Mr Robert Smith
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Market Deeping
Peterborough
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PE6 8LS

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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H01-0486-19 **Date of Decision:** 9th August 2019

Applicant: Mr Robert Smith
143 Black Prince Avenue
Market Deeping
Peterborough
Cambs
PE6 8LS

Location: Land Adjacent: A16 Cowbit Spalding Lincs

Description: Change of use of agricultural land to dirt track

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

1 The proposal would enhance existing recreational, tourist and leisure facilities within the district. It would also bring some economic benefits and may generate some employment opportunities. However, it is considered that these factors are outweighed by other adverse impacts. Firstly, the proposal would have a significant effect upon the character and appearance of the countryside. It would result in the loss of agricultural land and introduce an intrusive element into the rural landscape. Moreover, the proposal would have a material effect upon the amenity of nearby residents in terms of noise and disturbance.

The proposal is therefore contrary to Polices 1, 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019. Policy 1 states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Policies 2 and 3 indicate that new development should reflect the character and appearance of the area. Policy 9 stresses that outside a settlement boundary small-scale development to support the visitor economy will be supported that

does not conflict with neighbouring land uses, is in keeping with the character of the locality and demonstrates a functional link with an existing attraction or farm enterprise. These policies are in accordance with advice within the National Planning Policy Framework, 2019. Paragraph 11 indicates that decisions should apply a presumption in favour of sustainable development providing any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

2 Drain Bank North is considered to be unsuitable, in terms of its carriageway width and its construction, to accommodate the vehicle movements associated with the change of use of the land which is proposed in this Application. The carriageway of Drain Bank North is single-track only with few opportunities for on-coming vehicles to pass each other. The increase in two-way vehicle movements along this road associated with the proposed use, together with the existing vehicle movements from the Spalding Rugby Club's use of this road, would increase unacceptably the frequency of vehicles meeting on the road which would thereby require drivers to either undertake unreasonable reversing manoeuvres or over-run the already weak carriageway edges and highway verges in order to pass one another. Furthermore, the site's proximity to the A16 and the proposed activity's conspicuousness to those travelling along that road, is likely to make direct vehicular access to the proposed development from this main arterial route and/or vehicle parking along the A16 verges a strong temptation, particularly so to those chosing not to drive their vehicles along the heavily rutted Drain Bank North and the unsurfaced track that links the end of Drain Bank North to the Application site. The slowing, waiting and turning of vehicles onto and off this fast and free-flowing A Class road, where such manoeuvres would not be expected by following drivers, would have an unacceptable impact upon highway safety, contrary to the guidance provided within the National Planning Policy Framework of 2019.

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:
Promap location Plan;
1:2500 Location Plan;
1:500 Site Plan.



Phil Norman
Planning and Building Control 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

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		

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 Authroity 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.