

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0230-25 **Applicant:** P & S Williams
Proposal: Siting of residential caravan - Retrospective
Location: Irby House Millgate Whaplode
Terminal Date: 12th May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2: Achieving Sustainable Development
Section 5: Delivering a Strong Supply of Homes
Section 9: Promoting Sustainable Transport
Section 11: Making Effective Use of Land
Section 12: Achieving Well-designed Places
Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15: Conserving and Enhancing the Natural Environment
Section 16: Conserving and Enhancing the Historic Environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted on 18th October 2022 for the retention of a residential static caravan on the application site (reference H23-0662-22). In granting consent, condition 02 was attached which states:

The static caravan and any ancillary structures shall be removed from the site at or before 2years from the date of this planning permission and the site restored to its former condition.

The reason for the condition is:

The static caravan is of a temporary design and materials of construction and is only permitted to provide short term accommodation to serve the temporary needs of the applicants. The retention of the static caravan beyond this date would be contrary to Local Plan policy and also harmful to the visual amenity and character of the locality by virtue of its temporary nature and the potential for its fabric to become dilapidated.

This Condition is imposed in accordance with Policies 1,2 and 3 of the South East Lincolnshire Local Plan, 2019

This current application seeks to retain the static caravan. The Planning Statement forming part of the application states consent is sought to retain the residential structure for a further 2years.

Site Description

The application site is part of a former horticultural premises located to the south of a group of building facing Little Lane, in use as commercial premises. A single residential unit, Wesgate House, a Grade II listed building, is located to the north-west, with sporadic linear residential development situated to the east, fronting Mill Gate. The site is open land with an area of hard surface to the north forming an access road which leads onto Mill Gate.

History

H23-0742-16: Proposed log cabins and touring caravan site. Refused 26.09.2016.

H23-0370-17: Log cabins and touring caravan site. Refused 13.06.2017

H23-0260-21: Erection of garden room, play room and store. Refused 09.11.2021

H23-0261-21: Temporary siting of static caravan. Refused 18.05.2021

H23-0733-22: Change of use of grassland to paddock for grazing and erection of stables. Approved 16.09.2022

H23-0662-22: Siting of static caravan. Approved 18.10.2022.

Consultation Responses

Responses Received (Consultation responses between 21st March 2025 to 11th April 2025))

Whaplode Parish Council

No response received.

Environmental Protection Officer

No objections.

Conservation Officer

No objections.

Highway and Lead Local Flood Authority

No objections. The Highway Authority and Lead Local Flood Authority conclude that the proposed development would not be expected to have an unacceptable impact upon the highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk.

Environment Agency

Do not wish to make any comment on the application.

South Holland Internal Drainage Board

Advise the proposed development does not meet the threshold for comment.

Senior Ecologist

No response received.

Environmental Protection Noise and Contaminated Land

No response received.

Private Sector Housing

No response received.

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 one letter of representation has been received, the main planning issues referred to are:

- The caravan is outside of the national planning and is classed as countryside.
- Issues of noise and disturbance at Millgate Estate.

Planning Considerations

The main issues and considerations in this case are:

Principle of Development and Sustainability
Impact on the Character and Appearance of the Area
Impact on Neighbouring Residents and Adjacent Land Users
Highway Safety and Parking
Flood Risk Considerations and Surface Water Drainage
Heritage Considerations
Biodiversity Net Gain

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan, 2019 (SELLP) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment.

The National Planning Policy Framework (Framework) December 2024, sets out the Government's planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; an economic objective, a social objective and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.

Policy 1 (Spatial Strategy) of the SELLP sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 expresses this sustainable framework 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 in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres' with areas of development constraint comprising 'Other Service Centres and Settlements'.

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres and Minor Service Centres and Other Service Centres and Settlement is designated as countryside.

The application site is not located within a defined settlement boundary and is therefore considered countryside for the purposes of interpreting planning policy. Policy 1 of the SELLP states that in the countryside development will only 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 Framework, at paragraph 48, confirms planning law requires that applications for planning permission are to be determined in accordance with the development plan, unless material considerations indicate otherwise.

The 5year housing land supply for South Holland District Council as of 31st March 2025 shows the district council can demonstrate a 6.4year supply of housing land against the Local Housing Needs as calculated using the Standard Method (The Framework December 2024 of 542) as a result the strategic planning policies in the Local Plan are considered up to date. Given that the Council can demonstrate a 5year housing land supply, it falls for the application proposal to be determined in accordance with the development plan unless material considerations indicate otherwise.

Planning permission was granted for the static residential caravan on the site in October 2022 on the grounds of the personal circumstances of the applicant. The consent was limited to a two year period which expired on 18th October 2024.

The Planning Statement submitted as part of the current application states:

Due to reasons personal to the client's, as outlined in the personal statement submitted with the

application, the caravan is still in place, and the applicants are still residing in it. The Planning Statement concludes that the siting of the caravan should be favourable for a further two years given there are no issues with its siting or use

A Personal Statement has been provided by the applicants' outlining their situation and requesting that they are able to stay at the site for at least a further two years.

Whilst the personal circumstances of the applicant are acknowledged, and are a material consideration to be taken into account in the planning balance, it has not been demonstrated that the development is necessary in this location or that it meets the sustainable development needs of the area, as required by Policy 1 of the SELLP. Moreover, there is no bus service running close to the site, and given the distance the static caravan is located from the facilities in Whaplode along with the absence of a footpath along the Mill Gate, it is highly likely that the occupants rely on the private vehicle to meet their most basic daily needs.

The static residential caravan is located in countryside outside a settlement boundary and is not suitably located, with particular regard to the development plan's spatial strategy and site accessibility. The development is therefore not supported by the locational principles of the Spatial Strategy as defined in Policy 1 of the SELLP. Consequently, the development is contrary to the district's growth strategy and spatial intent as set out in Policy 1 of the SELLP.

Impact on the Character and Appearance of the Area

The Framework advises, at paragraph 131, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it 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 landscape surroundings.

It is acknowledged that the site is screened from public vantage points, nonetheless the static residential caravan is located within an open parcel of land and the provision of a residential unit in this location along with the associated paraphernalia would erode the rural character of the area. Moreover, the location of static residential caravan does not reflect the existing character of sporadic residential development in the locality which is principally confined to road frontages.

The retention of the residential caravan would detract from the character and appearance of the area and in this regard would be contrary to the provisions of Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) along with paragraph 187(b) of the National Planning Policy Framework (December 2024) which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Impact on Neighbouring Residents and Adjacent Land Users

The Framework advises, at paragraph 135, development should create places with a high standard of amenity for existing and future users.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The static caravan is set back from the highway and is located sufficient distance from surrounding residential property and commercial premises for there to be no adverse effect on amenity in terms of creating an overbearing or enclosing impact, or loss of light. Whilst the concerns raised by local residents are acknowledged any noise and disturbance created from the site or nearby commercial premises are matters beyond the consideration of this application.

The proposal therefore accords with the provisions of the Framework and Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highway Safety and Parking

Paragraph 116 of the Framework advises that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, considering all reasonable future scenarios.

Policy 2 of the Local Plan states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards required for development proposals.

Vehicular access exists to the site with good visibility onto the public highway, in addition, sufficient parking and turning facilities exist within the site to serve the structure. The Highway Authority and Lead Local Flood Authority conclude that the proposed development would not be expected to have an unacceptable impact upon the highway safety.

The development therefore accords with Policies 2 and 36 of the South East Lincolnshire Local Plan, 2019 and Section 9 of the National Planning Policy Framework, December 2024.

Flood Risk Considerations and Surface Water Drainage

Paragraph 170 of the Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Further stating, where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere.

The site is within Flood Zone 1, defined by the Environment Agency Flood Map, having the lowest risk of flooding. In addition, the hazard mapping within the South East Lincolnshire Flood Risk Assessment indicates that the site is within an area categorised as no hazard if a breach of the flood defence were to occur. The caravan is fixed on an existing base and therefore would not increase surface water flood risk.

The proposal will therefore be made safe for the lifetime of the development and not increase the risk of flooding elsewhere, and accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Heritage Considerations

The Framework, at paragraph 202, advises heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Further stating, at paragraph 212, "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation."

Policy 29 of the South East Lincolnshire Local Plan (2019) advises that to respect the historic legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals are required to conserve and enhance the character and appearance of designated and non-designated heritage assets.

Westgate House, located to the north-west of the application site, situated adjacent to Little Lane, is a Grade II listed building. The static residential caravan is stationed sufficient distance from this building to ensure it does not affect the setting of this heritage asset, the Council's Conservation Officer also raises no objection to the development.

In this regard the development accords with the provisions within the Framework which seeks to conserve and enhance the historic environment, and also accords with Policy 29 of the South East Lincolnshire Local Plan (2019) which requires development proposals to conserve and enhance the character and appearance of designated heritage assets.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is required under a statutory framework introduced under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) and requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply.

A BNG Exemption Statement has been submitted as part of the application which states the caravan has been in place for several years and the development has a zero baseline.

It is acknowledged that the static unit has been in place for a number of years, and that as it is sited on a concrete base it will not impact on onsite linear habitat and impacts less than 25square metres of onsite habitat that has biodiversity value less than zero.

The development therefore meets the requirements of exempt development and is not required to provide mandatory Biodiversity Net Gain.

Planning Balance

The static residential caravan is located in countryside outside a settlement boundary and therefore the retention of the structure on the site would be contrary to the district's growth strategy and spatial intent. Moreover, the siting of the residential unit on an open parcel of land erodes the rural character of the area and does not reflect the existing residential character of the locality, causing visual detriment to the character of the area. These material considerations are afforded significant weight.

The personal circumstances of the applicants' are acknowledged as is the social benefit in providing a residential unit to meet their needs, however, planning permission is granted for the use of the land and as such only limited weight is given to this consideration.

There will be no adverse impact on residential amenity, highway safety or flood risk, to which moderate weight is attached.

However, the material factors afforded limited and moderate weight in favour of the development are significantly and substantially outweighed by the principle of providing a static residential caravan beyond a defined settlement boundary and the effect of the proposal on the character of the area.

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 the above considerations into account the proposal is considered to be contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, along with the identified sections contained within the National Planning Policy Framework, December 2024.

There are no material considerations that indicate the decision should be made other than in accordance with the development plan.

Recommendation

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