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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H09-0150-25 **Date of Decision:** 10th April 2025
Applicant: S Munn
8 Mondemont Close
Holbeach
Spalding
PE12 7EP
Location: Land West Of Fensever Further Old Gate Holbeach Spalding
Description: Erection of Self Build Dwelling & Garage

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

- 1 The proposed development is located within the open countryside, the development would consist of the erection of a self build dwelling, such a residential development type is not supported in unsuitable countryside locations. South Holland District Council can demonstrate the deliverability of a 5 year land supply for homes across the district and so the housing policies within the local plan are in full force. Furthermore the applicant has failed to demonstrate that any sufficient material considerations exist that would support a departure from the development plan. The proposal then is considered to be contrary to the aims of Policy 1 of the South East Lincolnshire Local Plan, 2019.
- 2 The application site is located within the open countryside and the applicant has not suitably demonstrated why this proposal is sustainable in regard to providing wider sustainability benefits to the community. On this basis, given that limited justification in regards to the wider sustainability benefits of the scheme it is considered that the risk from flooding, would outweigh any modest benefits to the community that would follow from this development. On this basis the proposal is considered to be contrary to Policy 4 of the South East Lincolnshire Local Plan 2019 as well as Paragraph 172 of the National Planning Policy Framework (December 2024).

- 3 The application site is located adjacent to an established kennel business. The applicant has not submitted any information as regards the existing noise environment and whether an acceptable level of amenity can be achieved for future residents. Therefore, without such information it is difficult to ascertain whether or not the site would be suitable as regards residential amenity (for future residents). Moreover should permission be granted for residential development on this land, there is potential (should the noise environment not be suitable) that existing nearby businesses would have unreasonable restrictions placed upon the way they operate. On this basis the proposal is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 as well as Paragraph 200 of the National Planning Policy Framework (December 2024).
- 4 The proposed development would give rise to character impacts, that are detrimental to this part of the open countryside. The proposal fails to protect the intrinsic beauty of this part of the fenland character area and would have wider impacts upon the open landscape. The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 as well as Paragraph 187b 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:

4311-24 Rev 01A - Location Plan, Existing Part Site Plan and Proposed Part Site Plan

4311-24 02A - Floor Plans & Elevations

ECL0175-2/GR MERCHANT - Flood Risk Assessment by Ellingham Consulting Ltd dated February 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.