool at Harecroft, Lutton Bank.

The proposed front extension would project from the northern-eastern section of the existing extension. It would feature a sloping roof, just marginally below the eaves of the host. The extension would have a depth of 4.04m, with a width of 7.533m. The roof would have an approximate height of 2.4m to the eaves, rising to 4.3m at its apex. It would be clad in horizontal cladding in silver/ grey. Slate is proposed for the roof.

The rear elevation would project from the south-west section of the existing extension. It would have a width of 7.646m (including a 1.1m projection beyond the southern elevation) and a depth of 11.24m. The proposal would feature a double-pitched roof, in an "M" shape. The proposed extension would have an eaves height of approximately 3.16m (2.28m from finished floor level), rising to an apex at 4.4m (3.65m from finished floor level). This would also be clad in horizontal cladding. Clay pantiles are proposed.

A detached outbuilding, to be used as a pool, is proposed. It would measure 13.94m by 7.763m (at its widest and deepest). It would feature a flat roof set at 3.65m (3.1m when the damp proof course is not considered). The pool building would be finished in off white K-rend.

Site Description

The site is located outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and can therefore be considered within the countryside for the purposes of the Local Plan. That being said, the site is within a recognised linear strip of development to the west of Lutton Bank.

Harecroft is comprised of a small original dwelling, which appears to have been recently modified significantly, and a large attached extension, constructed in the early 2010s. Said extension is inspired by agricultural barns.

Relevant History

H12-0764-10 - Full - Replacement dwelling and double garage - Refused 15/03/11

H12-1047-10 - Full - Proposed two-storey extension - Approved 21/02/11

H12-0527-12 - S73 - Modification of Condition 6 of H12-1047-10 to allow white UPVC windows in lieu of timber - Refused 23/08/12

H12-0526-12 - Condition Discharge - Details of external materials, colour of rainwater goods and window details (Conditions 3 (part), 4 and 7 of H12-1047-10) - Part approved, part refused 23/08/12

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:

Highway and Lead Local Flood Authority

No objections - The proposal does not have an impact on the Public Highway.

South Holland Internal Drainage Board

Outlines when consent may be required from the Board

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, 2026 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development and Procedural Matters

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 proposal is located outside of any defined settlement. As such, it is considered to be within the Countryside for the purposes of Policy 1. 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"

The proposal has been made as a householder application, implying all works would be conducted within the residential curtilage of the property. Any works outside of the defined curtilage could not proceed under a householder application, and would instead have to be applied for under the full application route.

The most recent definite curtilage for the plot was defined under H12-1047-10, which granted consent for the two-storey extension currently present on the site. There have been no applications since to amend the residential curtilage. There is nothing before the Council to evidence that the "redline" within this ongoing application is representative of the lawful curtilage of Harecroft. Therefore, on the balance of probabilities and without evidence to the contrary, the Council's assessment of the residential curtilage of the property should be consistent with that under H12-1047-10.

The Applicant has provided information seeking to verify the residential curtilage of the property. They have provided aerial imagery of the site, showing that the rear area is mowed grass. They have also stated that the red line boundary of H12-0764-10, which was refused, included the land. They have also provided a letter from a neighbour stating that the land is used as garden. It is not considered that the evidence provided, on the balance of probabilities, demonstrates the land is within the domestic curtilage.

Firstly, the letter received simply refers to the land as "garden" as opposed to curtilage. Land could be used for residential purposes without being in the curtilage, and could therefore still be

residential but not be eligible for a householder application. In any event, the details of the letter are limited, and are not sufficient enough to prove beyond reasonable doubt that the land is within the curtilage.

The submitted aerial imagery shows the land features mowed grass. Mowed grass is not indicative of residential curtilage. Within the aerial imagery pre-2020 available, there are no domestic accoutrements present on the land. The area appears to be simply laid grass. There is nothing before the Council to suggest that the land is part of the curtilage of the dwelling on the strength of these images. Circa 2021, an outbuilding appears on the land in the aerial imagery. However, said garage never received consent from the Council, and no application was made.

Finally, application H12-0764-10 was refused. It therefore carries no material weight in this decision.

On this basis, the proposed pool is partially outside of the defined curtilage. Accordingly, the application cannot be processed as a householder application, as a change of use element would be included in the proposal.

Whilst a householder application would not enable the change of use of the land, for the sake of completeness, the following assessment of the merits of the change of use has been provided.

Policy S3(1) of the NPPF states:

"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
- b. Outside settlements, policy S5 should be applied"

As previously outlined, the site is outside of a defined settlement limit, and therefore, Policy S5 is relevant. This states:

"Only certain forms of development should be approved outside settlements (Ã?ç?!). These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework".

Policy S5(1) proceeds to outline circumstances where a proposal for development outside of a settlement would be permissible. It is not considered that the proposal would constitute a form of development listed in Policy S5. In these circumstances, Policy S5(4) states:

"Development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement."

The proposal would therefore not be supported by Policy S5, and would only be permissible where the benefits of approving the development would substantially outweigh the adverse effects. An assessment of the merits of the proposal can be found later in this report.

In any event, Policy 1 of the SELLP is clear that "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. The desire to have an additional outbuilding is not a functional need, nor a development which one would anticipate must be in the countryside. Alternative schemes which would provide the accommodation within the curtilage have not been provided. 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 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines that "development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets".

In order to create well-designed places, Paragraph 2 outlines that proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

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.

Shiplap, or comparable, cladding is commonplace on agricultural/ rural buildings throughout the District. However, it is not extensively featured in the immediate area (i.e., Luton Bank) making it a slight oddity in the area. Moreover, whilst this material may be reminiscent of agricultural buildings, it is not typical of residential dwellings in the area. The colour proposed (grey/ silver) would be highly unusual in the setting. Black shiplap cladding is a more commonplace material, however, variations of this, including grey are not typical, particularly in this setting. The material would clearly juxtapose the palette of the wider area. As a result, there would be a degree of juxtaposition with the immediate area which is more domestic in character. The proposal would therefore fail to accord with Paragraph 57 of the National Design Guide with respect of materials.

The proposed slate to the front would be consistent with the wider dwelling, helping to integrate the extension with the host. The rear clay pantiles would juxtapose the materials of the host to a certain extent, reducing the integration of this element with the host.

The rear extension would be partially obscured from the public realm by the existing buildings; however, it would not be entirely obscured. In particular, an element projects beyond the side elevation of the existing building. This provides an awkward relationship which fails to respect the existing proportions of the dwelling, whilst also reducing the integration of the extension with the host.

The rear extension is relatively large. It is considered that it fails to reflect the existing proportions of the host dwelling, or the built form of the wider area, resulting in an overly large dwelling which fails to respect the character and appearance of the area. Moreover, the height of the extension would mean that views from the public realm could be obtained from the road heading to south-to-north.

Due to the significant length of this extension, when these views are obtained, the visual mass of the building would be significant, and significantly at odds with the wider built form. In this regard, it should also be noted that the portion of the house to be extended is itself an extended area. Cumulatively, when these existing and proposed extensions are taken together, they far exceed the scale of the original dwelling, and would therefore fail to produce an adequate subservient relationship.

Whilst the provisions of the submitted justification statement, with regards to the front extension and the inspiration drawn from agricultural lean-to extensions, it is not considered that this element would be in keeping with the area. Front extensions of this nature are uncommon in the area, and so a large catslide roof, projecting significantly from the dwellinghouse, would be an oddity in the area. The proposal would therefore fail to follow the guidance of the National Design Guide with regards to design of the development being influenced by the existing built form.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP as well as Section 14 of the NPPF on design matters.

Impacts Upon Resident Amenity

DP3 of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals should "provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life".

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.

Adequate distance has been maintained to site boundaries to minimise overshadowing. Any views which may be obtained from windows would be obscured by existing boundary treatments. In any event, being a single-storey development, the works would not increase the extent of views obtainable from the plot.

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 Sections 14 and 17 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, Policy TR6(4) advises that "development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion."

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. Adequate parking space has been maintained.

The proposal would have no impact upon existing access arrangements.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 15 of the NPPF.

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 would represent development beyond the defined curtilage of the dwellinghouse. As a result, the proposal cannot proceed as a householder application.

In any event, the proposed design is considered to fail to reflect the existing character and appearance of the area. The materials selected, the scale of development, and the overall form would be anomalous within the setting, thereby resulting in a development contrary to the provisions of the National Design Guide.

Policy DP3(3) of the NPPF states:

"Development that is not well designed should be refused, especially where it fails to reflect local d Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally-specific policies, guides, codes or masterplans)"

As the proposal is considered contrary to the provisions of the National Design Guide, the proposal is considered contrary to Section 14 of the NPPF, and should be refused accordingly.

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 Policies 2 and 3 of the SELLP, as well as Section 14 of the NPPF. There are no significant factors in this case that would outweigh the harm identified; therefore, the planning balance is against the proposal.

Recommendation

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