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TOWN AND COUNTRY PLANNING ACT 1990
APPROVAL REQUIRED BY CONDITION OF PERMISSION

Reference: H23-0536-26 **Date of Decision:** 31st July 2026

Applicant: Mr Welch
The Bungalow
166 High Road
Whaplode
Spalding
PE12 6TJ

Location: Stockwell Gate Whaplode Spalding Lincolnshire

Description: Details of construction management plan & method statement, estate road phasing & completion plan & precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development (Conditions 5, 6 & 8 of H23-0827-22)

South Holland District Council hereby give notice that the details submitted pursuant to the conditions outlined within the description above ARE NOT ACCEPTABLE and are therefore REFUSED.

The requirements of the condition(s) detailed above have not been satisfactorily met and are therefore not discharged, as follows:

1 The details submitted in respect of Conditions 5, 6 and 8 of Planning Approval H23-0827-22, relating to 'Details of construction management plan & method statement', 'estate road phasing & completion plan', and 'precautions to prevent the deposit of mud', comprise insufficient information to the extent that it fails to adequately provide the Local Planning Authority with the detail required by the relevant condition, and comprises detail that is not considered to be acceptable.

Therefore, the detail relating to conditions 5, 6 and 8 is not acceptable and the conditions

are not discharged.

Notes:

Discharge of Conditions - Refusal Note

The Local Planning Authority would draw your attention to any pre-commencement conditions pursuant to the planning approval referenced within this submission, that may remain outstanding as a result of this decision, and therefore still require formal discharge from the Local Planning Authority before the development may lawfully commence.

In this case, in respect of the conditions submitted as part of this application, each of the three conditions (conditions 5, 6 and 8) are pre-commencement conditions. As such, these conditions remain outstanding as a result of this decision, and will require formal discharge from the Local Planning Authority before the development may lawfully commence.

The determined plans are:

- Application Form
- Revised Construction Management Plan & General Information, submitted on 13.07.2026

Pre-commencement Conditions - Outstanding

Beyond the above informative note, the Local Planning Authority would also draw your attention to Condition 7 (Surface water Drainage Details), Condition 9 (Site and Finished Floor levels), Condition 11 (refuse and recycling Strategy), and Condition 12 (Management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives).

Conditions 7, 9, 11 and 12 as detailed above, are further pre-commencement conditions pursuant to the planning approval referenced within this submission. These have not previously been the subject of a formal submission and as such, remain outstanding and still require formal discharge from the Local Planning Authority before the development may lawfully commence.

Therefore, you are advised that conditions 5, 6, 7, 8, 9, 11 and 12 are all pre-commencement conditions, and remain outstanding. These conditions require formal discharge from the Local Planning Authority before the development may lawfully commence.

Internal Drainage Board - Consent Requirement

The Local Planning Authority would draw your attention to the comments made by South Holland Internal Drainage Board, within their consultation response dated 03rd July 2026.

Whilst such consent would fall outside of the planning regime, and therefore would fall outside of the remit of this application, it is advised that such consent must be obtained,

and would be required irrespective of a successful outcome by the Local Planning Authority.

Time Limit for Implementation

The Local Planning Authority would draw your attention to the timeframe for lawful implementation of planning permission.

Outline Planning Permission, reference H23-0827-22, requires that development must be begun "before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved".

The most recent Reserved Matters approval, at the time of this decision, was granted on 25th September 2024 (H23-0534-23).



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.