

Lincs Design Consultancy Ltd
12 Vickers Lane
Louth
LN11 9PJ

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: H09-0244-25 **Date of Decision:** 30th April 2025

Applicant: N Marshall
C/O Lincs Design Consultancy Ltd
12 Vickers Lane
Louth
LN11 9PJ

Location: Westholme 32 West End Holbeach Spalding

Description: Conversion of existing basement to create 1 flat

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 flat would be served by only one window, at the front of the building. It is considered that the provision of one window would not provide enough natural light and ventilation for future occupants. Furthermore, there would not be a decent outlook from the flat for future occupants, as most of the window faces onto a blank elevation. As such, the proposed development would result in a poor standard of living.

The proposed development therefore conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019), which seek to ensure that proposals have a suitable impact on the amenity of future occupants. The proposed development also conflicts with Paragraph 135 of the National Planning Policy Framework (December 2024), which seeks to ensure that development provides a high standard of amenity for existing and future users.

- 2 It is considered that the proposal would not accord with Policy 21 (namely parts 7 and 8) of the South East Lincolnshire Local Plan (2019). Part 7 of the policy requires that "an adequate standard of residential accommodation and residential amenity is provided for future occupiers". It is not considered that a suitable standard of residential amenity would be achieved. Furthermore, Part 8 of the policy requires that "adequate provision is made for the communal gardens and amenity areas". No external amenity space appears to be

available for the proposed flat and as such, the proposal would not accord with part 8 of the policy.

The proposed development therefore conflicts with Policy 21 of the South East Lincolnshire Local Plan (2019), which seeks to ensure that proposals for the subdivision of dwellings have a suitable impact on the amenity of future occupants.

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
- LDC4632-20 - Existing Location Plan, Site Plan, Elevations & Floor Plans & Proposed Site Plan, Elevations, Floor Plans & Section
- February 2025 - Design & Access Statement incorporating Heritage Impact Statement
- February 2025 - BNG Exemption Statement



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.