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TOWN AND COUNTRY PLANNING ACT 1990 NON MATERIAL AMENDMENT

Reference: H08-1031-25 **Date of Decision:** 31st October 2025
Applicant: R K Wilson Builders Ltd.
C/O Robert Doughty Consultancy Limited
32 High Street
Helpringham
Sleaford
NG34 0RA
Location: Riseholme Farm Windmill Lane Gosberton Risegate Spalding
Description: Erection of 6 single storey dwellings and garages, formation of parking and bin collection point and reinstatement of existing access - approved under H08-0282-24. Amendments to foundation design to that required under Condition 3 of approval H08-0282-24

South Holland District Council hereby give notice that this application has been REFUSED in respect of the non-material amendments referred to above for the following reason(s):

- 1 Point 8 of South Holland District Council's guidance on non-material amendments confirms that such amendments must not result in a fundamental change to the design of the approved building. The approved Flood Risk Assessment (FRA) by RM Associates establishes a critical flood resilience requirement that "the ground floor shall be constructed with a solid concrete floor with no voids beneath and no low-level wall vents." The proposed introduction of a strip foundation incorporating voids beneath the floor would fundamentally alter this key element of the approved design and directly conflict with the flood mitigation measures integral to the scheme's acceptability.

Accordingly, the amendment would constitute a material change to the approved development and cannot be treated as a non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended).

Notes:

The determined plans are:

1443-4_PL_LP01 - Location Plan

SW23-334-201 Rev A - Proposed Strip Foundation Arrangement & Sections - Plot 1

SW23-334-202 Rev A - Proposed Strip Foundation Arrangement & Sections - Plot 2

SW23-334-203 Rev A - Proposed Strip Foundation Arrangement & Sections - Plot 3

SW23-334-204 Rev A - Proposed Strip Foundation Arrangement & Sections - Plot 4

SW23-334-205 Rev A - Proposed Strip Foundation Arrangement & Sections - Plot 5

SW23-334-206 Rev A - Proposed Strip Foundation Arrangement & Sections - Plot 6

Air Brick Brochure



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.