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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H16-1057-24	Date of Decision:	27th January 2025
Applicant:	Mr D Needham 8 Sandringham Walk Spalding Lincolnshire PE11 2RS		
Location:	Rear Of 8 Sandringham Walk Spalding Lincolnshire		
Description:	Erection of 1 Bed 1.5 storey dwelling		

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

- 1 The proposal comprises a one and half storey dwelling which projects beyond a clear break in the build line. The proposal is considered to represent an incongruous form of development, out of keeping with the established built form of the area. The proposal is therefore considered to represent a harmful form of development, contrary to the provisions of the National Design Guide.

As such, the proposal is considered contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework (December 2024).

- 2 The application site is within Flood Zone 3 and is classified as "danger for all" with flood depths of over two metres, as set out within the South Holland's Strategic Flood Risk Assessment.

Paragraphs 173, 174, 175 and 176 of the National Planning Policy Framework, (December 2024), outline that, when an application site is within an area at risk of flooding, a sequential approach (the sequential test) should be applied in accordance with

the provisions of these paragraphs. The development of a single dwelling within Flood Zone 3 and within an area classified as "danger for all", is not considered to be sequentially preferable.

The submitted Flood Risk Assessment fails to demonstrate that there are no other sites that exist at a lower risk of flooding within the district that would accommodate the development hereby proposed. The Flood Risk Assessment contains no District wide search of alternative sites, within the defined settlement boundaries, that are located in more appropriate flooding environments, justifying development in this location in flood risk terms, as required by Section 14 of the National Planning Policy Framework, December 2024 and Policy 4 of the South East Lincolnshire Local Plan, 2019. Accordingly, the proposal is considered to fail the sequential test.

In any event, if no reasonably available sites could be found, the proposal is still considered to have failed the exceptions test outlined in Paragraph 178 of the Framework. While the development may be safe for its lifetime from the impacts of flooding, it is not considered that a single self build dwelling would adequately provide wider sustainability benefits to the community that outweigh the flood risk. The social, economic and environmental benefits arising from the development, and the contribution to the District's housing position, are not considered to outweigh the flood risk on the site.

Therefore, the proposal is considered contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019, as well as Section 14 of the National Planning Policy Framework (December 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. 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:

Application Form

1140 001

1140 002

1140 003

1140 004 Rev A

1140 005 Rev B

1140 006 Rev B

1140 007 Rev B

1140 008 Rev B

1140 009 Rev B

Design, Access and Heritage Statement, November 2024, prepared by TMV Architects
Flood Risk Assessment, November 2024, prepared by Ellingham Consulting Ltd
BNG Exemption Statement



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.