

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 OUTLINE

Reference: H20-0513-25 **Date of Decision:** 17th July 2025
Applicant: L Dodd, A Merchant & P Roffe
C/O Franville
Sutton Road
Sutton St James
Spalding
PE12 0HU
Location: Land North Of 35 Jarvis Gate Sutton St James Spalding Lincolnshire
Description: Erection of 3 Self-Build Detached Dwellings & Garages

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 site is located outside any settlement boundary (as shown on the Inset Maps pertinent to Policy 1 of the South East Lincolnshire Local Plan, 2019 (SELLP)), including the settlement boundary of Sutton St James. The site is therefore, within the countryside in planning policy terms, at the bottom of the settlement hierarchy.

Policy 1 of the SELLP restricts development in the countryside, only permitting development in such locations that is necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of an area in terms of economic, community or environmental benefits.

It has not been sufficiently demonstrated that the proposed dwellings are necessary to this location, nor that they meet the sustainable development needs of the locality in terms of economic, community or environmental benefits. It is not considered that the proposed contribution of three self-build dwellings weighs sufficiently in favour of the proposals to

outweigh the harm that would result from the development. The Council can demonstrate a 5.5 year housing land supply as of June 2025, which demonstrates that the tilted balance is not engaged and there is no need for the development in this location for the purposes of housing land supply.

The proposed development would result in unsustainable development, outside the settlement boundary of Sutton St James as defined in the SELLP. The proposed development would therefore be contrary to Policies 1, 11, 17 and 19 of the SELLP which seek to direct development in accordance with the settlement hierarchy which is set out within the spatial strategy, concentrating on the most sustainable settlements to enable access to everyday facilities and services, unless the proposal meets the criteria for a rural exception site. The proposed development does not however meet the criteria for a rural exception site as no affordable housing is proposed.

- 2 It is considered that the proposed urbanisation of the site through the provision of three dwellings would significantly harm the rural character and appearance of the site and the surrounding area. The proposed development would therefore not accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 (SELLP) which seek to ensure that the design of all development is appropriate to the character and quality of the area. The policies also seek to ensure that proposals demonstrate how they would respect the character and appearance of an area, and the relationship to existing development and land uses. The proposal would also conflict with Paragraph 135 of the National Planning Policy Framework, December 2024 (NPPF), which states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 3 The proposed development could result in an unacceptable standard of living for future occupiers as a result of noise disturbance from the neighbouring property to the south of the site, which contains a kennel block. Insufficient information has been provided to demonstrate if suitable mitigation can be provided to reduce and control the impact of noise levels onto the site. The proposed development is, therefore, contrary to Policies 3 and 30 of the South East Lincolnshire Local Plan, 2019, which, amongst other things, require that development should not adversely affect residential amenity or health. The proposed development is also considered to be contrary to Paragraph 187(e) of the National Planning Policy Framework, December 2024, which seeks to prevent new developments from being put at unacceptable risk from noise pollution.
- 4 The proposed development would not be provided with a suitable and safe vehicular access. Furthermore, the proposal would not be provided with a suitable footpath connection and as such, the accessibility of the site by pedestrians would not be accommodated. The proposed development would therefore be contrary to Policies 2, 3 and 33 of the South East Lincolnshire Local Plan, 2019, and Paragraph 116 of the National Planning Policy Framework, December 2024, in terms of highway safety.
- 5 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 could accommodate the development hereby proposed. The Flood Risk Assessment contains no evidence that other sites have been considered and discounted. It is considered that there are potentially other similar sites that are available.

In any event, Paragraph 178 a) of the National Planning Policy Framework (December 2024) seeks applications to demonstrate that the development would provide wider sustainability benefits to the community that outweighs flood risk in this location. The proposal fails to adequately demonstrate this, whilst also comprising a site which is considered the least sustainable, being a countryside location in policy terms.

As such, the proposed development would not pass the Sequential Test as required by Section 14 of the National Planning Policy Framework, December 2024 or Policy 4 of the South East Lincolnshire Local Plan, 2019.

- 6 The application is not accompanied by a preliminary ecological appraisal. Therefore, there is no information from a qualified ecologist to set out whether there are protected species within the site, or habitat for such species. Policy 28 of the South East Lincolnshire Local Plan, 2019 (SELLP) sets out that proposals that would directly or indirectly adversely affect protected species to not be permitted unless suitable prevention, mitigation and compensation measures are provided. Whilst there might not be any protected species or habitat for such species within the site, without further information, the Local Planning Authority considers that the proposals could adversely affect such species. The proposals therefore do not accord with Policy 28 of the SELLP.

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
- 4350-24 01 - Site Plan - Proposed & Location Plan
- 4350-24 - BNG Exemption Statement
- Flood Risk Assessment
- May 2025 - Planning 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.