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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H06-0204-25 **Date of Decision:** 13th May 2025
Applicant: Mr E Harris
Hallgate House
Hallgate
Gedney
Spalding
PE12 0DA
Location: Blazegate Lutton Spalding
Description: Change of Use/Conversion and extensions of Brick Storage Barn to Residential

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

- 1 Policy 23 of the South East Lincolnshire Local Plan (2019) is concerned with proposals for the conversion of existing buildings, which are located outside defined settlement boundaries, to residential use that will be permitted provided that they meet a set of five criteria. This proposal is in direct conflict with criteria 1, and 2 of Policy 23.

The extensions proposed would exceed the scale of the existing building, thereby representing a significant extension and alteration which would far exceed what could reasonably be expected under criterion 1 of Policy 23. Furthermore, the existing building itself is of no architectural or historic merit to justify its retention; therefore, failing to meet the principles of criterion 2 of Policy 23. While the proposed extensions may neaten the existing building to a certain extent, they would not enhance the building to such an extent as to carry significant weight in favour of the proposal, particularly in light of their disproportionate scale.

The Local Planning Authority is of the view therefore that the proposals would be contrary to Policies 1, 2, 3 and 23 of the South East Lincolnshire Local Plan (2019) and Section 12

of the National Planning Policy Framework, December 2024.

- 2 The site is located in Flood Zone 3 of the Environment Agency's Flood Maps. Within the South-East Lincolnshire Strategic Flood Risk Assessment the site is classified as "danger for most" with flood depths of up to 1 metre. Policy 4 of the South East Lincolnshire Local Plan, 2019, states "Change of use that 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." As such, it is considered that, due to the significant flood risk on the site and the lack of suitable adaptation proposed, the occupants of the conversion would be at an undue risk of the impacts of flooding.

Accordingly, the proposal is considered contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 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. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reasons for the refusal, 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:

Site Location Plan

SD25-004/1 Rev A - Site Plan

SD25-004/3 - Plan As Proposed - Floor Plan & Elevations

Biodiversity Net Gain Exemption Statement

Flood Risk Assessment, prepared by Geoff Beel Consultancy, dated March 2025



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.