

Peter Humphrey Associates Ltd  
31 Old Market  
Wisbech  
Cambs  
PE13 1NB

Council Offices  
Priory Road  
Spalding  
Lincolnshire  
PE11 2XE  
Admin 01775 764723  
DC Officers 01775 764703  
facsimile 01775 762937  
planningadvice@sholland.gov.uk  
www.sholland.gov.uk

## TOWN AND COUNTRY PLANNING ACT 1990 FULL

**Reference:** H23-1295-16 **Date of Decision:** 3rd February 2017  
**Applicant:** Mr Bruce  
Allens Bridge Farm  
Infernos Common Bank  
Throckenholt  
Spalding Lincs  
PE12 0QX  
**Location:** Land Off Whale Drove Whaplode Drove  
**Description:** Proposed building for the breeding of pet rabbits and guinea pigs, plus wormery

### **South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):**

- 1 There is no essential need for the proposed development to be located in this isolated location in the open countryside, contrary to the aims of national and local planning policy seeking to concentrate new development in sustainable locations and protect the open countryside for its own sake. The location of the site is also such that both workers and visitors would be likely to have a high dependence on the use of motor vehicles when visiting the site, which would be contrary to a core planning principle to make the fullest use of alternative modes of transport, including public transport. Moreover, the reliance on the motor car would increase carbon emissions, contrary to the requirements of the environmental role of planning.

Also, the proposal would constitute new development in the countryside, to the detriment of its existing open character.

The proposal therefore fails to accord with Policies SG1, SG2 and SG4 of the South Holland Local Plan, 2006, which seek to achieve sustainable development and protect the countryside. These policies are in accordance with advice within the National Planning

Policy Framework, 2012. Paragraphs 6 and 7 indicate that the purpose of the planning system is to contribute towards the achievement of sustainable development. Whilst paragraph 28 of the Framework stresses that local planning authorities should support the growth and expansion of all types of business and enterprise in rural areas, such development should be sustainable. One of the core planning principles within paragraph 17 of the Framework is to manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development that is in a location that is sustainable. Another core principle within Paragraph 17 of the Framework is that the planning system should recognise the intrinsic character and beauty of the countryside.

If permitted, the proposal would also encourage further applications of a similar nature along Whale Drove, including an associated dwelling, which would then be hard to resist, to the detriment of the open character of the countryside.

- 2 The application site is some considerable distance outside of the boundary of the nearest settlement and is accessible only by the use of narrow rural roads that, in places, are significantly deteriorated by the effects of drought damage. Although the vehicle movements associated with the proposed development alone may not be great, and not have a demonstrably severe impact upon the local highway network, approval of the application without a substantiated need for the proposed use to be in such a remote location would be likely to set an undesirable precedent. This is in the sense of uncontrolled development on any other pieces of land along Whale Drove and in the open countryside, to the detriment of highway safety.

The proposal is therefore contrary to Policy SG15 of the South Holland Local Plan, 2006, which indicates that proposals should have safe and convenient access for motor vehicles.

#### 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 reasons 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:

Dwg. no. 5393 (Site/Location Plan) dated November 2016;

Dwg. no. 5393-PL01 dated November 2016.

A handwritten signature in black ink, appearing to be 'R. O. S.', written in a cursive style.

**Paul Jackson**  
**Place Manager**  
**South Holland District Council**

**BUILDING REGULATIONS:**

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or [bcadmin@sholland.gov.uk](mailto:bcadmin@sholland.gov.uk)

## 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:

<b>12 Weeks</b>	<b>6 Months</b>	<b>8 Weeks</b>
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

### 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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

### **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.