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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H14-0630-25 **Date of Decision:** 1st September 2025

Applicant: Mrs K Wilson
Middledene House
Surfleet Road
Pinchbeck
Spalding
PE11 4AG

Location: Middledene House Surfleet Road Pinchbeck Spalding

Description: Proposed Detached Building to be used as a Reformer Pilates & Wellness 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 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.

Moreover, under the provisions of Policy 32 of the South East Lincolnshire Local Plan,

2019, proposals for new community facilities should be located close to the community they will serve and should be readily accessible by sustainable means of transport. The proposal is considered to fail to achieve both aims, and is therefore contrary to Policy 32 also.

In any event, the site is located outside of any of the settlement boundaries defined within the South East Lincolnshire Local Plan, 2019 and therefore is classified as a Countryside location. On this basis, under Policy 1 of the Local Plan, only development which 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 would be considered acceptable. The proposal is not considered to necessitate the location, or to provide substantial enough benefits to the area in order to outweigh the identified harm of the unsustainable location; and therefore, is considered to be contrary to Policy 1.

On this basis, the proposal is considered to be contrary to Policies 1, 24, and 32 of the South East Lincolnshire Local Plan, 2019, and is considered to be an unsustainable location for an employment use.

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:

- 3339-04-R1 -Site Location Plan
- 3339-05-R5 - Block Plan
- 3339-01-R3 - Proposed Elevations
- 3339-02-R3 - Proposed Floor Plan
- 3339-03-R2 - Roof Plan
- Biodiversity Net Gain Assessment, dated 28th May 2025, produced by HS Ecology
- Small Sites Metric, dated 22nd May 2025
- Flood Risk Assessment, produced by S M Hemmings



Phil Norman
Assistant Director - Planning and Strategic Infrastructure

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@planninginspectorate.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.