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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H23-1089-24 **Date of Decision:** 30th May 2025

Applicant: Mr D Ford
C/O Swann Edwards Architecture Limited
Fen Road
Guyhirn
Wisbech
PE13 4AA

Location: Carter'S Farm Oxcroft Bank Shepeau Stow Spalding

Description: Erection of 2 dwellings comprising of 2 x detached 2-storey dwellings and 2 x double garages involving the demolition of the existing agricultural buildings and follows a Part Q Approval under reference H23-0766-24

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 proposed development would result in unsustainable development, outside any settlement boundaries as defined in the South East Lincolnshire Local Plan, 2019. The proposed development would therefore be contrary to Policies 1, 11, and 19 of the South East Lincolnshire Local Plan, 2019 (the Local Plan) 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.

The site is within the countryside in planning policy terms, at the bottom of the settlement hierarchy. Policy 1 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. This is particularly the case given that the Council has identified a 6.4 year housing land supply as at 31 March 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 proposal also fails to provide a betterment that positively reflects the characteristics of the site or the character and context of the surrounding area and fails in this regard to provide a positive contribution to the appearance of the site compared to the fallback position.

The proposed development would therefore be contrary to Policies 1, 11, and 19 of the Local Plan, and fails to accord with the provisions 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:

- 150 - Survey Drawing Barns 2, 3 & 4
- BNG Metric Calculations
- BNG Metric Calculation Tool
- 0948/1 - GeoEnvironmental Desk Study Report - Phase 1 - June 2024
- ECL0667-5/SWANN EDWARDS ARCHITECTURE - Flood Risk Assessment - December 2024
- P2024-90 R1 Draft - Preliminary Ecological Appraisal
- P2024- 90 R2 Final - Phase 2 Bat Survey
- SE-2156 - Existing Habitat Biodiversity Statement - December 2024
- SE-2156 - Design and Access Statement - December 2024
- Application Form
- 100 - Survey Drawing Site Plan, Location Plan & Barn 1
- PP1000 Rev A - Planning Drawing, Garage Floor Plan, Elevations, Site Plan & Location Plan
- PP1100 - Planning Drawing, Plot 1 - Floor Plans, Sections & Elevations
- PP1101 - Planning Drawing, Plot 2 - Floor Plans, Sections & Elevations



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.