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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H09-1005-24 **Date of Decision:** 11th April 2025
Applicant: Ms C Holmes
98 Dog Drove North
Holbeach Drove
Spalding
Lincolnshire
PE12 0SA
Location: 98 Dog Drove North Holbeach Drove Spalding
Description: Demolition of existing agricultural building benefitting from Class Q approval (Ref: H09-0420-24) and erection of chalet bungalow and attached associated garage block

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 site is located outside of any settlement boundary outlined within Policy 1 of the South East Lincolnshire Local Plan, 2019, and as such is considered to be within the Countryside from a planning policy perspective. 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.

It is not considered that the application has demonstrated that development is essential in this location or meets the sustainable development needs of the area. Furthermore, the proposal is not considered to represent a betterment, in accordance with the principles of Mansell vs Tonbridge and Malling Borough Council (2017), for the reasons outlined in the second reason for refusal.

For these reasons, the proposal is considered contrary to Policy 1 of the South East

Lincolnshire Local Plan, 2019, and as such, the principle of development is not considered acceptable.

- 2 Whilst the site does benefit from a Class Q permission for the conversion of an agricultural building to a dwellinghouse (H09-0420-24), the proposal is not considered to represent a betterment and is considered to be contrary to local and national policy.

It is considered that the proposed dwelling would constitute an incongruous and harmful form of development, significantly at odds with the established built form of the area due to its overly prominent positioning and scale. As a result of the dwelling's significant size, choice of alien material, and overall design philosophy, it is considered that the proposed development fails to adequately reflect the character of the area; thereby failing to adhere to the principles of good design as required by Policy 3 of the South East Lincolnshire Local and Section 12 of the National planning Policy Framework (December 2024), and as outlined in the National Design Guide.

Furthermore, the proposal fails to clearly demonstrate a betterment with respect to residential amenity or climate measures; and therefore, cannot be considered to represent a betterment in accordance with the principles of *Mansell vs Tonbridge and Malling Borough Council* (2017).

As such, the proposal is considered to be contrary to the provisions of the National Planning Policy Framework, 2024, National Design Guide and Policies 1, 2, 3 and 31 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. 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:

PP 1000 Rev A - Location Plan, Site Plan & Section A-A

PP 1100 - Proposed Elevations & Floor Plans

Design and Access Statement, produced by Swann Edwards Architects, dated November 2024

Ecological Impact Assessment reference: 204-2400-GE-SE, prepared by Glaven Ecology, dated 4th February 2025

Biodiversity Statement

Biodiversity Metric, completed by Gareth Edwards, dated 22nd October 2024

Contamination Risk Assessment ref 0979/01, produced by Goldfinch Environmental Limited, dated November 2024



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.