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The Nicholl-Smith Group SIPP
Hartwell Grange
Irnham Park
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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference:	H04-0793-25	**Date of Decision:**	3rd November 2025
Applicant:	The Nicholl-Smith Group SIPP Hartwell Grange Irnham Park Irnham NG33 4JL		
Location:	Harvey'S Barn Days Lane Donington Spalding		
Description:	Proposed erection of general industrial building and external works - Approved under H04-1066-24. Removal of conditions 4, 5 & 6 relating to archaeology		

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 removal of Conditions 4, 5 & 6 of H04-1066-24, which relate to the need for a scheme of archaeological works to be conducted prior to the commencement of development, would have the potential to result in less than substantial harm to a non-designated heritage asset through the potential degradation of a site of archaeological interest.

The Lincolnshire County Council's Historic Places Team, functioning as the Planning Authority's archaeological advisors, have identified that the site may be of archaeological importance. Paragraph 207 of the National Planning Policy Framework, 2024, and Policy 29 of the South East Lincolnshire Local Plan, 2019, outline that proposal which may impact upon heritage assets, including sites of archaeological interest and non-designated heritage assets, should be supported by an appropriate desk-based assessment and, where necessary, a field evaluation to outline the potential importance of the asset and the harm potential generated to this asset as a result.

Without the imposition of the relevant conditions, it cannot be demonstrated that the

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proposal would not detrimentally impact upon a site of archaeological interest, which by extension would constitute harm to a non-designated heritage asset. The submitted documentation is not considered to meet the requirements of Paragraph 207, due to the lack of detail provided. On this basis, the proposal is considered to be contrary to Paragraph 207 of the Framework, and by extension Paragraph 216, as well as Policy 29 of the South East Lincolnshire Local Plan, 2019. The benefits arising from the development as a whole are not considered to outweigh the identified harm.

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:

-A1643-01 Rev P1 - Site Location as Existing
-Covering Letter, dated 11th August 2025
-Letter re: Archaeological Clause Restriction, dated 24th July 2025
-Architectural Professional Opinion regarding Potential Archaeological Investigation Works, produced by Oglesby and Limb



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://www.gov.uk/planning-inspectorate. 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.