Andrew M Wright Ltd
26 Joys Bank
Holbeach St Johns
Spalding
Lincolnshire
PE12 8SD

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H06-0516-24 **Date of Decision:** 26th February 2025

Applicant: Mr D Salamone
14 Wheatcroft Way
Dereham
Norfolk
NR20 3SS

Location: Rear Of The Rising Sun Pit Lane Gedney Drove End Spalding

Description: Residential Development - Erection of 2 Dwellings

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

1 The proposal by virtue of its siting, design and quantum of development, would give rise to an unacceptable and harmful impact upon the character and appearance of the area. The proposal would result in an incongruous form, which is representative of overdevelopment of the site, including a resultant insufficient amenity space serving each plot, and would fail to make a positive contribution to the surrounding character.

The proposal would also result in an unacceptable impact to the amenities of neighbouring occupiers, through the close proximity and incongruous nature of the development.

The proposal is therefore at conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024). It would therefore be contrary to both local and national policy in this regard.

2 The application site is within Flood Zone 3 and is classified as "Danger for All" with the Strategic Flood Risk Assessment Hazard Mapping showing flood depths of greater than 2m impact on the application site, when considering the 2116 0.5% breach scenario. In

respect of drainage, the proposal indicates that it seeks to treat foul water using a package treatment plant, with the treated foul water discharging to a soakaway.

The previous use of the proposed development site is a historic landfill, and as such, this presents a moderate but unquantified risk of contamination that could be mobilised by surface water infiltration from the proposed soakaway. The submitted application fails to show that the disposal of foul effluent to ground from the proposed package treatment plant, would be effective and the details submitted comprised a lack of suitable evidence in this regard.

Furthermore, the application also fails to recognise the risk to controlled waters through potential mobilisation of contaminants already in the ground. This was not considered a viable pollutant linkage in the submitted Environmental Desk Study, based on the assumption of impermeable ground conditions. Therefore no characterisation of the ground has been undertaken, specifically in the location of the proposed soakaway crates.

In light of the evidence submitted, the scheme as currently proposed for the foul drainage, would have the potential to pose environmental and operational risks.

Therefore, the proposal is considered contrary to Policy 4 and 30 of the South East Lincolnshire Local Plan, 2019, as well as 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. 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:

PD201 Rev P1 - Proposed Floor Plans, Elevations, Section, Site Plan & Site Location
7638-1 - Topographical Survey
Soakaway Size Calculations
17021/SA01 - Drainage Location Plan
17021/01 - Proposed Drainage Layout
Drainage Infiltration Graph
Drainage Infiltration Test 1
Flood Risk Assessment by Ellingham Consulting, dated May 2024
Design and Access Statement by Andrew M Wright Ltd
Preliminary Ecological Appraisal Version 2 (prepared by BiOME Consulting Limited, dated 25 July 2024)
Stage One Environmental Desk Study by Stuart Guy Consulting dated 20th December

2020



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.