



Appeal Decision

Site visit made on 24 February 2026

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2026

Appeal Ref: 6002149

The Poplars, Chapel Drove, Holbeach Drove, Spalding PE12 0PT

- 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 Mark Rumble against the decision of South Holland District Council.
 - The application Ref is H09-0473-25.
 - The development proposed is the demolition of existing derelict dwelling and construction of detached 3 bed 1.5 storey self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following consultation on whether the appeal should be dealt with by way of a Hearing, the parties agreed that the written representations procedure was appropriate. I have no reason to take a different view and the comments received have been taken into account in my decision.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy, including the effect of the proposal on the character and appearance of the area.

Reasons

Whether Abandoned and/or Derelict

4. The appeal site lies within the countryside, outside of any defined settlement boundary. Policy 22 of the South East Lincolnshire Local Plan (SELLP) 2019, permits replacement dwellings in such locations where 6 criteria are satisfied. The parties do not dispute the proposal's compliance with criterion 3 and 5. Therefore, I will contain my consideration to the remaining criteria. Criterion 1 requires that the residential use of the building to be replaced (the original building) has not been abandoned. Criterion 2 requires that the original building is permanent, has not become derelict and is not the result of a temporary permission.
5. The parties dispute the current condition and use of the 'existing dwelling.' The appellant accepts its poor state of repair but maintains that the residential use has not been abandoned. Reference is made to the Panton and Farmer and Trustees of Castell-y-Mynach Estate judgments, which set out the considerations relevant to whether a use has been abandoned or is merely dormant¹.

¹ Panton & Farmer v SSETR & Vale of White Horse DC [1999] JPL 461 and Trustees of Castell-y-Mynach Estate v Taff-Ely BC [1985] JPL 40.

6. The 'dwelling' was last used as such approximately 30 years ago, when the family were rehoused next door at Demosa Lodge due to subsidence. Since then, the 'dwelling' is said to have been used as a storage building for the farm including the storage of agricultural machinery and as a drying shed for flowers. I am told that 6 years ago the 'dwelling' had '*stopped being used... as the subsidence had become so bad it was unsafe.*' Since 2024 part of the rear section of the 'dwelling' is said to have been brought back into use following the rebuilding of walls, new windows and outside toilet.
7. However, there is no substantive evidence by way of documents, council tax records, photographs or sworn declarations to support the brief, generalised statements made by the appellant. Neither is it clear what the intentions have been in relation to the C3 dwelling use since the family were rehoused, given the intervening agricultural use that appears to have occurred for a significant period of 24 years. I am not satisfied that the caselaw 'tests' would be met.
8. Likewise, there is no specific information regarding when the existing static caravan was sited on the land and how it has been occupied for residential purposes. Although I note the Council's pre-application advice in 2019 concerning the temporary siting of a caravan, it is not clear what material informed that advice, particularly given the Council's acknowledgement that the dwelling was already considered to be abandoned and in disrepair at that time. Nonetheless, I am mindful that pre-application advice cannot pre-empt the democratic decision-making process or a particular outcome in the event that a formal planning application is made². There is no planning history to indicate that the matter was progressed via a formal application. In any case, criterion 1 of Policy 22 requires the residential use of the building to have not been abandoned, rather than the residential use of the site.
9. There is no certificate of existing lawful use or development before me and it is not for me as part of this s78 appeal to determine the lawful use of the 'dwelling' or the wider appeal site. Given the lack of evidence regarding the lawful use, I cannot be satisfied that the appeal site constitutes previously developed land as defined within the Framework³.
10. Policy 22 does not define the term derelict. However, paragraph 5.14.3 of the supporting text explains that where a building has been demolished or has collapsed, or where because of its state of dereliction any new building work would in effect be creating a completely new dwelling in the countryside, its replacement would not be permitted. Dictionary definitions explain that derelict is used as an adjective to describe something that is in a very poor condition or disrepair, as a result of disuse and neglect.
11. The appellant's own evidence refers to the 'derelict dwelling'⁴. In his statement of case, the appeal site is described as '*overgrown and the former dwelling mostly demolished.*' However, it goes on to suggest that the 'dwelling' is only semi-derelict because part is in use as a workshop/garage. When the 'dwelling' ceased to be used completely 6 years ago, the roof joists and various walls were removed. The appellant's statement written in December 2025 also states that, '*last year a main corner window joist and wall collapsed.*' Last year is taken to mean 2024.

² Paragraph: 011 Reference ID: 20-011-20140306 of the Planning Practice Guidance.

³ Annex 2: Glossary.

⁴ This includes the references to a derelict dwelling in the description of development and existing use on the submitted planning application form and within the design and access statement document.

12. During my visit I observed that the dwelling was in an advanced state of collapse and neglect. Large areas of external and internal walls were missing and those that remain are cracked or leaning, there was no roof or windows, and vegetation was growing within the structure. Clearly it could not be used as a dwelling as it does not contain even the basic facilities for day-to-day existence such as external walls and a roof. The provision and occupation of a caravan for residential purposes by the appellant, provides a further indication that the existing 'dwelling' cannot support normal day-to-day living conditions.
13. I also observed the workshop/garage which appears as an outbuilding, located in the area shown on the submitted plans as the former kitchen of the 'existing dwelling.' Its condition prior to rebuilding and reuse is unknown. Given the limited information regarding the agricultural and nil use of the 'dwelling' over the last 30 years (or at least until 2024), it is not clear whether the works to form the outbuilding would have required planning permission. Even if this has been used for storage or workshop purposes, it represents only a very small proportion of the 'dwelling' of which its overall condition, clearly reflects prolonged disuse and physical dereliction.
14. Taking all of this into account, I find that the 'dwelling' has become derelict and the proposal conflicts with criterion 2 of Policy 22. It has also not been demonstrated that the residential use has not been abandoned as required by criterion 1.

Character and Appearance

15. Chapel Drove contains limited, sporadic housing development fronting the road, interspersed with agricultural fields. Dwellings vary in age and design but they are either bungalows or 2-storey houses with simple planforms, symmetrical dual-pitched gabled roofs with chimneys and are of a modest scale (the recent dwelling at Rosedale Farm being an exception to this). The spacing between dwellings ensures that the undeveloped rural character remains dominant. The largely collapsed 'dwelling,' whilst not visually attractive, has a limited and unobtrusive presence.
16. The proposal would introduce a chalet-style dwelling, typical of that found within suburban contexts. The plans indicate a steeply pitched and asymmetrical roof form, with lowered eaves providing a type of covered veranda along the majority of the front elevation. The 2-storey front gable feature would have lowered eaves whilst the front dormer window would have eaves raised above the window lintel, resulting in a top heavy and oddly proportioned roof feature. A similarly incongruous and awkwardly positioned half dormer would also be sited at the rear.
17. The appellant refers to nearby buildings with asymmetrical roofs, but none were apparent during my visit, and the Council confirms that the dwellings of Sunny Holme and Demosa Lodge have consistent eaves lines. Dormer windows and deeply overhanging eaves/front veranda features are not characteristic features locally. Whilst new development does not have to slavishly replicate those of neighbouring buildings, it should respond positively to the wider existing context, regardless of whether it is located within a Conservation Area. The design would appear contrived and at odds with the prevailing character of the area.
18. Even if I could consider the appeal site to constitute an eyesore, I am not satisfied that the proposed dwelling would be of a high standard in terms of architectural detailing and materials of construction, as required by criterion 4 of Policy 22. Whilst the choice of materials could be controlled via a planning condition on any

approval, they would not mitigate the harm arising from the specific design and form of the proposed dwelling. For these reasons, I find that the proposal would have an adverse effect on the character and appearance of the area such that it would not comply with criterion 4 of Policy 22.

Size

19. Criterion 6 of Policy 22 requires replacement dwellings to not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency. Neither party has provided a calculation of the additional floor area proposed. It is unclear whether the 'existing building' shown on the submitted plans reflects the dwelling as originally built. Given that there are variations in the external material finishes on the front and rear sections it is not clear whether the rear wing was formed via a later extension and thus whether it should be excluded from the floor area calculations. I cannot therefore be certain that the proposal complies with this criterion. Having said that, the Policy does not preclude replacing a bungalow with a 2-storey dwelling if the floor area threshold and the remaining criteria are met.

Conclusion – Main Issue

20. I have found the dwelling to be derelict and that the proposal would have an adverse effect on the character and appearance of the area. Moreover, it has not been demonstrated that the floor area would not exceed 40% of the original dwelling or that the residential use has not been abandoned. As the proposal would fail to meet all of the 6 required criterion, the proposal would conflict with Policy 22 of the SELLP. This policy seeks to ensure that proposals for replacement dwellings outside of defined settlement boundaries do not harm the character of the countryside. Even if I could determine that the 'dwelling' had not been abandoned, conflict with Policy 22 would still arise as all 6 criteria have not been met.

Other Matters

21. It is not disputed that the Council can demonstrate a 5-year supply of deliverable housing sites. Although national policy does not prevent additional housing coming forward in such circumstances, Policy 1 of the SELLP reflects the Framework's aim of balancing the delivery of new homes with the need to safeguard the intrinsic character of the countryside. Policy 1 states that new development will only be permitted in the countryside, where it 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.
22. I understand the appellant's associations with this area and their family's 'estate,' including 10 acres of mixed woodland orchard and meadows. Be that as it may, the proposal has not been put forward as a rural workers' dwelling and there is no substantive evidence that managing the land requires someone to live on site. Such activities are likely to be capable of being carried out by someone living off-site. Although it would be convenient for the appellant to reside near to the land and their relative to provide care, this would be a personal benefit. Thus, it has not been demonstrated that the development is necessary to this location.
23. The appeal site lies around 250m from Holbeach Drove, defined as an 'other service centre' within Policy 1. The Council's housing strategy directs new residential development to defined settlements, with countryside locations

considered the least sustainable and reserved for specific development types. Being located in walking or cycling distance of a defined settlement is not one of the 6 criteria of Policy 22 for replacement dwellings.

24. Although national policy encourages the vitality of rural communities, it also requires development patterns to minimise the need to travel. Chapel Drove is a single-track, unlit road with no footpath to Holbeach Drove. Services within the village are limited. Whilst walking and cycling may be possible during the day, it is likely that future occupiers of the proposed dwelling would be rely on a car to meet their everyday needs, including access to supermarkets, schools, doctors etc. In this context, the proposal would reinforce a pattern of dispersed development at odds with the settlement hierarchy and the Framework's objectives to reduce the need to travel by car. This view is supported by the appellant's own comment that without the proposed dwelling, their relative living nearby '*would become quite isolated...due to the isolation and lack of community care available*⁵.' The proposal would not constitute sustainable development and the proposal would conflict with Policy 1 of the SELLP such that this attracts limited weight.
25. The proposal is described as a self-build dwelling which has a specific legal definition under the Self-build and Custom Housebuilding Act 2015⁶ (the Act). It is not clear from the evidence whether the appellant is on the Council's self-build register. Nonetheless, they have suggested that the proposal could be secured as a self-build dwelling through the imposition of a planning condition as per a previous appeal decision⁷. That example was in a different local authority area and therefore a different development plan context.
26. In any event, I am not persuaded that planning conditions relating to self-build would meet the tests set out within paragraph 57 of the Framework. A more appropriate mechanism to secure the dwelling as a self-build would be through a s106 planning obligation or unilateral undertaking, given the complexities around future ownership and occupation. I note this view is shared by the Council. No such mechanism has been provided. Consequently, the delivery of a self-build dwelling could not be guaranteed.
27. Even if a condition could be imposed, the Council confirms that it has exceeded the registered demand for self-build housing. This has not been contested by the appellant. Without any specific evidence to the contrary, it appears that there is no unmet demand for such housing. Moreover, it has not been demonstrated why the proposed development requires a rural location as an exception to the provisions of the development plan. This matter attracts limited weight.
28. Reference is made to 2 approvals for residential development elsewhere on Chapel Drove. The permission for 4 dwellings granted in 2023, is understood to have been located within the defined settlement boundary of Holbeach Drove⁸. In the case of the 2-storey dwelling at Rosedale Farm, the existence of a prior approval for the conversion of a barn to a dwelling, provided a fallback position that carried weight in the decision⁹. I am satisfied that the circumstances of those developments differ materially from the proposal. Nor do they demonstrate that housing on Chapel Drove is, in general, in a sustainable location.

⁵ As cited at within page 14 of the appellant's appeal statement.

⁶ As amended by the Housing and Planning Act 2016.

⁷ Appeal Decision APP/F2415/W/22/3303898.

⁸ Planning application reference H09-0670-22.

⁹ Planning application reference H09-0021-23 permitted under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

29. For permitted development (PD) rights under Schedule 2, Part 1, Class A of the Town and Country Planning Act 1990 to apply, a dwelling must exist. Given my findings in relation to the derelict state of the 'dwelling' and the uncertainty around the lawful use of the site, I am not satisfied that such rights exist. Even if they did, there is no roof in situ and the walls have often collapsed or been removed to below eaves height. The PD rights are clear that the height of the eaves and height of the dwelling improved or altered, should not exceed the height of the eaves or highest part of the roof of the existing [my emphasis] dwelling. As there is currently no roof, the installation of one would automatically fail the PD criteria.
30. Many of the remaining walls were cracked to ground level or were separating structurally. In the absence of a structural engineers report which confirms that the subsidence issue can be resolved and the existing remains of the 'dwelling' can be retained and stitched into new walls, I am not convinced that it can be realistically 'renovated' or 'repaired.' This is especially with the financial challenges referred to by the appellant. Indeed, the appellant's design and access statement written by an architect, refers to repair not being possible and that, *'the existing dwelling is... unable to be renovated to today's housing standards.'* It would appear that a complete rebuild would be required, which would be easier and more cost effective than repair. For these reasons, I do not consider that a fallback position with a realistic prospect of implementation exists. This does not affect my findings.

Planning Balance and Conclusion

31. The proposal would provide an energy efficient self-build dwelling said to have a low carbon footprint. However, the benefits to the environment are likely to be low given only one dwelling is proposed. I have found that there is no realistic fallback position in repairing the existing building and that it has not been demonstrated that there is a need for an additional dwelling to serve the needs of the 'estate.' These matters attract no more than limited weight.
32. I have some sympathy with the appellant's position as there was a dwelling on this site historically. However, planning decisions have to be made in accordance with the local plan adopted at the time. It is ambiguous as to whether Demosa Lodge already formed the replacement dwelling circa 30 years ago, or whether it was already constructed at that time. Irrespective of this, the proposal fails to comply with all 6 clearly defined criteria of Policy 22 of the SELLP for replacement dwellings in the countryside. It would also conflict with the Council's spatial strategy for housing, contrary to Policy 1 that seeks to direct housing to sustainable locations. The proposal would therefore undermine the integrity of the development plan and the ability of the Council to deliver a plan-led approach to development. This harm carries significant weight.
33. I have had regard to the presumption in favour of sustainable development but this does not displace the primacy of the development plan. Permission should not normally be granted where a proposal conflicts with an up-to-date development plan, unless material considerations indicate otherwise. In this case, the limited weight attributed to the benefits of the proposal would not outweigh the significant harm to the housing strategy including the adverse effect on the character and appearance of the area. For these reasons, the appeal is dismissed.

M Clowes - INSPECTOR