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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference:	H14-0741-25	Date of Decision:	30th October 2025
Applicant:	Mr K Whincup Unit B Junction Mills Kirkby Folly Road, Sutton In Ashfield Notts NG17 5HN		
Location:	Land North-West Of The Chestnuts Glenside South Pinchbeck Spalding		
Description:	Proposed change of use of agricultural land and lake to proposed fishery business and camping/glamping accommodation, including manager's accommodation pod, workshop/store building, welfare building, glamping pod, and grass camping pitches with associated facilities.		

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 outlined within the Local Plan and as such is considered to be within 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". With regards to the residential dwelling proposed, it has not been demonstrated that the proposal necessitates a Countryside location, in accordance with the guidance relating to essential rural workers contained within the Planning Practice Guidance, nor that it would suitably meet the development needs of the area in respect of the three criteria listed in Policy 1.

Given the location of the site, and the lack of a clear functional necessity for the dwelling

to be located on the site, the proposed dwelling is at conflict with the spatial strategy outlined in Policy 1 of the South East Lincolnshire Local Plan 2019,

- 2 Policy 9 of the South East Lincolnshire Local Plan, 2019, sets out criteria which a proposal relating to the visitor economy would have to conform to. Within this, relevant applications outside of settlement boundaries would be required to demonstrate a functional link with an existing rural attraction or farm enterprise in order to be supported.

The proposal represents a new, standalone business outside of the settlement boundaries outlined in Policy 1. No functional link to an existing rural attraction or enterprise would be present in this instance.

Moreover, the significant distance to, and lack of infrastructure connection with, nearby settlements results in a clear functional separation to any settlement within the District. In turn, this creates a seemingly isolated form of development, which would only be meaningfully accessible via private vehicles. This lack of connectivity directly conflicts with the principles of Policies 2, 3 and 33 of the Local Plan which aims to offer a choice in transportation options and create coherence in the positioning of new developments.

On this basis, the proposal is contrary to Policies 1 2, 3, 9 and 33 of the Local Plan, and is therefore unacceptable.

- 3 Paragraph 116 of the National Planning Policy Framework, 2024 is clear that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

It has been identified that the proposal would result in pedestrians attempting potentially hazardous journeys along Glenside South which would compromise highway safety. This is due to a lack of footpath provisions along a relatively well trafficked and fast moving road. On this basis, the proposal would lead to an unacceptable impact upon highway safety, and would therefore be contrary to Section 9 of the Framework.

- 4 Within the Environment Agency Flood Risk Maps for Planning, the site is within Flood Zone 3. Within the South-East Lincolnshire Strategic Flood Risk Assessment which provides a more precise assessment of the potential flood risk within a site, the site is classed as danger for most, with a hazard depth of 0.5m.

As outlined within the first Reason for Refusal, the manager's accommodation is not considered to be necessitated here, and therefore the proposal can be reasonably decoupled. A sequential test demonstrating that there are no reasonably available sites appropriate for the proposed accommodation in areas with a lower risk of flooding has not been provided. Therefore, it cannot be said that the site is sequentially preferable, given that there are sites within the District wholly within Flood Zones 1 and 2.

In any event, the proposal as a whole is considered to fail the exceptions test as the proposed camping pitches would not be safe for the lifetime of the development. No sufficient adaptation to the scheme to ensure the proper evacuation of occupants, nor to provide sufficient safe refuge has been put forward.

On this basis, the proposal is considered to be contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2024.

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:

- 6911/04B Rev A - Planning Drawing 4 (Location Plan)
- 6911/01C Rev A - Planning Drawing 1 (Existing Site Plan)
- 6911/02G Rev A - Planning Drawing 2 (Proposed Site Plan)
- 6911/03B Rev A - Planning Drawing 3 (Proposed Buildings)
- 6911/05A Rev A - Planning Drawing 5 (Flood Hazard)
- Flood Risk Assessment, ref ECL1322-3, dated October 2025, produced by Ellingham Consulting Ltd
- Noise Management Plan, ref 6911/NMP/A, produced by Peter Humphrey Associates
- Design and Access Statement, ref 6911/01/E, produced by Peter Humphrey Associates Ltd
- Supporting Statement, dated 30th July 2025, produced by Kevin Whincup
- Business Appraisal, dated March 2025, produced by DLP Planning Ltd
- Preliminary Ecological Appraisal, ref P2025-24 R1, dated 29th July 2025, produced by Philip Parker Associates Ltd
- Great Crested Newt Report, ref P2025-24 R3, dated 22nd July 2025, produced by Philip Parker Associates Ltd
- Biodiversity Net Gain Report, ref P2025-24 R2, dated 2nd July 2025, produced by Philip Parker Associates Ltd
- Biodiversity Metric Calculation Tool, dated 15th May 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:

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.