



Appeal Decision

Site visit made on 11 August 2026

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2026

Appeal Ref: 6009598

4A, Gimmels Gate, Spalding PE12 9AS

- 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 John Heading against the decision of South Holland District Council.
 - The application Ref is H11-1294-25.
 - The development proposed is described as change of use of storage shed to residential - retrospective.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 17 August 2026 a new Framework was published. As this could affect the issues and matters in this case, the Council and the appellant were invited to make further comments. My decision reflects the latest version of the Framework, and the responses received on it.
3. My attention has been drawn to a previous appeal¹ relating to the site. Whilst I recognise there are similarities in the proposals the description of development differs, as does the policy context. In any event I have determined the appeal on its own merits, based on the evidence before me.

Main Issues

4. The main issues are:
 - i) whether future occupiers of the proposed development would be safe from flooding and whether the proposal would comply with national and local planning policies which seek to steer new development away from areas at the highest risk of flooding;
 - ii) whether a suitable location for development having regard to local and national planning policies; and
 - iii) whether or not the proposal would provide satisfactory living conditions for its future occupiers with regard to the internal space.

¹ APP/A2525/2/21/3267554 issued 21 June 2021

Reasons

Flood risk

5. The appeal site lies within Flood Zone 3a. The proposal relates to the change of use of an existing building to residential accommodation. National Decision Making Policy (NDMP) F5 of the Framework identifies circumstances where the Sequential Test is not required, including specified changes of use. Nevertheless, NDMP F6 requires development proposals to be safe for their lifetime, having regard to the vulnerability of users, the resilience of the development to flooding, and arrangements for safe access, egress and evacuation where necessary. Similarly, NDMP F7 states that development in locations known to be at risk from flooding should be refused unless it can be demonstrated, amongst other matters, that the development would be safe throughout its lifetime, taking account of the vulnerability of its users, and that any residual risk can be safely managed.
6. Policy 4 of the South East Lincolnshire Local Plan 2011-2036 (LP) states the change of use of existing buildings will be supported providing they do not pose an increase in risk to people. Where such proposals would result in self-contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported. In these areas unrestricted access to a habitable room above the flood level and an emergency evacuation plan will be required.
7. The submitted Flood Risk Assessment (FRA)² identified that the site has a future hazard classification of 'Danger for Some' (includes children, the elderly and the infirm) as shown in Appendix A of the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The 1% Fluvial / 0.5% Tidal Event depth maps contained in Appendix B of the SFRA shows that the site could experience flood depths of up to 0.25m arising from a breach in the defences in any one year up to 2115.
8. The submitted FRA does not indicate what the existing land/building levels and the finished floor level are, in metres above Ordnance Datum. The submitted FRA proposes that the finished floor level of the dwelling would be raised a minimum of 400mm above the existing ground level to mitigate the risk of flooding from the River Nene. Whilst the EA consider such measures would be appropriate to mitigate the risk of flooding, no plans or drawings have been submitted that adequately demonstrate how/if the raising could be achieved.
9. The Appellant contends that such matters could be secured by condition. However, given that the proposal is for the conversion of an existing building it is not apparent how the raising of floor levels would be achieved through the building design. Such mitigation is fundamental to ensuring the safe occupation of the development and could have wider planning implications. Consequently, I do not concur that such matters could be left to condition post-decision.
10. I am therefore unable to conclude that the proposal complies with the relevant flood risk policies of the LP or the Framework. This draws the proposal into conflict with Policy 4 of the LP and NDMP F6 and F7 of the Framework.

² dated December 2025, ref: 'GCB/HEADING', prepared by Geoff Beel Consultancy

Location

11. The appeal site is outside a defined settlement boundary and lies within the countryside. It is adjacent to a cluster of residential and commercial buildings at the junction of Gimmels Gate with Roman Bank and therefore is not isolated.
12. Policy 1 of the LP seeks to direct housing to existing settlements and permits limited forms of development in the countryside where it can be demonstrated that they meet the sustainable development needs of the area. Policy 23 of the LP supports the re-use of buildings in the countryside, subject to a number of criteria, including a requirement that the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention. However, these aspects of the policies are not consistent with the revised Framework, which contains no equivalent requirement for a building proposed for re-use to possess architectural or historic significance. The building is of permanent and substantial construction, and I am therefore satisfied that the proposal accords with criterion c) of S5. I therefore afford only limited weight to the conflict with Policy 23 in this respect.
13. The Appellant advances the need for the residential unit in support of the established business; however, the Council contends that the proposal fails to demonstrate the need for a countryside location. Policy S5 of the Framework identifies a range of circumstances in which development may be acceptable in the countryside. As the proposal would accord with criterion 1 c) of Policy S5, it is not necessary for it to satisfy each of the alternative criteria. I therefore conclude that it is not necessary for me to consider where there is an essential need on the basis that the proposal would comply with one of the forms of development listed in Policy S5.
14. Whilst the proposal would be in conflict with Policies 1, 17 and 23 of the LP for the reasons stated I afford this limited weight. The material considerations in this circumstance, indicate compliance with the Framework, and I therefore conclude that the proposal would be in a suitable location.

Living conditions

15. Whilst the Council cites conflict with the Nationally Described Space Standards (NDSS) the Planning Practice Guidance (PPG) is clear that local planning authorities should only require that an internal space standard is met where it is referred to in a local plan, which is not the case here. Nevertheless, I recognise that the NDSS provides a useful guidance to determine whether the proposal would offer an acceptable level of internal amenity space for future occupiers.
16. As set out above, the Appellant proposes to raise floor levels by 400mm to mitigate flood risk. However, the building is already *in situ* and of limited height, and it is not clear from the submitted plans how this increase in floor level would be achieved. Consequently, I am unable to determine the resulting floor-to-ceiling height within the accommodation, or whether it would fall below the generally accepted guideline of 2.3m. Whilst this benchmark is only a guideline, the absence of sufficient information means that I cannot be satisfied that the proposal would provide adequate internal headroom or a satisfactory standard of accommodation for future occupiers. Accordingly, I conclude that the proposal would fail to demonstrate acceptable living conditions in this regard.

17. At 48sqm, the proposed dwelling would fall marginally below the 50sqm minimum gross internal floor area set out in the NDSS. However, given the shortfall would be limited I am satisfied that the accommodation would provide an acceptable standard of living for future occupiers.
18. The Council raises concerns regarding the absence of a separate bedroom. However, I see little material distinction between the proposed arrangement and a conventional studio apartment with open-plan living and sleeping accommodation. The Appellant explains that the layout reflects their personal circumstances, including health-related matters, and that they choose to sleep on sofas rather than in a bedroom. In any event, I am satisfied that the overall internal space would be sufficient to allow the accommodation to be partitioned to create a separate bedroom should this be desired in the future. Consequently, the absence of a dedicated bedroom does not, in itself, lead me to conclude that the proposal would provide unacceptable living conditions. Furthermore, were I minded to allow the appeal, I could impose a personal permission, thereby limiting occupation to the Appellant and taking account of their particular circumstances.
19. Nevertheless, for the reasons stated I am unable to conclude that the development provides satisfactory living conditions for its occupiers. Accordingly, it conflicts with Policies 2, 3, 17 and 23 of the LP, and the Framework, insofar as they aim to secure appropriate living conditions for occupiers.

Other Matters

20. It is not disputed that an established firearms business at the site. However, the evidence indicates that it has not previously required an on-site security presence.
21. The appellant advises that the use of CCTV for surveillance would be costly. Whilst I recognise the personal benefits of living within close proximity to the business there is very little substantive evidence that there have been incidences of security breaches at the site in the past, or that the premises and equipment, could not be adequately protected using security systems such as alarms and surveillance, which would be likely to act as a deterrent against criminal activity.
22. The appeal building is set back into the site. However, a lack of harm in respect of character and appearance is a neutral matter.
23. It is advanced that the proposed dwelling would meet the needs of the Appellant who have health issues and that the internal layout has been designed to provide a large flexible living space capable of accommodating their needs. I have, therefore, had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. The duty includes having regard to the need to eliminate discrimination, harassment, and advance equality of opportunity between those sharing relevant protected characteristics and those who do not.
24. I am mindful of the needs of the Appellant. However, from the evidence before me it has not been demonstrated that their needs cannot be met by an alternative scheme. Accordingly, this would not outweigh the harms in respect of flood risk. Therefore, the PSED considerations do not lead me to an alternative view in this case, and following careful consideration of these matters, I am satisfied that the impact of dismissing this appeal would be proportionate and justified.

25. I also recognise that the dismissal of the appeal may interfere the appellant's human rights under Article 8 of the European Convention on Human Rights. Nevertheless, any such interference would be lawful, necessary and proportionate in the public interest of maintaining proper planning control.

Planning Balance and Conclusion

26. In accordance with the Framework due weight should be given to relevant policies of the development plan according to their degree of consistency with the Framework.
27. The revised Framework introduced a presumption in favour of sustainable development for certain proposals outside of settlement boundaries through NDMPs S3 and S5, replacing the presumption contained within the previous Framework.
28. Whilst the proposal would conflict with policies of the LP, the principle of development would align with Policy S5 c) of the Framework in terms of being one of the limited forms of development that could be permitted outside of settlements unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.
29. I have found that the proposal conflicts with the Framework's flood risk policies. I attach substantial weight to this harm.
30. The proposal would give rise to some benefits, including a personal benefit to the Appellant in the form of a new home. However, the evidence before me indicates that the benefits would be limited in nature and extent. I therefore afford them only limited weight in the overall planning balance.
31. Paragraph 2(c) of NDMP S5 states that in applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.
32. Consequently, the benefits of the proposal would be substantially outweighed by the conflict with national flood risk policies. These matters are sufficient for me to conclude that the scheme is unacceptable. Indeed, the failure to meet the Framework criteria in respect of flood risk means that the development should be refused.
33. Drawing all the matters together, and having regard to the material considerations before me, I conclude that the benefits of granting permission would be substantially outweighed by the adverse effects when assessed against the national decision-making policies of the Framework as a whole. Accordingly, the appeal should be dismissed.

R. Gee

INSPECTOR