DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0344-25**	**Applicant:**	**Mr P Mezynski**
Proposal:	Use of building as a sensory room for personal use		
Location:	115 Queens Road Spalding		
Terminal Date:	28th July 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

CASE OFFICER ASSESSMENT

Description of Proposal

This application is made under Section 191 of the Town and Country Planning Act, seeking a Lawful Development Certificate for the erection of a sensory room, for personal use only, within the rear garden of 115 Queens Road, Spalding. The building measures 8.294m by 4.082m, with a maximum height of 2.5m.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. To the east is St Paul's Primary School. Bar the school, the area has a clear residential character.

115 Queens Road is a semi-detached two-storey house. The dwelling is rendered. The site benefits from a reasonably large rear garden, with a parking area to the front.

Relevant History

H16-0710-12 - Full. Install dropped kerb and concrete driveway. Approved 24/10/12.

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:

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

This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed use would be lawful.

The key issue for decision is whether the proposed works are either (i) not development; or (ii) permitted development. The works are considered to be development, as defined by section 55 of the Town and Country Planning Act 1990, because they involve building operations that are either "structural alterations of or additions to buildings" or "other operations normally undertaken by a person carrying on business as a builder".

The planning history of the site was investigated. Permitted development rights had not been removed by any previous permissions and the proposal.

The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Schedule 2, Part 1, Class E of the General Permitted Development Order (GPDO) permits the "the provision within the curtilage of the dwellinghouse of -
(a)any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
(b)a container used for domestic heating purposes for the storage of oil or liquid petroleum gas."

In this instance, the development is considered to be within the defined residential curtilage of 115 Queens Road. As such, the development can occur under the provisions of the GPDO, should it be within the relevant conditions and limitations.

Development is not permitted by Class E if -

(a)permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The dwelling was not granted permission via the relevant Classes, therefore the scheme conforms with (a).

(b)the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)

The proposed outbuilding would not exceed 50% of the total area of the curtilage of the dwellinghouse.

(c)any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse

The proposed outbuilding would not be situated forward of a wall forming the principle elevation.

(d)the building would have more than a single storey

The building is a single storey.

*(e)the height of the building, enclosure or container would exceed
(i)4 metres in the case of a building with a dual-pitched roof,
(ii)2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or*

(iii)3 metres in any other case;

The scale of the development would be consistent with the requirements of paragraph e.

(f)the height of the eaves of the building would exceed 2.5 metres;

The eaves height is set at 2.5m.

(g)the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The building is not listed.

(h)it would include the construction or provision of a verandah, balcony or raised platform;

No verandah, balcony or raised platform is proposed.

(i)it relates to a dwelling or a microwave antenna

The proposal relates to neither of these.

(k)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

No, the dwellinghouse was not built under Part 20 of this Schedule

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

The planning history of the site was investigated and permitted development rights had not been removed by any previous permissions. The building conforms to the limitations of Part 1, Class E of Schedule 2 of the General Permitted Development Order, 2015.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal is lawful and as such, should be seemed lawful under Delegated Authority.