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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H21-0494-26 **Date of Decision:** 6th August 2026

Applicant: Mr Doran
Rolmar Saltra
Middle Road
Tydd St Mary
Spalding
PE13 5QZ

Location: Rolmar Saltra Middle Road Tydd St Mary Spalding

Description: Change of use of land to allow siting of 6 residential caravans ancillary to existing dwelling for use by gypsy/travelling families

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 use for which planning permission is sought falls within the 'highly vulnerable' flood risk vulnerability category as identified by Annex 3 of the National Planning Policy Framework (December 2024) (NPPF). The use also comprises development that is inappropriate to the flood zone in which the application site is located (Environment Agency Flood Zone 3). Tables 1 and 2 of the National Planning Practice Guidance (NPPG) make it clear that this type of development is not compatible to this flood zone. Therefore, this type of development should not be permitted as the proposed development could subject future occupants to an unacceptable level of flood risk.

The application site also lies within an area identified as 'Danger to Most' in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) and could experience depths of between 0.25 - 0.5 metres and 0.5 - 1 metres arising from a breach in the defences during a flood that has a 0.1% tidal chance of occurring in any one year up to 2115. In such a scenario the flooding would pose a 'Danger to Most', which means there will be danger of loss of life for the general public.

It is considered that the submitted Flood Risk Assessment (FRA) is insufficiently detailed and in the absence of a satisfactory site-specific FRA, there is inadequate information to fully assess the flood risks of the proposed development, including whether sufficient mitigation is in place or whether this could be secured. As such, the proposal conflicts with Policy 4 of the South East Lincolnshire Local Plan (2019) (SELLP) and Section 14 of the NPPF.

In light of the above, the proposal is considered to be contrary to Policies 4 and 20(giii) of the SELLP as well as Section 14 of the NPPF and National Planning Practice Guidance on flood risk.

- 2 The application is not accompanied by a Biodiversity Net Gain Assessment as the applicant considers that the proposal would be exempt under the de minimis exemption; however, it is not considered that the proposal would be exempt. As such, insufficient information has been provided to demonstrate if and how a net gain in biodiversity could be achieved. In the absence of sufficient supporting information detailing the baseline biodiversity value of the site, it is not considered that the requirements of the BNG condition could be met. Therefore, the proposal would conflict with Policy 28 of the South East Lincolnshire Local Plan (2019) and Paragraphs 187 and 192 of the National Planning Policy Framework (December 2024) which, amongst other things, seek to ensure that all developments provide a net gain for biodiversity.

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:

Proposed Site Plan

2025/2026 - Biodiversity Net Gain Statement (Exempt)

04 June 2026 - Flood Risk Assessment

May 2026 - Design and Access Statement

November 2025 updated May 2026 - Personal Circumstances of Proposed Occupiers

Application Form

Location Plan

SH 44441 - Elevations & Floor Plan

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://appeal-planning-decision.service.gov.uk/before-you-start>. 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.