Planning Inspectorate

Appeal Decision

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2026

Appeal Ref: 6005428
Land Off Nutts Lane, Holbeach St Johns, Spalding, PE12 8RP

- 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 & Mrs K Baxter against the decision of South Holland District Council.
- The application Ref is H09-0557-25.
- The development proposed is the erection of new innovative self-build dwelling and detached annexe building to provide architectural studio.

Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs made by Mr and Mrs Baxter against South Holland District Council is the subject of a separate decision.

Preliminary Matters

3. On 17 August 2026 the Government published the new National Planning Policy Framework (the Framework). The main parties were provided with the opportunity to comment on any implications of the new Framework, and I took the forthcoming submissions into account.

4. The appeal is accompanied by a completed unilateral undertaking (the UU) which the appellant states would secure the status of the scheme as a self-build dwelling pursuant to the definition in the Self and Custom Housebuilding Act 2015 (the 2015 Act) as amended. The Council has accepted this, and nothing has been put forward before me to dispute that the UU would take effect as suggested. I have therefore determined the appeal on the basis that the proposal is for a self-build dwelling.

5. The Council's fifth reason for refusal relates to flood risk and the absence of a completed sequential test. The appellant undertook to provide evidence on this matter at the appeal, and subsequently the Council withdrew this reason for refusal. I therefore had no further regard to this issue when assessing the proposal.

6. In September, after the hearing had closed, the Council published the updated South Holland District Council 5-year Housing Land Supply Assessment. It identifies that the Council can only demonstrate a 4.6-year supply of deliverable housing sites. I took this document into account in making my decision.

7. There is a dispute between the main parties as to whether the architectural studio would be an annexe to the dwelling. It is relatively big and contains several desks and seating areas, a separate parking area and largely a separate access. By the appellant's own volition, it would attract non-resident staff. However, credible reasons were put to me at the hearing as to why it is designed the way it is, with

different desks providing different functions, and that non-residential staff at the site would be limited. A condition could be used to ensure that the landscaping allowed for direct external access between the dwelling and the proposed studio.

8. Ultimately, the starting point is to consider the proposal as has been applied for. The description of the development is precise in describing that the studio would operate as an annex and so in a manner that would be subordinate to the dwellinghouse. It that did not transpire, and so a material change of use was to result, then a separate grant of planning permission would be required. The building would be at risk of enforcement action if such permission were not to be granted. Given such, I have decided the appeal on the basis that the studio would operate as an annexe for purposes incidental to the proposed dwellinghouse.

Main Issues

9. In light of the foregoing, the remaining main issues are:

- the suitability of the site for the proposed development, having regard to local and national policy for the supply of housing with reference to the accessibility of services and facilities;
- the effect of the proposal on archaeology;
- the effect of the proposal on the character and appearance of the area; and
- whether the Council has a sufficient supply of self-build plots.

Reasons

10. The appeal site is part of a large arable field within the open and rural landscape of The Fens. The site is accessed from Nutts Lane to the east and bound by the dwelling Appledore to the north. There are sporadic and discrete groupings of dwellings along Nutts Lane, but there are open fields directly to the west, east and south of the appeal site. The nearest settlement is modest Holbeach St Johns, to the southeast. The somewhat larger settlement of Whaplode St Catherine is around 0.8 miles to the north of the appeal site. Its physical envelope begins at the north end of Nutts Lane from where it spreads along Raven's Bank to the west.

Spatial Strategy

11. Policy 1 of the South East Lincolnshire Local Plan 2011-2036 (adopted 2019) (the Local Plan) sets out a spatial strategy for development across several local planning authorities including South Holland, Essentially, its sets out a hierarchy of preference for the locations of growth, with most development directed to the sub-regional centres at the top, with the various settlements then descending in their quality of service provision, with the designated countryside at the bottom. The appeal site is within the designated countryside for the purposes of the Local Plan.

12. Part D of Policy 1 states that development in the countryside will be permitted where it is necessary to such a location and/or where it can meet the sustainable development needs of the area in terms of economic, community or environmental benefits. The supporting text to the policy helps one to understand that 'necessary' relates to functional necessity. Policy 17, together with its supporting text, make clear the Local Plan's intention for self-build housing to be delivered in the same manner as market housing, pursuant to the spatial strategy. It follows that there is no necessity for the proposal to be in the countryside in the Local Plan's terms.

13. This leads me to the second limb of Part D. There has been much discussion as to what this part of Policy 1 means, with a focus on the word 'area', which is not further defined. However, given its placement in the 'countryside' part of Policy 1, and the policy's reference to 'community' benefits, I interpret the relevant 'area' to be one that is locality specific. It would run counter to the general approach of the spatial strategy for it to place the countryside at the very bottom of the hierarchy, but then nonetheless open the countryside up to any form of development that may meet any general community, environmental or economic benefit, and at any scale. In my experience almost every development does that in some respect. It would equally be at odds with the thrust of the spatial strategy for it to introduce a form of 'planning balance' exercise at its least desirable location for such an exercise.

14. Conversely, it is far more rational to conclude that, within the least desirable locations for development, a development proposal, be it for self-build housing or indeed something else, may only be in accordance with Part D of the strategy where it addresses specific local circumstances. This chimes with the supporting text within paragraph 3.2.15, where it refers to location specific agrarian and forestry diversification, tourism, and enhanced access to waterways and the coast.

15. The promoted environmental and economic benefits of the scheme are not location specific; rather, they are general and could essentially be applied anywhere. The appellants' clients may well be largely rural, but clients change and where they are based naturally also changes. Whilst there is a possibility that the construction phase could use local companies for labour and/or materials, these benefits would be time limited, and I cannot be certain they would come to pass in any event.

16. Clearly the appellants would work locally and live locally, supporting local facilities and reducing the need to travel for work. The scheme is designed to function well to fulfil their needs. However, these benefits would also accrue if the development was located somewhere else. The purported community benefits are general social benefits. The proposal relates to the use of the land, and the future ability of the appellants to deliver projects that raise design standards locally is not something I can control. Addressing the general need for self-build housing in South Holland is not a local community benefit as envisaged by the spatial strategy.

17. Turning to accessibility, the site is not isolated, but that does not necessarily mean that it is sufficiently accessible. The Framework, for developments such as this that would not generate significant transport movements, directs the decision maker to have regard to the national Connectivity Tool alongside other relevant quantitative or qualitative evidence. Proposals should support good access to facilities to limit the need to travel, including through the development's location. In the same vein, Policy 3 of the Local Plan states that proposals should demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where relevant.

18. The area around the site is characteristically flat. Having walked it extensively, I found the carriageway narrow and exposed, with ditches often to the sides. I noticed a general absence of street lighting. Given the straightness of Nutts Lane and the connecting roads, I experienced vehicles travelling quite quickly, to the point that I did not feel adequately safe within such a constricted environment. Given also the fair distance to bus stops and the closest facilities, which are limited (or 'village-scale'), walking and to a lesser extent cycling, even for recreation or access to bus services, would not be genuine transport options for most future residents.

19. This disconnect from services would be tempered by the Call Connect bus service. However, despite its novel credentials, it requires prebooking and does not operate on Sundays nor much into the evenings. It lacks the attractive spontaneity, comfort and uncomplication that comes with instantaneous private travel. Delivery services are a personal choice and also involve multiple vehicle trips in their own right. As such, whilst I recognise that rural areas are generally less well serviced than urban ones, residents of the dwelling would simply opt to use a private vehicle for the vast majority of trips in this case. This is borne out by reference to the Connectivity Tool, which, in the context of rural South Holland, places the site at level G on a metric between A and J, with A being the most accessible location and J being the least.

20. Drawing this issue together, I conclude that the site would not be suitable for the proposed development, having regard to local and national policy for the supply of housing with reference to the accessibility of services and facilities. The proposal would conflict with the respective spatial and access requirements of Policies 1, 2 and 3 of the Local Plan, and the accessibility requirements of the Framework.

Archaeology

21. Policy HE5 Part 5 of the Farmwork states that where a scheme has the potential to involve a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and where necessary a field evaluation. These should be used to help understand the asset's significance and the potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development. Policy HE10 goes on to say that heritage assets with archaeological interest should be preserved in situ where feasible.

22. Whilst it is more common for intrusive field work to be carried out following the granting of permission through a condition, plainly there are occasions where it is necessary for such work to take place before that. In this case the site is in an area of high roman archaeological potential and possibly located within an infilled palaeo-river or roddon crest, which are the highest and driest areas in The Fens which tended to attract ancient settlement. This potential is reflected by the Council's Historic Environment Record (HER) which holds numerous records relating to possible Roman activity in the wider area.

23. Importantly these records include MLI22200, which sits partly within the northern section of the appeal site. As a non-designated heritage asset, MLI2200 covers a large area of Romano-British cropmarks, and includes possible Roman settlement, Roman era field systems, drove roads and possible hut circles. Interestingly, Roman pottery has been discovered within MLI2200 beyond the appeal site. Likely crop marks on the appeal site itself are clearly visible on the aerial photography which accompanies the appeal. At the very least this evidence indicates moderate potential for Roman archaeology to be present under the appeal site.

24. Whilst the geophysical survey undertaken on the appeal site has not indicated any anomalies that could be associated with Roman activity, the appellants' own evidence equally identifies that non-intrusive techniques cannot conclusively demonstrate the absence of archaeological remains. It is couched in places in equivocal language and further accepts that fenland environments can support the survival of archaeological features below the level of plough activity. At the hearing the Council's expert archaeological advisor identified that the potential archaeology on the site could not be ruled out to be of schedulable quality, which would or

should influence any initial design response. Given the known Romano-British activity in the wider area, this is a credible and proportionate stance to take.

25. The scheme seeks only a dwelling, but it would be relatively sprawling with its large annexe. It would bring the risk for direct physical impacts to this potential archaeology during construction, with groundworks liable to expose, damage and destroy the currently unknown archaeological remains. Even small developments have the potential for significant effects when the extent of archaeological potential is not properly understood. Equally, cropmark formation is highly variable, and so an absence of archaeological discoveries elsewhere where cropmarks were apparent does little to allay the potential for archaeology under the appeal site.

26. It follows that without further, more proportionate intrusive investigations, the potential for archaeology of high significance within the site to be affected by the proposal is unacceptably unresolved. The appellants have not undertaken work sufficient to understand the potential impact on the significance of MLI2200. This leads me to conclude that the proposal would have an unacceptable effect on archaeology. It would conflict with the relevant aims of Policy 29 of the Local Plan, and the heritage aims of the Framework, specifically Policy HE5 5 where it states that where necessary a field evaluation should be used to help understand the asset's significance and inform the design of a proposed development.

Character and appearance

27. The site and the surrounding area are within National Character Area 46: The Fens (the NCA). The NCA identifies the key characteristics of The Fens to include, amongst other things, its expansive, flat, open, low-lying wetland landscape influenced by the Wash estuary, offering extensive vistas to level horizons and huge skies throughout, providing a sense of rural remoteness and tranquillity.

28. However, it also refers to scattered farms remaining as relics of earlier agricultural settlements, and twentieth century bungalows. Shelterbelts of poplar, willow and occasionally leylandii hedges shield housing from the prevailing wind which sweeps across the flat landscape. These sporadic clusters of human settlement are therefore also characteristic of The Fens, and notably they punctuate Nutts Lane.

29. Given that the site is open arable land, it makes a positive contribution to the NCA. The development of the site would invariably harm the landscape in this respect. However, I do not share the Council's view that the design of the scheme lacks a sense of place. Quite the opposite. I understand that the homes along Nutts Lane formed from small land holdings, and they share a modern understated design, keeping low profiles with simple embellishments complemented by modest barn like outbuildings. The design of the scheme takes skilful and gentle reference from these forms and seeks to replicate the characteristic placement of shelterbelt planting along the south boundary, retaining an open frontage to the highway.

30. Whilst, in employing established and evidence-based design techniques, the design of the dwelling is not in my view 'exceptional', it is nonetheless compellingly thoughtful and high quality. These credentials ensure that it would essentially amount to a small and sympathetic change, where the harm through the loss of the open field would be balanced out by the provision of a dwelling which would integrate well with to the existing dwelling typology along Nutts Lane. The harmonious balance of open countryside and sporadic human settlement which characterises Nutts Lane would be maintained.

31. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design and landscape aims of Policies 2 and 3 of the Local Plan and the Framework.

Self-build

32. Self-build and custom-build housing (hereafter for the sake of brevity 'self-build') is defined by the 2015 Act as housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. The Act requires planning authorities to publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for self-build.

33. The Housing and Planning Act 2016 added to this a duty for these authorities to grant enough permissions to meet the demand for self-build in the plan area for specific base periods over the following three years. Importantly, Section 123 of the Levelling Up and Regeneration Act 2023 amended section 2A of the 2015 Act to now mean that unmet demand from earlier base periods remains relevant where the compliance period has expired and the duty has not been met.

34. The onus is on the Council to demonstrate compliance with its duty. The cumulative need for self-build in South Holland as of the agreed final date of October 2025, taking into account the three-year period for compliance, is 83 plots. Regardless of subsequent events including changes to the register, the need as existed in October 2025 is the clearest fixed point at which to assess the extent of supply. A failure of the Council to demonstrate it has met the need is a material consideration.

35. The Council's most rigorous evidence on this subject is the South Holland District Council Self and Custom Build Register (2025, updated in 2026) (the report). I am mindful of the Government's Planning Practice Guidance (the PPG), which devotes a paragraph to how authorities can record suitable permissions as follows:

    The legislation does not specify how suitable permissions must be recorded. However, the following are examples of methods a relevant authority may wish to consider to determine if an application, permission or development is for self-build or custom housebuilding:

    - *Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout;*
    - *Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout; and*
    - *Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development.*

36. The important word in the first two examples is 'clear'. As was explored at the hearing, there are inherent practical difficulties in using conditions to enforce against the conduct of specific individuals rather than the use of the land. This makes it more likely that a scheme for self-build housing must be accompanied by a legal agreement to be secured as such. Simply a stated desire to deliver a home as self-build does not always translate to that outcome, and a BNG exemption does not always bind the developer to fulfil the definition of self-build either.

37. When one bears that in mind, it is challenging to rely on permissions in the report where a planning agreement / undertaking is absent without alternative, compelling evidence of delivery. The report shows that the number of sites secured by such an agreement totals 29. Beyond that, the report only offers any semblance of detail of the permissions granted since 2022, and even then, with an overreliance on the inference that self-build was or will be delivered. In the absence of further detail, the evidence draws the conclusion that the Council has a significant shortfall in self-build delivery against its need. I am also mindful that the self-build register may not account for all interest in an area and so the actual need well may be higher.

38. Policy HO7 of the Framework states that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, and this includes self-build. In light of the evidenced shortfall in self-build plots against demand in South Holland, this is the weight that I apply to the benefit of the housing provision in this case.

Planning Balance

39. The Framework identifies that the planning system should be genuinely plan-led and rehearses that planning law requires that schemes should be determined in accordance with the development plan, unless material considerations indicate otherwise. Given the conflict with the spatial strategy, the inaccessibility of the site to services, and the unresolved potential for unacceptable harm to archaeology, the proposal conflicts with the development plan when read as a whole.

40. One of the three tests for a planning agreement / undertaking to be lawful, pursuant to the CIL Regulations, is that it must be necessary to the make the development acceptable in planning terms. This legal requirement creates a difficulty in robustly recording self-build where open market housing would be otherwise acceptable, because in such locations the use of a legal agreement would not be necessary.

41. However, I do not share the view that this means that self-build must take place in rural or otherwise unsustainable locations. The signed Statement of Common Ground accepts that self-build permissions have been granted within settlement boundaries. A homeowner may fulfil the definition in the 2015 Act if the definition is or was met by their actions. It seems to me, therefore, that this is more an issue with the recording of self-build delivery, rather than an inherent issue with the approach of the development plan to the actual delivery of self-build housing.

42. Nonetheless, as the Council has not demonstrated an adequate supply of self-build housing against demand, it follows that the spatial strategy is not currently meeting the needs of self-housebuilders. Given the latest published housing land supply figure for South Holland, it is not meeting the demand for open market housing either. The new Framework is also instructive. Policy HO5 C is clear that plans must now identify sites which can provide specific types of accommodation where there is an identified need, including for self-build. The development plan does not do that but rather seeks to deliver sufficient self-build plots in a more general manner. Given such, the conflict with the spatial strategy attracts very limited weight in this case.

43. However, the conflicts that would arise in relation to the accessibility of services and archaeology cut across the issue, the relevant development plan polices are consistent with the Framework, and attract full weight in the balance.

44. Policy S5 of the Framework lists the only certain forms of development that should be approved outside of settlements. Where a proposal adheres to one of the types of development listed in Part 1, it should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the decision-making policies in the Framework. Potentially applicable to this case is Policy S5 J which refers to developments which would address an evidenced unmet need, and where that development would be physically well-related to an existing settlement and of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

45. There is an unmet need for the proposal, as a self-build dwelling and simply as a dwelling. However, the site is clearly in the countryside and does not relate well to Whaplode St Catherine nor Holbeach St Johns from both of which it is visually and spatially well separated. The intervening farmland is a significant severing feature in both cases. I have further found that the local infrastructure would not satisfactorily accommodate the development. It follows that Paragraph J does not apply.

46. As the site is only bound by Appledore, with open countryside to the south stretching almost to the end of Nutts Lane, the scheme would not, by logical interpretation, comprise limited infilling within a group of housing under Policy S5 E. This is unlike the referenced permission for housing at the north end of Nutts Lane by Bracken Barn, which was located in an obvious gap within a group of housing.

47. As this proposal would not conform to any of the given forms of development under Part 1 of Policy S5, one must carry on to Part 4. It goes on to say that a proposal which does not fall within one of the categories should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.

48. In the scheme's favour the Government is seeking to significantly boost the supply of homes, and the diversification of the housing stock through the provision of more self-build housing is an integral part of that. As a secured self-build, the scheme would make a meaningful contribution to addressing the Council's evidenced shortfall in supply, and I have no reason to doubt that it would do so quickly. It would aid the Council in its efforts to meet its duties pursuant to the 2015 Act. Likewise, it would contribute to addressing the shortfall in housing more generally.

49. The appellants run a highly reputable architecture practice; borne out through the quality of the proposal's design and the innovation it adopts. I do not prescribe to the view that to be innovative something must be new; rather a scheme can be innovative if it contributes to innovative design trends. The scheme would do that whilst also raising the standard of design in South Holland generally. Part 3 of the Framework states that substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of a scheme. Separately, there would be various economic and environmental benefits, including biodiversity enhancements, electric vehicle charging, and the negative operational carbon performance of the dwelling once occupied. Overall, the benefits before me should and do clearly attract substantial weight in the scheme's favour.

50. Ultimately however, the evidence directs me to the conclusion that the site is not presently suitable for housing, self-build or otherwise. It is not sufficiently accessible in either the development plan or the Framework's terms. The Framework is also

clear that heritage assets are an irreplaceable resource. The scheme does not allay legitimate concerns about the effect of the development on the potential archaeology under the site. The scale of any harm may be significant, and the value of the non-designated heritage asset may also be significant. It is therefore my judgment that exceptional circumstances are not present. The benefits of the proposal would not substantially outweigh the adverse effects of the development.

51. I therefore conclude that the other considerations before me do not indicate that I should make my decision otherwise than in accordance with the development plan.

Conclusion

52. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jason Parker	Agent
Kris Baxter	Appellant
Rebecca Baxter	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Daniel Allen	Principal Planning Officer
Oscar Patman	Planning Officer
Ruben Lopez Catalan	Archaeologist LCC
Grahame Appleby	Archaeologist LCC

INTERESTED PARTIES:

Dr Rachel Scales	Local resident