Seagate Homes
Pudding Lane
Pinchbeck
Spalding
Lincs
PE11 3TJ

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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H09-0554-24	**Date of Decision:**	27th November 2024
Applicant:	Seagate Homes Pudding Lane Pinchbeck Spalding Lincs PE11 3TJ		
Location:	Land Off Damgate Holbeach Spalding		
Description:	Proposed Residential Development comprising 21 dwellings and associated roads and footpaths		

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

1 The proposal results in unsustainable development, outside the settlement boundary of Holbeach as defined in the South East Lincolnshire Local Plan, 2019, and contrary to Policy 1 of South East Lincolnshire Local Plan, 2019 which directs development to defined settlements in accordance with the spatial strategy and sustainable development hierarchy and Paragraph 15 of the National Planning Policy Framework, December 2023, which confirms that the planning system should be genuinely plan led to provide homes in a sustainable manner. The site is classed as being in the countryside in planning policy terms, at the bottom of the settlement and sustainable development/settlement hierarchy, thereby being within an unsustainable location. Policy 1 assists in protecting the intrinsic character of the countryside (as recognised by Paragraph 180 (b) of the National Planning Policy Framework, December 2023, by restricting 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 dwellings are necessary to this location, nor that they

meet the sustainable development needs of the locality in terms of economic, community or environmental benefits. This is particularly the case given that the Council has identified a 6.4 year housing land supply as at 31 March 2024, which demonstrates that the tilted balance is not engaged and there is no need for the development in this location for the purposes of the land supply.

2 The design and layout of the proposals, fail to incorporate adequate on site amenity space and green infrastructure, and connectivity to the adjacent site in accordance with the standards of Policy 32 of the South East Lincolnshire Local Plan, 2019, particularly in relation to the lack of amenity greenspace, space for children and young people, natural/semi natural green spaces as well as parks and garden open space typologies. As such the proposal fails to contribute to the creation of socially-cohesive and inclusive communities, reducing health inequalities or improving the community's health and wellbeing. This in turn is contrary to Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 which seek to ensure sustainable development considerations are met in relation to high quality and inclusive design, creating distinctive places that enhance natural habitat, amenity, character and appearance of the area and ensuring public spaces are accessible for all.

3 The submitted Flood Risk Assessment has not demonstrated that there are no other sites available at a lower risk of flooding, given that the Residual Flood Hazard 1% Fluvial/0.5% Tidal Event Probability 2115 identifies the site to be 'Danger for Most' and the Strategic Flood Risk Assessment Residual Peak Depth Map 2115 classifies depths between both 0.5m and 2m for the main part of the site, and 1m-2m along the southern boundary, which collectively has a higher flood risk than other parts of the immediate area of Holbeach and some parts of the district as a whole. The Flood Risk Assessment contains no Borough or District wide search of alternative sites within the defined settlement boundaries, and no reduced search within the Holbeach Area comparing them with the application site at higher risks of flooding justifying development in this location in flood risk terms. As such the proposals do not pass the Sequential Test as part of Section 14 of the National Planning Policy Framework, December 2023 or Policy 4 of the South East Lincolnshire Local Plan, 2019.

Notwithstanding the fact that the proposal fails the Sequential Test, even if this had been passed, the proposal does not satisfy Paragraph 170 a) of the National Planning Policy Framework, December 2023 because the proposal has not demonstrated wider sustainability benefits to the community that outweighs flood risk in this location for the following reasons:

The site is outside the settlement boundary in an unsustainable location in the countryside, the hazard and flood depths are greater compared with other areas of Holbeach and the adjacent site, the site does not contain sufficient open space or green infrastructure, only one access to the site is proposed which is over an IDB drain, the design is a cul-de-sac with limited connectivity to the wider development site within the context of South Holland which has a 6.4 5 year housing land supply.

Whilst mitigation measures are set out in an attempt to meet Paragraph 170 b) of the National Planning Policy Framework, December 2023 to show the development will be safe for its lifetime, taking account of the vulnerability of its users without increasing flood risk elsewhere, Paragraph 171 of the National Planning Policy Framework, December

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2023 requires both elements of the Exception Test to be satisfied for development to be permitted.

As such the proposals are contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019 which requires that it can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed), based on a Borough or District wide search area within the defined settlement boundaries, or a reduced area based on a specific need in that location. In addition, the proposal does not demonstrate that more vulnerable development provides wider sustainability benefits to the community that outweighs flood risk (i.e that the Exception Test is satisfied) as per Paragraph 170 a) of the National Planning Policy Framework, December 2023.

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. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, 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
DAMP-SH-PD-LP-001 A
Flood Risk Assessment by Ellingham Consulting Ltd reference ECL1023/SEAGATE HOMES dated April 2023
DAMP-SH-PD-SL-1000 D
DAMP-SH-PD-MDP-1002 A
DAMP-SH-PD-BLP-1001 D
Proposed Habitats Plan
Biodiversity Metric Calculation Tool
Drainage Statement by William Saunders reference 12794-WMS-ZZ-XX-T-C-39201-S8-P2 dated April 2024
12794-WMS-ZZ-XX-D-C-39201-S8-P3
Design and Access Statement by Simon Machen MRTPI of Barmach Ltd on behalf of Seagate Homes dated June 2022.
External Materials Schedule - Issue No 1 - 11-04-2024
Preliminary Ecological Appraisal
S213V3-01
Street Scene
S318V2 & S319V2 - 02
Arboricultural Implications Assessment by Andrew Belson, Arboricultural Consultant dated 29 August 2023

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5353.Damgate.Seagate.TPP
S303V2 - 01 Plans & Elevations
S303 V2 Terrace - 01 Plans
S303 V2 Terrace - 02 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://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.