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

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
PRIOR NOTIFICATION

Reference: H18-0179-25 **Date of Decision:** 17th April 2025

Applicant: Mr D Wing
The Rookery
171 Rookery Road
Sutton Bridge
Spalding
PE12 9QG

Location: The Rookery 171 Rookery Road Sutton Bridge Spalding

Description: Change of use of agricultural building to 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 proposed external stairway and raised terrace would be partly located on the side elevation of the building. The principal elevation is considered to be the western elevation as this elevation faces the highway, which in this case is Rookery Road. Although the western elevation does not feature the proposed front doorway, the elevation does feature a large glazed window which can be considered to be an architectural feature which forms part of the front elevation. It is therefore considered that the proposed rear elevations are located on the eastern side of the building. The proposed raised terrace and stairway area are proposed to be located on the eastern side of the building and also the southern elevation of the existing rear extension. The southern elevation is considered to comprise a side elevation. As such, the proposed raised terrace and stairway area would form a side extension and this is not permitted.

Furthermore, the proposed roof on the existing rear extension would measure approximately 4.2m from the ground level up to the ridgeline and this exceeds the 4m height allowance.

Consequently, the proposal fails to conform to part (i) of Schedule 2, Part 3, Class Q. As such, the conversion of an existing agricultural barn building to form a new dwelling house is not permitted by Class Q of this Part, under the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2 In any event, notwithstanding the above referenced reason for refusal, if the proposal was considered to accord with the permitted development criteria of Class Q, it is considered that prior approval should be refused for the proposed conversion due to flood risk concerns. The site lies within Flood Zone 3 and within a 'Danger to All' hazard area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The SFRA recommends that the Environment Agency are consulted on proposals for residential development within this type of hazard area.

The Environment Agency has set out that they object to the proposed development in principle due to the proposed development posing an unacceptable risk to life and property from flooding. This is partly due to the existing levels within the site and the single storey nature of the proposals.

It is therefore considered that the proposed development would be unacceptable in flood risk terms.

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
- BNG Exemption Statement
- ECL1451/GR MERCHANT LTD - Flood Risk Assessment
- 4316-24 - Planning Statement
- 4315-24 01A- Floor Plans - Existing, Elevations - Existing, Site & Location Plan
- 4315-24 02A - Floor Plan - Proposed, Elevations - Proposed, Typical Sections - Proposed



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.