

Seagate Homes
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Spalding
Lincolnshire
PE11 3TJ

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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H09-0164-26	Date of Decision:	15th April 2026
Applicant:	Kings Civils Pudding Lane Pinchbeck Spalding Lincolnshire PE11 3TJ		
Location:	Land South Of Tudor Lodge Fen Road Holbeach Spalding		
Description:	Proposed Detached Garage		

South Holland District Council, in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended), hereby give notice that permission has been REFUSED (or equivalent) for the development referred to above, for the following reason(s):

- 1 The application site is located within the countryside, which is at the bottom of the settlement hierarchy and represents the least sustainable location for development, as identified by Policy 1 of the South East Lincolnshire Local Plan (2019). The proposal would result in the provision of a residential garage building, an expanded garden area and driveway for plot 9. It is considered that insufficient justification has been provided for the proposal within the countryside which would outweigh the harm that would arise to the character of the area. The development would not result in economic, community or environmental benefits to justify a departure from Policy 1 of the South East Lincolnshire Local Plan (2019). There is not considered to be a justified need for an extended garden as the approved garden space is considered to provide ample outdoor amenity space for future occupants. Therefore, the proposed development would be contrary to Policy 1 and in this instance, there are insufficient material considerations to justify a departure from the South East Lincolnshire Local Plan (2019).

- 2 The site lies mostly within Flood Zone 2 of the Environment Agency's Flood Maps for Planning. The submitted Flood Risk Assessment has not demonstrated that there are no other sites available at a lower risk of flooding. The Flood Risk Assessment contains no evidence that other sites have been considered and discounted, and it is considered that there are potentially other similar sites that are available.

As such, the proposed development has not passed the Sequential Test as required by 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. 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:

Application Form

TL-SH-GH-AR-001 P02 - Proposed Site & Location Plan

TS-P9-GD-01 Rev A - Plans & Elevations - Garage Drawing (Tudor Lodge)

30th April 2025 - Biodiversity Net Gain Statement - Exempt

Flood Risk Assessment



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://appeal-planning-decision.service.gov.uk/before-you-start>. 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.