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## TOWN AND COUNTRY PLANNING ACT 1990

### FULL

**Reference:** H13-0261-25 **Date of Decision:** 13th May 2025  
**Applicant:** Mr & Mrs Smith  
19 St James Way  
Moulton Chapel  
Spalding  
Lincolnshire  
PE12 0QD  
**Location:** Land Off Fen Gate Moulton Chapel Spalding Lincolnshire  
**Description:** Erection of a Self-Build/Custom Build Two Storey Dwelling, Annexe & Garage

### 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 the settlement boundary of Moulton Chapel and in 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". No details have been submitted with regards to compliance with Policy 1 of the South East Lincolnshire Local Plan 2019 and it has not been demonstrated that the proposal would meet the sustainable development needs or the exceptions test for development in the open countryside. The Local Planning Authority is of the view therefore that the proposals would be contrary to Policy 1, 2 and 3 of the South East Lincolnshire Local Plan (2019).
- 2 The proposal would introduce one dwelling onto the site and result in a significant encroachment into the countryside. In the opinion of the Local Planning Authority the proposed residential dwelling would constitute an unacceptable form of residential development that would have a harmful effect upon the character and appearance of the open countryside. Overall, the proposal would urbanise the character and appearance of the site and this increased urbanisation would significantly harm the rural character and

appearance of the site and the surrounding area. As such, the development is contrary to Policy 2 and 3 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:

- 106 S01 - Site Location Plan & Existing Site Layout
- 106 P01 - Proposed Site Layout & Boundary Treatments
- 106 P02 - Proposed Elevations & Floor Plans
- Flood Risk Assessment by Seven22 Architecture Ltd, ref: 106, dated March 2025
- Design & Access Statement by Seven22 Architecture Ltd, ref: 106 Rev A, dated March 2025
- Biodiversity Net Gain Statement - by Seven22 Architecture Ltd, ref: 106, dated March 2025



**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:

<b>12 Weeks</b>	<b>6 Months</b>	<b>8 Weeks</b>
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](mailto: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.