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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H14-0731-26	**Date of Decision:**	22nd October 2026
Applicant:	Mr Smith C/O Swann Edwards Architecture Ltd Fen Road Guyhirn PE13 4AA		
Location:	Adjacent To 4 Clay Drove Spalding		
Description:	Erection of a 3-bed self-build dwelling, domestic workshop & garage		

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 as defined within the South East Lincolnshire Local Plan and as such is considered to be within the countryside and an out of settlement location.

Policy S5 of the National Planning Policy Framework, 2026, is clear that infill development within groups of houses outside of settlements should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects. Circumstances where the adverse effects would substantially outweigh benefits include, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

It is considered that the proposal would fail to conform to policies DP3, FR5, FR6, and FR7 of the National Planning Policy Framework, 2026, which explicitly advocate for the refusal of proposals where there is conflict. Therefore, the proposal would be contrary to

Policy S5 of the Framework and unacceptable in principle as a result.

In addition, 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, 2026, 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 dwellings 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) and Policy S5 of the Framework, which underpin the delivery of housing within defined settlements and the proposal.

2 The proposed dwelling is considered to fail to respect the existing design preferences within the wider area, thereby failing to reflect the guidance within the National Design Guide and the provisions of DP3(2) of the Framework, leading to an incongruous form of development, which would fail to fully integrate itself with the existing character and design of the area.

As such, the proposed development, by virtue of its design, scale and accumulation of unusual features, is not considered to comprise an appropriate form of development. The development is considered to cause a harmful and unacceptable impact upon the character of the area, and is considered to be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019), and Section 14 of the National Planning Policy Framework (2026).

3 The site lies primarily within Flood Zone 3 of the Environment Agency's Flood Maps for Planning, within an area classified within the South East Lincolnshire Strategic Flood Risk Assessment as "danger for most". The site has an expected maximum flood hazard depth of up to 2m.

The submitted Flood Risk Assessment and supporting documents have failed to adequately demonstrate, through a comprehensive search for alternative sites in line with the provisions of the Strategic Flood Risk Assessment and National Planning Policy Framework, 2026, that the proposed development site is sequentially preferable from a flood risk perspective.

There is a lack of clear and convincing evidence that no alternative sites within an appropriate search radius at a lower flood risk are reasonably available for a development of this nature. On this basis, it is not considered that the sequential test has been passed;

and therefore, the proposal is considered to be contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019, as well as Section 18 of the National Planning Policy Framework, 2026.

In any event, notwithstanding that the proposal is considered to have failed the sequential test, the proposal is considered to fail the exceptions test also. The proposal is not considered to provide suitable benefits to the community which would outweigh the flood risk, in line with Policy F6 of the National Planning Policy Framework, 2026. On this basis, the proposal would fail the exceptions test, and would therefore be contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019, as well as Section 18 of the National Planning Policy Framework, 2026 in this eventuality also.

As such, the proposal is considered to fail to pass the sequential and exceptions tests, and is therefore contrary to the provisions of Section 18 of the National Planning Policy Framework, 2026, 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. 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:

-PP1000 - Site & Location Plans
-PP1100 - Floor Plans, Elevations & Section
-PP1101 - Garage/Workshop Floor Plans, Section, Elevations
-Design and Access Statement, produced by Swann Edwards Architecture
-Flood Risk Assessment, dated February 2026, produced by Ellingham Consulting LTD
-Biodiversity Net Gain Exemption Statement, produced by Swann Edwards 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://appeal-planning-decision.service.gov.uk/before-you-start**. 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.