
Appeal Decision

Site visit made on 8 April 2026

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th April 2026

Appeal Ref: 6004680

Irby House, Millgate, Whaplode, Spalding, Lincolnshire PE12 6RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by P & S Williams against the decision of South Holland District Council.
 - The application Ref is H23-1058-25.
 - The development proposed is described as 'siting of residential caravan – retrospective'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The residential caravan subject of this appeal is already in situ. Evidence indicates that a two-year temporary permission¹ granted by the Council on 18 October 2022 for its siting, has now time expired. Condition 2 required its removal and the site restored to its former condition on or before 18 October 2024. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for the development, having regard to the spatial strategy and access to local services and facilities; and
 - the effect of the development on the character and appearance of the area.

Reasons

Suitable location

4. Policy 1 of the South East Lincolnshire Local Plan 2011-2036 (2019) (LP) sets out the Council's spatial strategy for the district. It seeks to direct the majority of its growth to (A) the 'Sub Regional Centre' and 'Main Service Centres', reflecting the availability of infrastructure to support growth. Areas of limited development opportunity (B) defined as 'Minor Service Centres', sits below these in the hierarchy, followed by (C) 'Areas of restraint'. At the bottom of the hierarchy, is (D) 'Countryside'. This relates to areas outside of defined settlement boundaries listed in Parts A to C. In the Countryside, Policy 1 sets out that development will be permitted that is necessary to such a location and/or where it can be demonstrated

¹ Ref: H23/0662-22 for Siting of static caravan.

that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

5. It is common ground that the appeal site is located outside of any settlement boundary. Therefore, the proposal falls to be considered against the Countryside (Part D) of LP Policy 1. In this case, no functional need for a countryside location has been pointed out and it has not been demonstrated that it would meet the sustainable development needs of the area, bringing the scheme into conflict with LP Policy 1.
6. The appeal site is not isolated owing to other sporadic development in the vicinity. However, neither does it accord with any of the exceptions contained in paragraph 84 of the National Planning Policy Framework (the Framework), which seeks to avoid homes in the countryside.
7. It is also acknowledged that the appeal site is around 1 mile away from Whaplode, a Minor Service Centre. However, given the lack of both public transport in the area and footpaths leading to the nearest settlement for much of the route, the appellants are wholly reliant on the private car as a means of accessing local facilities and services. This is further compounded as access from the appeal site to the public highway is via an unlit route used by commercial vehicles with no dedicated footway, which occupiers have to navigate. In this regard, the proposal is not representative of a location which is suitable. Neither is it sustainable, as contrary to the Framework, it would not be located where the need to travel would be limited.
8. Consequently, I find that the appeal site is not a suitable location for the development, having regard to the spatial strategy and access to local services and facilities, in conflict with LP Policy 1 and the Framework.

Character and appearance

9. The appeal site comprises flat, open land that forms part of a former horticultural premises in the countryside. It is located to the south of a group of buildings in commercial use, facing Little Lane and west of development fronting Millgate, a rural highway.
10. Along Millgate, development is sporadic, with residential development typically limited to houses fronting the road. The caravan is said to be temporary in nature and is low lying. Set behind development fronting Millgate and Little Lane, the appeal site is not visually prominent in the public realm.
11. Nevertheless, in contrast with the prevailing character of the area, the appeal site constitutes a back land form of development that goes against the grain of residential development in the area and harmfully encroaches into the countryside.
12. Evidence suggests that prior to the caravan being brought onto the site, the glasshouses that once occupied it were removed and it had reestablished as open, agricultural land. Indeed, the site cannot benefit from being considered 'previously developed land' as both the Framework definition and that contained in the LP, excludes land that is or was last occupied by agricultural buildings and because the caravan is not a permanent structure that benefits from a lawful use following the expiration of the temporary permission.

13. Although there are some commercial uses in the area and small pockets of dwellings dotted through the landscape, it remains that the site is predominantly of rural character. For these reasons, whilst the proposal has a limited adverse effect on the landscape and appearance of the area, residential development with its associated domestic paraphernalia is inherently harmful to its prevailing character and represents harmful erosion of the countryside.
14. This is contrary to LP Policies 2 and 3 which, amongst other things, expects sustainable development considerations are met, specifically in relation to character and appearance of the area and that development and design is appropriate to the local area, including upon the landscape character.

Other Matters

15. A Grade II listed building at Westgate House lies to the north-west of the appeal site. I am mindful of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Noting the separation distance from the appeal site, I find that the setting of the building would be preserved by this appeal, a view also shared by the main parties.
16. My attention has been drawn to other developments in the area said to have been granted contrary to the development plan, including a school in Little Lane and for a caravan/lodge/chalet in a neighbouring field with a live-in manager. Limited details have been provided, such that I am unable to undertake any meaningful comparison.
17. The appellants advance that due to their personal circumstances, temporary permission should be granted for the continued siting of the caravan. It is understood that the appellants were long standing landlords of a local Public House until 2020, when their lease was not renewed, rendering them homeless. It is asserted that their situation was worsened by the Covid-19 pandemic, and evidence indicates that they have lived on the site since July 2020.
18. It is stated that, due to advancing age and health issues, the appellants' intention to establish a new business and relocate has not progressed. Although they indicate that alternative accommodation options have been explored, limited evidence has been provided. The request for a temporary permission also lacks clarity, as it seeks two years with reference to a potential further extension. While I am sympathetic to their circumstances, I note that the appellants have now occupied the site for almost six years. They also confirm that their preference is to remain on the site, where they consider themselves settled and content.
19. The static caravan was permitted as an exception, on a short-term basis only, to provide for a short-term accommodation need of the appellants. The Planning Practice Guidance² is clear that it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). To grant a further temporary permission would offer little incentive for the appellants to

² Paragraph: 014 Reference ID: 21a-014-20140306

actively seek alternative accommodation and there is insufficient evidence to persuade me that the personal circumstances will change at the end of a further 2-year period. These factors temper the weight I attribute to the personal circumstances of the appellants to limited.

20. Furthermore, whilst it is asserted that the appellants play a role in security for the site, little evidence is provided such that I can afford this only limited weight.
21. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.
22. I have also had regard to the appellants right to the peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998. Dismissing the appeal would interfere with their rights under both Article 1 of the First Protocol and Article 8. However, these are qualified rights, and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality.
23. I have carefully considered the reasons for the application and the appeal. However, for the reasons I have outlined, I attach limited weight in favour of the appeal scheme to the personal circumstances of the appellant. Furthermore, the harm I have identified is such that dismissal of the appeal is a necessary and proportionate response that would not unacceptably violate the appellant's rights under Article 1 of the First Protocol or Article 8.

Conclusion

24. I have found that the proposal is not a suitable location for residential development, contrary to the spatial strategy of LP Policy 1, and with regards to its access to local services and facilities. The Council can demonstrate the necessary supply of deliverable housing sites, and the development plan aligns with the expectations of the Framework, such that the relevant policies attract full weight.
25. Whilst harm is more limited in respect of appearance, development would still constitute a harmful, uncharacteristic encroachment into the open countryside, contrary to Policies 2 and 3 of the LP. Together the harms attract significant weight and outweigh the limited positive weight I attribute to the appellant's personal circumstances.
26. For the reasons given above, the appeal should be dismissed.

C Walker

INSPECTOR