Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

Seagate Homes
Pudding Lane
Pinchbeck
Spalding
PE11 3TJ

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference:	H09-0813-24	**Date of Decision:**	29th November 2024
Applicant:	Seagate Homes Pudding Lane Pinchbeck Spalding PE11 3TJ		
Location:	Land South Of Tudor Lodge Fen Road Holbeach Spalding		
Description:	Residential Development		

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

1 The application site is located outside of any settlement boundary (as shown on the Inset Maps pertinent to Policy 1) and as such, the proposed development is located within the open countryside in policy terms. 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 proposed development is located within the open countryside and would consist of a scheme of market dwellings, such a residential development type that is not supported in countryside locations. South Holland District Council can demonstrate the deliverability of a 5 year land supply for homes across the district (the Council has identified a 6.4 year housing land supply as at 31 March 2024). Furthermore the applicant has failed to demonstrate that any sufficient material considerations exist that would support a departure from the development plan, nor has it been demonstrated that the proposal would meet the sustainable development needs or the exceptions test for development in the open countryside.

The proposal is therefore considered to be contrary to the Policy 1 of the South East Lincolnshire Local Plan 2019.

2 The submitted Flood Risk Assessment fails to demonstrate that there are no other sites that exist at a lower risk of flooding within the district that would accommodate the development hereby proposed. The Flood Risk Assessment contains no District wide search of alternative sites within the defined settlement boundaries that are located in more appropriate flooding environments, justifying development in this location in flood risk terms, as required by Section 14 of the National Planning Policy Framework, December 2023 or Policy 4 of the South East Lincolnshire Local Plan, 2019.

In any event, Paragraph 170 a) of the National Planning Policy Framework (December 2023) seeks applications to demonstrate that the development would provide wider sustainability benefits to the community that outweighs flood risk in this location. The proposal fails to adequately demonstrate this, whilst also comprising a site which is considered the least sustainable, being a countryside location in policy terms.

The proposal is therefore contrary to Policy 4 of the South East Lincolnshire Local Plan 2019, as well as Paragraphs 167, 168 and 170 of the National Planning Policy Framework (December 2023).

Notes:

The determined plans are:

TLS-SH-AR-LP-01 P02
TLS-SH-AR-SP-02 P02
4408.Tudor_West.Seagate.AIP
FLOOD RISK ASSESSMENT by Ellingham Consulting Ltd June 2024
Ecological Appraisal by Allied Ecology dated July 2024

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

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.