



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**



## Planning Committee

22 January 2026

### S25/1889

Proposal:	Division of 1no. dwelling into 2no. dwellings. The erection of a porch side extension and 3 x rear extensions.
Location:	16 And 18 Market Place, Folkingham, Lincolnshire, NG34 0SF
Applicant:	Mr Phil Reynolds – South Kesteven District Council
Agent:	Miss Lucy Best – William Saunders LLP
Application Type:	Lawful Development Certificate
Reason for Referral to Committee:	<ul style="list-style-type: none"><li>South Kesteven District Council are the applicant</li></ul>
Key Issues:	<ul style="list-style-type: none"><li>Lawfulness of existing development</li></ul>
Technical Documents:	

#### Report Author

Hannah Noutch, Development Management Planner



01476 406080



H.Noutch@southkesteven.gov.uk

**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Toller**

**Reviewed by:**

Adam Murray – Principal Development Management Planner

8 January 2026

#### Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning & Growth to GRANT the lawful development certificate



**Key**



**Application  
Boundary**



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © South Kesteven District Council (2015) - Licence No. 100018662

## **1 Description of Site**

- 1.1 The application site comprises of Nos. 16 and 18 Market Place in Folkingham, formerly a single residential property that has been divided into two residential properties and has been occupied as such.
- 1.2 The building is a 3 storey Grade II listed building, that has been extended several times, including a single storey side porch extension and 3 x rear extensions which range from single storey to two-storey in scale.

## **2 Description of Proposal**

- 2.1 This application is seeking a Certificate of Lawful Development for the existing development of the subdivision of the singular dwellings into two dwellings and for the 4 extensions.
- 2.2 The extensions included within the development being considered are as follows:
- Single storey porch side extension - small brick porch (approx. 1.5m x 2.5m) with 1no. door opening to the front and 1no. window opening to the rear. Mono-pitch roof. - Forms access to no.18 Market Place
  - Single storey flat roof rear extension - (approx. 3.2 x 4.7m) with 1no. door to the side elevation, and 1no. window opening to each side and 1no. window to rear.
  - Single storey L shaped flat roof rear extension - 1no. door to the side elevation and 1no. window to the side and 1no. window to the rear.
  - Two storey flat roof rear extension - (approx. 4 x 2.5m). 1no. window to rear at ground level, and 1no. window to the side at first floor level.
- 2.3 There is a concurrent listed building consent application under consideration at this site under reference S25/1881, however this application has no bearing on the works being considered as part of this lawful development certificate application.

## **3 Relevant History**

- 3.1 No relevant application history

## **4 Representations Received as a result of Publicity**

- 4.1 This application type does not include public consultation, as it is a matter of fact and degree as to whether the works meet the requirements to be considered lawful. Therefore, there are no representations received as a result of publicity.

## **5 Representations Received**

### **5.1 Parish Council**

- 5.2 No comments or concerns

## **6 Relevant provisions of the Town and Country Planning Act, 1990**

- 6.1 The statutory framework covering "lawfulness" for lawful development certificates is set out in section 191(2) of the Act. In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which express planning permission is not required.
- 6.2 For existing development, in most cases, development becomes immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of operational development;
- within 4 years for an unauthorised change of use to a single dwellinghouse;
- within 10 years for any other breach of planning control (essentially other changes of use).

- 6.3 These time limits are set out in section 171B of the Town and Country Planning Act 1990.
- 6.4 A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.
- 6.5 The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counterevidence.
- 6.6 In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

## **7 Evaluation**

- 7.1 The applicant's submission states that the extensions have been in situ since at least 1999 which can be evidenced from google imaging software. From accessing google imaging, the extensions can be clearly seen as far back as 2005, with the prior imaging to this being unclear. This is considered sufficient evidence that the extensions have been in place in excess of 10 years and therefore the works would be immune from enforcement action from being taken and are subsequently lawful developments.
- 7.2 In terms of the subdivision of the property into two residential properties, both properties have been registered for council tax purposes prior to 1/4/1992, which is the earliest the councils' records go back. Therefore, it can be established that the subdivision of the properties happened in excess of the 10 years required to be immune from enforcement action and would also be a lawful development.
- 7.3 There is no further evidence that would suggest otherwise and therefore, the local planning authority is of the view that all the development included within the description of works are lawful development based on the time of their completion and subsequent immunity from enforcement action as per the relevant legislation prescribes.

## **8 Conclusion**

- 8.1 Taking into account the works described as having been carried out and the available evidence to demonstrate the works were carried out in excess of 10 years from the date of the application submission, the works are immune from enforcement action and are lawful development. It is therefore recommended that a Certificate of Lawfulness for Existing Development is granted.

## **9 Recommendation:**

- 9.1 To authorise the Assistant Director – Planning and Growth to GRANT the lawful development certificate