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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H09-0557-25 **Date of Decision:** 22nd August 2025

Applicant: Mr & Mrs K Baxter
C/O Studio 11 Architecture
Office 12, Priory Road Business Hub
Priory Road
Spalding
PE11 2XE

Location: Land Off Nutts Lane Holbeach St Johns Spalding Lincolnshire

Description: Erection of new innovative self-build dwelling and detached annexe building to provide architectural studio

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 outside of any settlement boundary outlined within the Local Plan and as such is considered to be within the open countryside. Policy 1 of the South East Lincolnshire Local Plan 2019 states that development in the Countryside will only be "permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". The proposal has not demonstrated that it necessitates a Countryside location, nor that it would suitably meet the development needs of the area in respect of the three criteria listed in Policy 1. Furthermore, this countryside location would create an over-reliance on private vehicle use, contradicting the fundamental aims of the National Planning Policy Framework, December 2024, and the Local Plan, with regards to increasing the resilience of the transport network and reducing private car dependency.

In accordance with the provisions of Policies 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, applications for self-build dwelling should still be consistent with the

provisions of the Local Plan's spatial strategy. As such, the self-build nature of this proposal does not justify a departure from the provisions of Policy 1 of the Local Plan.

Given the location of the site, the proposal is at conflict with the spatial strategy outlined in Policy 1 of the South East Lincolnshire Local Plan 2019, as well as Policies 10, 11 and 17 of the South East Lincolnshire Local Plan 2019, which underpin the delivery of housing within defined settlements.

2 The proposed architectural studio is not considered to represent an ancillary form of development and therefore cannot be considered as an annexe as specified within the description contained within the application form, given that the submitted drawings clearly demonstrate that the built form is to be utilised as extensive office accommodation. On this basis, it is considered that the location of this development should be considered in its own right.

Policy 7 of the South East Lincolnshire Local Plan, 2019, requires proposals located outside of identified employment areas to conform to seven criteria, in order to be acceptable in principle. The proposal is considered to be contrary to the provisions of criteria a, b, c, f. and g of Policy 7.

Furthermore, the proposal does not include a sequential test to demonstrate that the main town centre uses, in this application, cannot be accommodated in other town, settlement or edge of centre locations, which are more sustainable locations for such uses. Paragraph 91 of the National Planning Policy Framework, December 2024, states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The absence of this information means that the proposal has not been justified in locational terms, and as such the proposal is situated within an unsustainable location.

On this basis, the proposal is considered to be contrary to Policies 1, 7 and 24 of the South East Lincolnshire Local Plan, 2019, and is considered to be an unsustainable location for an employment use.

3 The proposal is considered to represent an incongruous form of development, at odds with the character of the area. Due to the sheer scale of the proposal, the development is considered to represent an unacceptable intrusion into the openness of the countryside, thereby harming the established character of the area. The proposed design is considered to fail to reflect the established character of South Holland, by failing to utilise vernacular materials or architectural techniques. To this end, the proposal fails to reflect the principles of good design outlined in the National Design Guide.

The proposal is not considered to be afforded weight in favour under Paragraph 139 of the National Planning Policy Framework, December 2024, as the design is not considered to be innovative nor outstanding. Conversely, weight is given against the proposal in accordance with the provisions of Paragraph 139 due to the perceived failure to reflect the provisions of the National Design Guide.

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As such, the proposal is considered to be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, and Section 12 of the National Planning Policy Framework, December 2024.

4 It is considered that the proposal represents potential harm to an archaeological site judged to be a non-designated heritage asset.

The Lincolnshire County Council's Historic Places Team, functioning as the Planning Authority's archaeological advisors, have identified that the site may be of archaeological importance. Paragraph 207 of the National Planning Policy Framework, 2024, and Policy 29 of the South East Lincolnshire Local Plan, 2019, outline that proposal which may impact upon heritage assets, including sites of archaeological interest and non-designated heritage assets, should be supported by an appropriate desk-based assessment and, where necessary, a field evaluation to outline the potential importance of the asset and the harm potential generated to this asset as a result.

No assessment to this effect have been provided, and no formal archaeological detail has been provided by the applicant in any form, and therefore, it cannot be demonstrated that the proposal would not detrimentally impact upon a site of archaeological interest, which by extension would constitute harm to a non-designated heritage asset. On this basis, the proposal is considered to be contrary to Paragraph 207 of the Framework, and by extension Paragraph 216, as well as Policy 29 of the South East Lincolnshire Local Plan, 2019.

5 The site lies within Flood Zones, 1, 2, and 3 of the Environment Agency's Flood Maps for Planning; however, a significant proportion of the dwelling lies within Flood Zone 3 (with no part of the dwelling falling within Flood Zone 1). As the site is located outside of settlement boundaries, a District wide approach to the sequential test is considered appropriate. A sequential test demonstrating that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding has not been provided, nor has the specific need for this site been adequate demonstrated, in respect of the it's need for this development. Therefore, it cannot be said that the site is sequentially preferable, given that there are sites within the District wholly within Flood Zones 1 and 2.

As such, the proposal is considered to fail to pass the sequential test, and is therefore contrary to the Provisions of Section 14 of the National Planning Policy Framework (December 2024), as well as Policy 4 of the South East Lincolnshire Local Plan, 2019.

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:

-614.PD.03 - Location Plan
-614.PD.04 - Site Layout
-614.PD.01 - Main House Floor Plan & Elevations
-614.CD.02 - Annex - Architectural Studio Floor Plan, Elevations & Section
-614.BEP.01 - Biodiversity Enhancement Plan
-614.DS.01 - Drainage Strategy
-614.LMP.01 - Landscape Master Plan
-614.SMP.01 - Sustainability Measures Plan
-614.PD.05 - Courtyard Elevations
-Materials Palette - Landscaping
-Materials Palette - Buildings
-Scene Land Back
-Scene Land Front
-Design and Access Statement, prepared by Studio 11 Architecture, dated July 2025
-Flood Risk Statement, prepared by Studio 11 Architecture
-BNG Exemption Statement, prepared by Studio 11 Architecture



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.