Seagate Homes (UK) Ltd
Pudding Lane
Pinchbeck
Spalding
PE11 3TJ

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

# TOWN AND COUNTRY PLANNING ACT 1990

## FULL

| | | | |
|---|---|---|---|
| **Reference:** | H15-0436-23 | **Date of Decision:** | 8th February 2024 |
| **Applicant:** | Seagate Homes (UK) Ltd<br>Pudding Lane<br>Pinchbeck<br>Spalding<br>PE11 3TJ | | |
| **Location:** | Land Off St Margarets Quadring Spalding | | |
| **Description:** | Residential Development Comprising 29 Dwellings - re-submission of H15-1066-21 | | |

**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 Quadring as defined in the South East Lincolnshire Local Plan (March 2019) (SELLP). Policy 1 of the South East Lincolnshire Local Plan states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". As such, the site is classed as being in the 'Countryside' in planning policy terms.

Policy 1 states that development in the Countryside will only be permitted to that where it "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 benefit".

It has not been satisfactorily demonstrated that the proposed development is necessary to this location and it is not considered to comprise a development that requires a countryside location. This is particularly the case in this instance where the Council has a development plan that was adopted in March 2019 with a spatial strategy setting out how

the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply.

Therefore, the proposal is considered to be in conflict with Policy 1 of the South East Lincolnshire Local Plan. Paragraph 12 of the National Planning Policy Framework (December 2023) reiterates that "the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted". There are not considered to be material planning considerations that would outweigh the clear conflict identified in this instance, which would otherwise indicate that the plan should not be followed.

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:

Application Form
AS2513/1 - OGL Survey
SMQ-SH-LP-AR-02 - Site Location Plan
ECL0543a/SEAGATE HOMES - Flood Risk Assessment, prepared by Ellingham Consulting Ltd
077-REP-3000 Rev 03 - Preliminary Drainage Strategy, prepared by Jackson Consulting Engineers
Design and Access Statement Planning Statement, prepared by Mike Sibthorp
Agent Local Reduction Evidence
Price Reductions Chart
Reductions in the Last 12 Months Chart
SGH Viability Options
Affordable Housing & Viability Statement
HT S211-01-Plans & Elevations
S213v3-01- Plans & Elevations
HT S301-v3-01-Plans & Elevations
HT S301-v5-Plans & Elevations
S303v2-01-Plans & Elevations
S303v4-01-Plans & Elevations
HT S305-v3-01-Plans & Elevations

HT S312-v2-01-Plans & Elevations
S318v2 & S319v2-02-Plans & Elevations
HT S427-v3-01-Plans & Elevations
SMQ-SH-SL-AR-04 C
SMQ-SH-SL-AR-01-G



**Phil Norman**
**Head of Planning**
**South Holland District Council**



DC_FINAL_DECISION - ODB:14

# 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.