Planning Inspectorate

Appeal Decision

Site visit made on 15 August 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 15th September 2025

Appeal Ref: APP/A2525/W/25/3362446
Land off Damgate, Holbeach PE12 8PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr L Russel of Seagate Homes against the decision of South Holland District Council.
- The application Ref is H09-0554-24.
- The development proposed is residential development comprising 21 dwellings and associated roads and footpaths.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the appeal site is an appropriate location for residential development, having particular regard to the spatial strategy;
- whether the proposal would include an appropriate amount of amenity space and green infrastructure, or include appropriate access to suitable off-site open space; and,
- whether it has been demonstrated that there is a need for the development in this location and that sites at lower risk of flooding are not available, and that development would provide wider sustainability benefits to the community that outweigh the flood risk.

Reasons

Location

3. Policy 1 of the South East Lincolnshire Local Plan 2011-2036, March 2019 (LP) outlines the spatial strategy for the area. For the purposes of the LP, the appeal site is within the Countryside as it is outside of the defined settlement boundaries. LP Policy 1 supports development in the Countryside where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community, or environmental benefits.

4. The appeal proposal would include the provision of 21 dwellings, 6 of which would be affordable, also a biodiversity net gain could be secured. There would be economic benefits associated with the construction period, and an increased population living in the area would boost the vitality and viability of local services. The appeal site is in proximity to several services and facilities to support the

everyday needs of occupiers of the proposed development; all of which would be accessible by sustainable transport modes. Whilst the housing requirement specified in LP Policy 10 is a minimum, the Council can demonstrate 6.4 years supply of deliverable housing land. Therefore, whilst the proposal would provide benefits there is no clear evidence of the need for additional housing outside of the defined settlement boundaries.

5. Although settlement boundaries are not a requirement of the National Planning Policy Framework (the Framework), they can be used to identify more accessible locations for development. The appeal site is not automatically considered to be an inappropriate location for residential development because it is outside of the defined settlement boundaries. Rather LP Policy 1 applies criteria that would need to be met before the development would be considered in accordance with the spatial strategy.

6. The granting of planning permission for a large residential development outside of the defined settlement boundary near the appeal site, does not alter the defined settlement boundary for Holbeach. There is no clause within the LP which indicates that the defined settlement boundaries should be reconsidered in the event development is permitted outside of their limits. Furthermore, given the deliverable housing land supply position, I see no reason why the defined boundaries should be considered out-of-date.

7. The ‘Countryside’ designation within the spatial strategy is separate from the character of the area being described as open countryside. The appeal site is adjoined by residential development on two sides and opposite is floodlit open space. As such, the site is well related to Holbeach, and the proposal would not represent urban sprawl. Moreover, the established tree line to the south of the site, along the field boundary, provides a strong defensible boundary and appears as the visual limit of the settlement on this side of Dam Gate. Notwithstanding this, the proposal would still be contrary to the spatial strategy which is currently providing a sufficient supply of deliverable housing land.

8. Paragraphs 61, 73, and 84 of the Framework outline the Government's objective of significantly boosting the supply of homes, acknowledge the important contribution small and medium sites make to meeting the housing requirement of an area, and identify that planning decisions should avoid isolated homes in the countryside. The proposal would not affect the intrinsic character and beauty of the countryside in accordance with Paragraph 187 of the Framework. Regardless, this would not alter my conclusion that the appeal proposal is contrary to the spatial strategy.

9. I conclude that the appeal site is not an appropriate location for residential development, having particular regard to the spatial strategy. It would be contrary to LP Policy 1 for the reasons given above. It would also be contrary to the Framework where it advises that the planning system should be genuinely plan led.

Amenity space, green infrastructure, and connectivity

10. LP Policy 32 indicates that development will not be permitted unless it supports the provision of recreational open space and other green infrastructure in accordance with the table detailed within the policy. It specifies that the first preference is that the provision should be made on-site and if that is not feasible or suitable,

consideration will be given to a financial contribution toward a new facility or improving an existing facility.

11. The proposed provision of amenity space and green infrastructure is below that required by LP Policy 32, but the appellant commits to providing a contribution toward off-site provision, in lieu of not providing the full requirement on site. The appellant contends if they were to provide the amount of amenity space and green infrastructure as required by LP Policy 32 this would cover 45.9% of the appeal site which is disproportionate. However, the appellant has not evidenced why it would not be feasible or suitable to provide the required amount of amenity space and green infrastructure on site.

12. The open space requirements specified in LP Policy 32 are based upon forecasted population increase. It appears as though the Council has used data from the 2001 Census to calculate the forecasted population of the proposal. Whilst this data is old, there is no alternative before me so I cannot conclude that the forecast is inaccurate. Consequently, I cannot conclude that the open space requirement specified by the Council is disproportionate.

13. There would be a footpath connecting to the neighbouring development. Whilst the proposal could be better connected to the neighbouring development, the footpath would not overly discourage occupiers of the proposed development from accessing open space within the neighbouring development. In addition, during my site visit I observed several people walking along Dam Gate and accessing the open space on the opposite side of the road from the appeal site. Whilst I accept my observations are only a moment in time, there is no compelling evidence before me which indicates that the road would overly discourage occupiers of the proposed development accessing the existing open space.

14. Nonetheless, within Holbeach there is a deficiency of natural and semi-natural open space and children's play areas. Therefore, whilst future occupiers may have good access to existing and soon to be completed facilities, there is still a shortfall within the local area which would be exacerbated by the proposed development.

15. I conclude that the proposal would not include an appropriate amount of amenity space and green infrastructure. It would provide appropriate access to off-site open space but there is a deficit in the area so it would not be suitable. The proposal would be contrary to LP policies 2, 3 and 32 which indicate where a development will increase the need for community facilities it will not be permitted unless it supports the provision of new facilities, amongst other matters.

16. The second reason for refusal also specified that the proposal would be contrary to LP Policy 28. However, this policy concerns habitats and the ecological network. It is therefore unclear how it is relevant to the matter in dispute.

Flood risk

17. The appeal site is in Flood Zone 3. LP Policy 4 indicates that proposals within Flood Zone 3 will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding. LP Policy 4 specifies that this assessment should be based upon a district wide search area.

18. The appellant contends that when considering site allocations, the Council has adopted a settlement-by-settlement approach to the sequential test, rather than a

district-wide approach. The evidence provided is not conclusive; it specifies that sites available in the locality were assessed. The term locality is not defined, but I acknowledge that the Council may not have reviewed district-wide sites when making that assessment.

19. Regardless, the appellant has indicated that they completed a search of land for sale in Holbeach and this confirmed there were no sites available which were capable of delivering the quantum of development proposed. Beyond restricting the search to land for sale in Holbeach, there is no evidence before me on the parameters of the search and when it was undertaken. Moreover, a site does not have to be for sale to be considered available for development. Therefore, even without concluding on whether a district wide search is required, the appellant has not demonstrated that a comprehensive search for available site has been undertaken.

20. Large areas of South Holland and Holbeach are within Flood Zone 3. It is therefore reasonable to review the Hazard and Depth maps within the Strategic Flood Risk Assessment to identify areas which are at a lower risk of flooding. The Council has indicated that there are allocated sites which would be capable of accommodating the development, which are in lower hazard zones. These sites have not been assessed by the appellant. Without evidence to the contrary these allocated sites would be sequentially preferable to the appeal site.

21. The neighbouring development may have a similar flood risk to the appeal site, and it was deemed that there were no other sites available at a lower risk of flooding when that was consented. However, that assessment was undertaken when that planning application was determined and was based upon the evidence before the Council at that time. Therefore, it does not set a precedent for the appeal proposal.

22. Paragraph 178 of the Framework is clear that to pass the exception test it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk. As above, the proposal would provide several benefits; however, the weight ascribed to them is tempered by the Council's supply of deliverable housing land. Furthermore, the proposal would not comply with the spatial strategy, and it would under provide external amenity space. Consequently, the proposal would not result in wider community benefits that outweigh the appeal site being in Flood Zone 3.

23. I conclude it has not been demonstrated that there is a need for the development in this location and that sites at lower risk of flooding are not available, and that development would provide wider sustainability benefits to the community that outweigh the flood risk. The proposal would be contrary to LP Policy 4 and the Framework for the reasons given above.

Other Matters

24. Even if the appeal site is too small to be farmed viably, the land could be use in conjunction with other parcels of agricultural land. Furthermore, this does not justify allowing residential development at the appeal site.

25. I acknowledge the appellant's comments in relation to the conduct of the Council during the determination of the planning application. However, these are matters

between the appellant and the Council and it is not a matter for my consideration on the acceptability of the proposed development.

Conclusion

26. The proposal conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR