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

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

G R Merchant Ltd
Unit 4 Wrights Mews
12a Park Road
Holbeach
Spalding
PE12 7EE

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H16-0679-25	**Date of Decision:**	14th October 2025
Applicant:	M Yousaf & T Mahmood C/O G R Merchant Ltd 4 Wrights Mews 12a Park Road Holbeach PE12 7EE		
Location:	12 New Road Spalding Lincolnshire		
Description:	Change of use, conversion & extension of The Black Swan to retail unit & 10 self-contained apartments		

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 proposed development would result in the loss of The Black Swan Public House, a valued community facility, without adequate justification. The applicant has failed to demonstrate, through robust and up-to-date marketing or other supporting evidence, that the public house use is no longer economically viable, surplus to local requirements, or otherwise unfit for purpose.

The proposal therefore conflicts with Policy 32 of the South East Lincolnshire Local Plan (2019), which seeks to retain existing community facilities, unless clear evidence is provided to demonstrate their redundancy, and with paragraph 98(c) of the National Planning Policy Framework (2024), which requires decision-makers to guard against the unnecessary loss of valued facilities and services that support the community's day-to-day needs.

2 Insufficient information has been submitted to enable the Local Planning Authority to properly assess the impact of the proposed development on the significance of the Grade II listed Black Swan Public House and the character and appearance of the Spalding Conservation Area. In particular, the absence of complete and detailed elevation drawings and a proportionate assessment of the building's significance (with the submitted Heritage Impact Assessment considered to fail in meeting the requirements of Paragraph 207 of the National Planning Policy Framework, December 2024), fails to demonstrate that the proposals would preserve or enhance the special architectural or historic interest of the listed building, or the character and appearance of the wider Conservation Area.

In the absence of sufficient information, the Local Planning Authority must apply a precautionary approach and refuse consent, as the proposal has not demonstrated compliance with national or local heritage policy objectives. Without evidence to the contrary, the proposal, with particular attention to the substantial rear extension, is likely to cause less than substantial harm. In line with the provisions of Paragraph 215 of the National Planning Policy Framework, December 2024, it is considered that the potential harm to heritage assets would not be outweighed by the public benefits arising from the development, which have been identified to be minimal.

As such, the proposal is contrary to Policy 29 of the South East Lincolnshire Local Plan (2019), which seeks to conserve and enhance the historic environment, and to paragraphs 207, 212 and 213 of the National Planning Policy Framework (2024), which require applicants to describe the significance of heritage assets affected and provide clear and convincing justification for any harm.

Notes:

The determined plans are:

4328-24 01 - Floor Plans Existing & Location Plan
432824 02C - Floor Plans Proposed & Site Plan Proposed
4328-24 03 - Part Elevations Existing & Proposed
4328-24 Amended July 2025 - Design & Access Statement including Heritage Impact Statement
January 2025 - Flood Risk Assessment
4328-24 February 2025 - BNG Exemption Statement
Marketing Report - 25 September 2025

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

DC_FINAL_DECISION - ODB:14



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.