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Robert Doughty Consultancy Limited
32 High Street
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NG34 0RA

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H08-1110-25 **Date of Decision:** 14th January 2026

Applicant: R K Wilson Builders Limited
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. Modification of Condition 3 relating to measures in connection to Flood Risk.

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

1 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

1443-4_PL_LP01 - Location Plan
1443-4_PL_SP102 - Proposed Site 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
Addendum to FRA

Reason: For the avoidance of doubt and in the interests of proper planning.

2 The development hereby permitted, other than with refence to a solid based foundation, shall be carried out in accordance with the measures set out in the Flood Risk Assessment prepared by RM Associates dated March 2024 forming part of planning application H08-0282-24 and the Flood Risk Addendum submitted as part of this application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- The ground floor levels of the dwellings should be at least 300mm above the existing ground level and a maximum of 450mm above the level of Risegate Road, south of the development site.

- Water, electricity and gas meters should be located above the predicted flood level. Electrical services, electrical sockets, heating systems boiler units and ancillary devices should be installed at least 500mm above the ground level to minimise damage to electrical services. Electrical ring mains should be installed at high level with drops to ground floor sockets and switches.

- The ground floors shall be constructed in accordance with the approved floor construction, which may include a suspended beam and block floor, provided it incorporates suitable ventilation and Flood Angel anti-flood air bricks to prevent ingress of flood water.

- All service entries shall be sealed using an appropriate closed cell material, and below-ground pipes shall be insulated with closed cell material.

- Avoid the use of mineral fibre insulation to the ground floor level (walls and floor) and use a rigid closed cell material as these retain integrity and have low moisture take up. -All service entries should be sealed (e.g. with expanding foam or similar closed cell material). Closed cell insulation should be used for pipes which are below the predicted flood event.

- As this is an area that is capable of receiving flood warnings from the Environment Agency Floodline Warning Direct system on 0345 988 1188, property owners/occupiers should register each property with them to receive advance warning of flooding by telephone, mobile, fax, SMS text, email or pager. The Environment Agency aim to issue a 'severe flood warning' approximately 2 hours before existing defences are overtopped.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2024.

3 The development hereby permitted shall be carried out in accordance with the details previously submitted and approved under planning permission H08-0760-24, relating to the following conditions of H08-0282-24:

·Condition 4 - Levels survey of the site

DC_FINAL_DECISION - ODB:14

·Condition 5 - Schedule of external materials
·Condition 6 - Landscaping
·Condition 7 - Waste collection
·Condition 8 - Contamination/remediation
·Condition 10 - Construction Management Plan
·Condition 11 - Noise
·Condition 14 - Design and position of external boxes
·Condition 15 - External Lighting

The approved details shall be implemented and maintained as such for the lifetime of the development.
This Condition is imposed in accordance with Policies 2, 3, 4, 28 and 30 of the South East Lincolnshire Local Plan, 2019.

4 Other than those shown on the approved plans, no new windows, doors or rooflights shall be formed on the following:

- Western flank elevation of Plot 1.
- North and south elevations of Plots 2, 3, 4 and 5.
- North and the southern elevations of Plot 4.
- The roofslopes of dwellings on Plots 1 to 4, or the garages to Plots 1 and 2.

Reason: In the interests of the amenity to nearby residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 No machinery or power tools shall be operated on the premises before 7am on weekdays and 7am on Saturdays, nor after 6pm on weekdays and 2pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays, without the prior written consent of the Local Planning Authority.

Reason: To ensure that there is no noise nuisance to nearby residents.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out other than those shown on the plans forming part of this application:

i) Alterations to any dwelling roof, including the installation of additional windows or doors and the installation of roof windows, including dormer windows;
ii) the erection of further freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
iii) the erection of house extensions including conservatories, further garages, car ports, porches or pergolas.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area

within which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

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, and subsequently determining to grant planning permission.

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

Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan, or

(c) the development is exempt from the biodiversity gain condition.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003

DC_FINAL_DECISION - ODB:14

Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at
https://www.gov.uk/guidance/biodiversity-net-gain.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

Variation of an already approved permission

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.



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

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control team for further information on 01775 764557 or bcadmin@sholland.gov.uk

BUILDING REGULATIONS 2010:
The plans given approval as part of this application, may require the provision of additional information or amendment to show compliance the relevant requirements of the Building Regulations 2010. Typical circumstances include, highly glazed extensions achieving compliance with requirement L1 (Conservation of fuel and power) which may influence the areas of glazed elements/ building elevations, or requirement B1 (Means of warning and escape) which may influence an internal layout for fire safety purposes. Please contact the Building Control team for further information on 01775 764557 or bcadmin@sholland.gov.uk

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.