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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H04-0412-26	**Date of Decision:**	23rd July 2026
Applicant:	Mr N Eaves Corner House Swaton Sleaford Lincolnshire NG34 0JL		
Location:	100 Station Street Donington Spalding		
Description:	Change of use of existing dwelling to offices (Class E), extend existing outbuilding to allow B2 usage & proposed new access		

South Holland District Council, in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended), hereby give notice that permission has been REFUSED (or equivalent) for the development referred to above, for the following reason(s):

1 The proposal seeks an expansion and change of use of an existing outbuilding to form a B2 general industrial use, initially intended for a welders business. Policy 7 of the South East Lincolnshire Local Plan, 2019, requires proposals for new employment development or businesses, located outside of identified allocated employment sites, to involve the re-use of previously-developed land or the conversion/re-use of redundant buildings.

The existing outbuilding, which itself serves a functional residential dwelling, is not 'redundant' for the purposes of Policy 7, and does not comprise previously developed land, being an incidental building within a residential garden within a built-up area. As such, the proposal is at conflict with the requirements of Policy 7 of the South East Lincolnshire Local Plan, 2019, in this regard.

Furthermore, Policy 7 of the South East Lincolnshire Local Plan, 2019, states that "Where

it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided" that they conform to seven specific criteria.

The application has not been supported by any evidence or supporting information to demonstrate that there are no suitable buildings capable of conversion/re-use, or that there are no sites that constitute previously-developed land that are not capable of re-use. The absence of this information means that the proposal has not been justified in locational terms, in respect of Policy 7.

In any case, by reason of the lack of information, nature and potential intensity of the proposed commercial activities, associated noise and disturbance, and increased vehicle movements, coupled with the lack of sequential evidence and potential for the proposal to be appropriately located within allocated employment areas, the proposal is considered to be contrary to the provisions of criteria a, b, e, f and g of Policy 7.

The proposal is therefore contrary to Policy 7 of the South East Lincolnshire Local Plan, 2019, and Section 7 of the National Planning Policy Framework (2024).

2 The proposed development seeks to introduce a 'main town centre use', in the form of offices. Paragraph 91 of the National Planning Policy Framework, December 2024, states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Likewise, Policy 24 of the South East Lincolnshire Local Plan (2019) directs retail and other main town centre uses to be located in accordance with the stated hierarchy of which the Sub-Regional Centres of Boston and Spalding (as defined by the Town Centre Boundaries) are the locational focus. Policy 24 also requires that 'for other main town centre uses, outside the town centre boundaries and where not provided for under Policy 27, proposals must demonstrate their suitability through a sequential test in line with the National Planning Policy Framework'.

The proposal does not include a sequential test and therefore fails to adequately demonstrate that the proposed use cannot be accommodated in more appropriate town centre, or edge of centre location, which are more sustainable locations for such a use. The absence of a sequential test, whereby the submission fails to adequately demonstrate the suitability of the site, means that the proposal has not been justified in locational terms, and as such the proposal is situated within an unsuitable location, that is not considered to be sequentially preferable.

On this basis, the proposal fails to comply with the sequential approach to main town centre uses as required by Policy 24 of the South East Lincolnshire Local Plan (2019) and Paragraph 91 of the National Planning Policy Framework (December 2024).

The proposal is therefore contrary to Policy 1 and 24 of the South East Lincolnshire Local Plan (2019) and paragraph 91 of the National Planning Policy Framework (December

2024).

3 The proposal would introduce an office and a general industrial use (initially intended for a welders business) within a residential plot, located within a predominately residential area. It is considered that insufficient information has been presented to demonstrate that the proposal would not cause an unacceptable and detrimental impact upon the residential amenities of neighbouring occupiers, particularly through noise disturbance.

The proposal is therefore considered contrary to Policies 2, 3, 7, and 30 of the South East Lincolnshire Local Plan 2019, and Paragraph 198 and Section 12 of the National Planning Policy Framework, 2024.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:

P001 - Proposed Site Location
P0201A - Proposed Plans
Design and Access Statement dated April 2026



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: **https://appeal-planning-decision.service.gov.uk/before-you-start**. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.