

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0052-25 **Applicant:** Spring Bea Ltd
Proposal: Proposed internal alterations to include en-suite bathroom to first floor
Location: 30 Havelock Street Spalding
Terminal Date: 17th March 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
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CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a lawful development certificate for proposed internal alterations including the installation of an en-suite bathroom within the first floor and the installation of new internal walls. The application seeks consent under Section 192 of the Town and Country Planning Act (1990).

Site Description

The application site comprises land at 30 Havelock Street, Spalding, which is a two-storey semi-detached dwelling.

Planning History

No planning applications have previously been submitted within the site.

Consultation

There is no statutory obligation for the Local Authority to publicise an application for a certificate of lawful development. A site notice has however been displayed next to the site for 21 days.

Key Planning Considerations

Assessment

Planning permission is only needed if the work being carried out meets the statutory definition of 'development' which is set out in section 55 of the Town and Country Planning Act (TCPA) 1990.

Section 55(1) sets out that "development" means "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

Section 55(2) sets out the following:

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;"

The proposed works only relate to internal works within the dwelling within the site, including the installation of an en-suite bathroom within the first floor and the installation of new internal walls. No external works are proposed. Therefore, the proposed works are not considered to comprise "development" as described within Section 55 of the TCPA. As such, the proposed works do not require planning permission.

The site is not a listed building, and as such, listed building consent is also not required.

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 works do not comprise "development" as described within Section 55 of the TCPA. As such, the proposed works do not require planning permission.

Recommendation

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