G R Merchant Ltd
Unit 4 Wrights Mews
12a Park Road
Holbeach
Spalding
PE12 7EE

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: H09-0303-26 **Date of Decision:** 16th June 2026

Applicant: Mr & Mrs J Russell
Duntreath
Cacklehill Lane
Holbeach
Spalding
PE12 8BS

Location: Duntreath Cackle Hill Lane Holbeach Spalding

Description: Erection of self build dwelling, including re-position of existing building and change of use of existing dwelling to be in association with dog breeding business

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 proposed development does not accord with Policy 22 of the South East Lincolnshire Local Plan (2019), specifically parts 1, 4, 5 and 6 of the policy. For example, the replacement building is not considered to be of a high standard in terms of architectural detailing and materials of construction, the replacement building would not be positioned on a similar footprint to the original building and the replacement building exceeds the floor area of the original dwelling by more than 40%.

2 The site is located outside any settlement boundary, as shown on the Inset Maps pertinent to Policy 1 of the South East Lincolnshire Local Plan, 2019 (SELLP). Therefore, the site is within the countryside in planning policy terms, at the bottom of the settlement hierarchy.

Policy 1 of the SELLP restricts development in the countryside, only permitting development in such locations that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of an area in terms of economic, community or environmental benefits.

It has not been sufficiently demonstrated that the proposed development is necessary to this location, nor that the development would meet the sustainable development needs of the locality in terms of economic, community or environmental benefits. It is not considered that the proposed contribution of a self-build dwelling weighs sufficiently in favour of the proposal to outweigh the harm that would result from the development. The Council can demonstrate a 5.5 year housing land supply as of June 2025, which demonstrates that the tilted balance is not engaged and there is no need for the development in this location for the purposes of housing land supply.

The development would be contrary to Policy 1 of the SELLP which seeks to direct development in accordance with the settlement hierarchy which is set out within the spatial strategy, concentrating on the most sustainable settlements to enable access to everyday facilities and services.

3 It is considered that the proposal would result in an increased urbanisation of the site, which would harm the rural character and appearance of the site and the surrounding area. Therefore, the development would not accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 (SELLP) which seek to ensure that the design of all development is appropriate to the character and quality of the area. The policies also seek to ensure that proposals demonstrate how they would respect the character and appearance of an area, and the relationship to existing development and land uses. The proposal would also conflict with Paragraphs 117 and 135 of the National Planning Policy Framework, December 2024 (NPPF), which set out that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

4 The site lies within Flood Zone 3 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.

Furthermore, if the proposal is considered as a replacement dwelling it is not considered that the development would pass the sequential test requirements that are outlined within Paragraph 8.3.5 of the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). For example, the new dwelling would increase the number of bedrooms and overall floor area beyond 40% of the original dwelling.

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:

4448-25 01B - Floor Plans - Proposed
4448-25 02B - Elevations - Proposed Site & Location Plan
4448-25 - Biodiversity Net Gain Statement - March 2026
ECL1764/GR MERCHANT - Flood Risk Assessment
Application Form
Planning, Design & Access Statement
4448-25 03A - Floor Plans - Existing & Proposed Front Elevation - Existing & Proposed
4448-25 04 - Relocated Storage Building Ground Floor Plan Elevations



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.