Planning Inspectorate

Appeal Decision

Site visit made on 15 August 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/A2525/W/25/3363748
The Rising Sun, Pit Lane, Gedney Drove End, Spalding, Lincolnshire PE12 9PJ

- 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 Mr D Salamone against the decision of South Holland District Council.
- The application Ref is H06-0516-24.
- The development proposed is residential development (2no. dwellings).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy;
- the effect of the proposal on the character and appearance of the area;
- whether the proposal would provide appropriate living conditions for future occupiers, with particular regard to the provision of amenity space; and,
- whether the proposal would include appropriate foul water treatment.

Reasons

Living conditions – neighbouring occupiers

3. The appeal site forms part of the rear garden of The Rising Sun public house. It can be accessed from a narrow road, Pit Lane, which runs to the side of the public house. The appeal site is separated from a property called The Old Police House by a narrow private track and there is a mobile home sited on a parcel of land on the opposite side of Pit Lane.

4. Due to the layout of The Old Police House, most of its external amenity space is to the side of the property. There would be views over most of this space, from a short distance, from first floor windows serving the living area and Bedroom 1 in both proposed dwellings. In particular, windows from the proposed dwelling in Plot 2 would be very close to the boundary and would offer views of the area immediately adjacent to the house where the highest level of privacy would be expected. Consequently, the proposal would lead to a harmful loss of privacy for the occupiers of The Old Police House.

5. First floor windows from the kitchen and Bedroom 2 in both proposed dwellings would overlook the full extent of the land where the mobile home is sited from a

short distance. These views would be over the boundary treatment. Occupiers of the mobile home would feel overlooked when inside and when using the external space. As such, the proposal would result in a harmful loss of privacy for occupiers of the mobile home.

6. Windows within the kitchen and Bedroom 2 of both proposed dwellings would also offer views of the rear garden, kitchen, and conservatory of Sunset Bungalow. However, these views would be indirect and there would be a significant distance between these windows and the affected areas. Consequently, occupiers of Sunset Bungalow would experience a loss of privacy, but not to a harmful extent.

7. I note that planning permission[1] was granted for a similar development, and that the development plan has not changed since that permission was granted. Nonetheless, the parties agree that the permission was not implemented and is no longer extant. Although this is a material consideration, I have assessed the proposal before me on its own merits.

8. Whilst the proposed development would introduce a significant amount of development to the appeal site, there would be sufficient separation to neighbouring land to ensure it would not appear overbearing. Likewise, given the separation to neighbouring land, the orientation of the buildings, and the scale of the proposed dwellings, the proposed development would not harmfully overshadow neighbouring land or properties.

9. I conclude that the proposal would have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to privacy. The proposal would be contrary to policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036, March 2019 (LP). These policies indicate that development will be permitted provided that sustainable development considerations are met, specifically in relation to the impact on amenity, amongst other matters. It would also be contrary to paragraph 135 of the National Planning Policy Framework (the Framework) where it indicates that decisions should ensure that developments create places with a high standard of amenity.

Character and appearance

10. The area is characterised by residential development of varying design. In proximity to the appeal site are several detached properties set within spacious grounds, but there are also semi-detached and terraced properties with much higher footprint to plot ratios. Most buildings on Pit Lane are set back from the road by a short distance. They are also largely rendered, although there are many examples of red brick buildings within the village. Due to the modest scale of development within Gedney Drove End and the varying designs of buildings, the area has the character of a village which has organically grown over time.

11. The footprint to plot ratio of the proposed development would be high in comparison to most of the surrounding properties and there would be limited circulation space around the dwellings. Nonetheless, the proposed dwellings would appear similar to others in the area which address the road from a short distance. Furthermore, the proposed footprint to plot ratio would not be dissimilar to some of the smaller properties within the village.

[1] Planning permission Ref. H06-1034-20

12. The proposal would erode the open character of the appeal site by introducing built development to a largely undeveloped site. However, the development of two red brick semi-detached dwellings would assimilate with the appearance of other dwellings within the village. Overall, the proposal would continue the pattern of development along Pit Lane and would appear congruous.

13. I conclude that the proposal would not have a harmful effect on the character and appearance of the area. In this regard, it would comply with LP policies 2 and 3 where they indicate that design which is inappropriate to the local area will not be acceptable, amongst other matters.

Living conditions – future occupiers

14. As above, the footprint to plot ratio of the proposed dwellings would be high. Consequently, the proposed dwellings would only have a modest amount of external amenity space. Nevertheless, there would be sufficient space to support the day to day needs of future occupiers including to sit outside and dry clothes.

15. Bedroom 3 within both proposed dwellings would be narrow as you enter the room from the living area. However, it opens up toward the front elevation and there would be sufficient space to accommodate a bed and storage. No local space standard has been provided and there is no evidence that the room sizes would not comply with the Nationally Described Space Standard[2]. As such, the rooms would be of an appropriate size.

16. I conclude that the proposal would provide appropriate living conditions for future occupiers of the proposed development, with particular regard to the provision of amenity space. In this regard, it would comply with LP policies 2 and 3 where they indicate that development proposals will demonstrate how residential amenity will be secured, amongst other matters.

Foul water treatment

17. The evidence submitted to support the proposed foul water treatment is limited. In particular, only one trial hole and one percolation test were undertaken. Also, the Environmental Study[3] does not provide a characterisation of the ground where the soakaway is proposed. Accordingly, the evidence to support the proposed foul water treatment is not robust and further evidence is required.

18. Notwithstanding the above, the evidence submitted with this appeal indicates that the proposed foul water treatment may be feasible. Furthermore, there is no evidence before me to indicate that a connection to the public foul sewerage network on Main Road would not be feasible. Therefore, multiple potentially feasible solutions to treat foul water exist.

19. Paragraph 56 of the Framework is clear that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. In this instance, the proposed foul water treatment is not supported by robust evidence; as such, it is not acceptable. As above, there are multiple solutions none of which have been deemed to be unfeasible. Therefore, a condition could be attached to a planning permission requiring details of the proposed foul water treatment to be submitted to and approved in writing by

[2] Technical housing standards – nationally described space standard, March 2015
[3] Stage One Environmental Desk Study, Report No 20-12-02, 20 December 2020

the local planning authority prior to the commencement of works. This would ensure that foul water would be treated and disposed of appropriately.

20. I conclude that, with a condition, the proposal would include appropriate foul water treatment. The proposal would comply with LP policies 4 and 30 which indicate that development within an area at risk of flooding will be permitted where it demonstrates that adequate foul water treatment and disposal can be provided, amongst other matters. It would also be in accordance with Section 14 of the Framework where it indicates that applications which could affect drainage should incorporate sustainable drainage systems, amongst other matters.

Other Matters

21. Based on the evidence, The Rising Sun public house is currently vacant. The appellant contends that the only way it could be made viable would be as a result of further investment raised by the proposed development. However, there is no substantive evidence before me to corroborate this position. As such, very limited weight is given to this as a benefit.

22. The proposal would comply with several LP policies and would be in accordance with various sections of the Framework, as highlighted by the appellant within their Appeal Statement. There would be many benefits of the proposal including the provision of two new homes which would increase the population in the area and support the ongoing viability and vitality of local services. There would also be economic benefits associated with the construction period and environmental benefits including the provision of a biodiversity net gain. However, the benefits of the proposal do not outweigh the harm identified above.

Conclusion

23. The proposal conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR