

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0357-25 **Applicant:** Mr N & Mrs E Robson
Proposal: Siting of Mobile Home to be used as annexe for family member
Location: Glenfirs 39 Stockhouse Lane Surfleet
Terminal Date: 27th June 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

CASE OFFICER ASSESSMENT

Description of Proposal

This is an application for a Lawful Development Certificate to confirm, made under Section 192 of the Town and Country Planning Act, 1990, to ascertain if the siting of a caravan at Glenfirs would be lawful.

The submission is comprised of:

Application form

Site location plan

Block plan

Additional correspondence received 21/04/2025

Site Description

The site is outside of any settlement boundaries within the South East Lincolnshire Local Plan, 2019, and as such can be considered to be within the countryside from a planning perspective. The site is located approximately 160m west of the settlement of Surfleet and approximately 100m north of the river Glen. The site is comprised of a bungalow, constructed of red brick bar a rendered principal elevation. A garage is located to the rear of the site.

Relevant History

H17-0798-10 - Full. Change of use to motor vehicle repairs - B2 use (retrospective). Approved 10/11/10.

H17-0632-16 - Full. Change of use from motor vehicle repairs (B2) to holiday accommodation (C1) including the erection of 2 holiday lodges and demolition of existing workshop. Approved 09/09/16.

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:

Surfleet Parish Council

"Support - no comment"

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

The planning history for the site has been investigated. As detailed within the submission, no planning application was submitted or can be retrieved in relation to the siting of a caravan for ancillary purposes, described within this lawful development application. Subsequently the Local Planning Authority has not granted permission for this development. Permitted Development rights had not been removed by any previous permissions.

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."

Use Class

The Town and Country Planning (Use Classes) Order 1987 (as amended) defines the Use C3 (dwellinghouses) as follows:

"Use as a dwellinghouse (whether or not as a sole or main residence) by-

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)."

The site has previously had permission for change of use to B2 (H17-0798-10), and subsequently the change of use to C1 (H17-0632-16). It does not appear that H17-0632-16 has been lawfully implemented, as the pre-commencement conditions associated with the approval have not been discharged and an examination of satellite imagery does not show the commencement of the works.

Turning to H17-0798-10, it is clear that this permission has been implemented, although it would appear that vehicle repairs have ceased to take place on the site in a commercial capacity. The red line boundary for this application included the whole site; however, Condition 1 states that "the use of the workshop for moto vehicle repairs hereby permitted shall be limited to the occupation of the property known as Glenfirs, Stockhouse Lane, Surfleet". Under the wording of Condition 1 of this permission, there is still a lawful residential use of the site, and the change of use was actually restricted to the workshop. As such, it is not considered that the proposal here would result in a material change of use of the land.

Town and Country Planning Act 1990

Section 55 of the Town and Country Planning Act 1990, under point (1), identifies 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".

With building operations, for the purposes of the Act, meaning: "(a)demolition of buildings; (b)rebuilding; (c)structural alterations of or additions to buildings; and (d)other operations normally undertaken by a person carrying on business as a builder".

Caravan Sites and Control of Development Act 1990

The Caravan Sites and Control of Development Act 1990, under Section 29 (1), details that for the purposes of the Act, caravan means:

"any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include:

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
- (b) any tent".

Assessment

The applicant has applied for a Lawful Development Certificate for a mobile home to be used as an annexe. It is concluded that siting a caravan, should the proposal meet the definition, would not be 'operational development'.

It has been demonstrated that the caravan shall be situated within the land outlined in red within the

submitted site location plan, an area that clearly comprise the residential garden associated with Glenfirs. From the information received, it is clear that the proposal is ancillary to the host and would only be occupied by a relative of the occupants of Glenfirs. Therefore, the proposal is not considered to constitute a stand alone dwelling.

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 supporting evidence into account, it is considered that should the proposed caravan meet the definition of caravan as outlined within the Caravan Sites and Control of Development Act 1960, and the Caravan Sites Act 1968, the proposal would not constitute development as defined in Section 55 of the Town and Country Planning Act 1990. The proposal is therefore considered to be lawful, on the basis that the submitted details clearly express this as a caravan.

Recommendation

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