

APPLICATION No. H01/0958/93

Contents Page (30 pages and over)

	Page No
Contents Page	<u>1</u>
Decision Notice	<u>2-4</u>
Location Plan	<u>5</u>
Application Form	<u>6-8</u>
Check Sheets	<u>9-11</u>
Other Correspondence	<u>12-121</u>
Drawings	<u>—</u>
Post Decision Amendments	<u>—</u>

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H01/0958/93

Received: 06-OCT-93 Type: FULL

Name: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Agent: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Description: Erection of boundary wall

Location : Peak Hill House Peak Hill
Cowbit Spalding, Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

- 1 The wall as constructed in its present position and height is considered to be detrimental to the safety of other road users along this fast stretch of busy Class I County Road. In particular the visibility for adjoining residents when emerging onto the highway is impaired so that they do not have sufficient vision of oncoming traffic.

Director of Planning and Building Control Services
02-DEC-93 H01/0958/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-8767107
Switchboard 0272-878000
Fax No 0272-878769
GTN 1374-

Mr B C Johnson
Peak Hill House
Peak Hill
Cowbit
SPALDING
Lincs PE12 6AW

Council References:

E01/2657/94 & H01/0958/93

Our References:

T/APP/C/94/A2525/633982/P6

T/APP/A2525/A/94/235001/P6

Date: **26 AUG 1994**

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 AND 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
LAND AT PEAK HILL HOUSE, PEAK HILL, COWBIT, SPALDING**

1. The Secretary of State for the Environment has appointed me to determine your appeals against an enforcement notice issued by South Holland District Council and a refusal of planning permission by the same Council, both concerning the above mentioned land. I have considered the written representations made by you, the Council, the County Council as highway authority and by interested persons. I inspected Peak Hill House externally, and its surroundings, on 25 July 1994.
2. (1) The notice was issued on 25 April 1994.
(2) The breach of planning control as alleged in the notice is: without planning permission, the erection of a wall, pillars, splays and returns along the north western boundary of the land.
(3) The requirement of the notice is to reduce the height of the wall, including the pillars, splays and returns, so that no part thereof exceeds 0.9 metres measured from the surface of the vehicular carriageway at a point adjacent to the most southerly pillar of the wall.
(4) The period for compliance with this requirement is one calendar month from the date the notice takes effect.
3. Your appeal against the enforcement notice is proceeding on the ground (a) set out in section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991. The application refused by the Council, subject to your appeal under Section 78 of the 1990 Act, sought retrospective planning permission for the erection of a 'boundary wall (revised design)'.
4. Both the notice and the refusal of planning permission concern the same wall, and the issue in each case is the same: whether or not the wall as built reduces road safety. There has been no reference to local development plan policies, and accordingly I shall consider the issue on its own merits.
5. Your house is part of a short ribbon of development on an otherwise open stretch of the A1073 some way outside the village of Cowbit. The house is on the inside of a bend, which itself forms part of a double bend in the road's alignment. The A1073 is a Class I County Road, forming part of Lincolnshire's strategic network. This part has a single carriageway, some limited street lighting and is subject to the national 60 mph speed limit. It carries a heavy flow of generally fast moving traffic including, during my visit, a noticeable proportion of heavy goods vehicles.



6. The wall has been attractively built, in keeping with the house, providing 2 accesses to a sweep-round drive. However, its location and height (up to about 1.8m) restrict visibility to and from the southerly of the accesses. To a greater degree, the wall also restricts visibility to and from the drives serving the 2 nearest houses to the south and that shared by the 2 nearest houses to the north. The problem is worsened because the drives rise to the carriageway, so that vehicles joining it do so on an incline, and are in any event somewhat less exposed than if they were level with the road. Forward visibility for passing drivers is also reduced across the inside of the bend.

7. Six accidents causing personal injury have been recorded on this stretch of road over the past 3 years. None was attributed to your accesses, but they underscore the need for caution when considering safety standards. I reach the inescapable conclusion that the wall as it stands, restricting visibility to well below normally recognised standards, significantly compromises road safety.

8. Planning permission was granted in 1988 for the erection of your house, with, on the Council's undisputed evidence, a single access. Submitted amendments at that time show 2 accesses but with a layout different from that now built. You consider these amendments were accepted, and could be implemented as an alternative to the present layout. The Council's view, as regards the front boundary, is that the amendments were not authorised and would require planning permission. Whatever the position, I have little doubt that the scheme submitted then would be less unsatisfactory than the existing one. The side walls were proposed extending closer to the carriageway, but only at 1m height. That scheme, whether or not approved, does not support granting planning permission for the existing works.

9. Similarly, the fact that hedges and trees may generally be grown without planning permission on front boundaries does not justify permitting an unsatisfactory wall, which is subject to planning control. I have taken all the other matters raised into account, including the differing views expressed by the highway authority, but found nothing to cause me to alter my conclusions that both your appeals must fail.

FORMAL DECISIONS

10. For the above reasons, and in exercise of the powers transferred to me, I determine your appeals as follows.

The appeal under Section 174 (Department's reference T/APP/C/94/A2525/633982/P6)

I dismiss your appeal, uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the amended Act.

The appeal under Section 78 (Department's reference T/APP/A2525/A/94/235001/P6)

I dismiss your appeal.

RIGHTS OF APPEAL AGAINST DECISIONS

11. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against my decisions to the High Court are enclosed for those concerned.

Yours faithfully


Alan Langton CEng DipTP MICE MRTPI MIHT
Inspector
ENC

SOUTH HOLLAND DISTRICT COUNCIL PLANNING DEPARTMENT

APPEAL BY

MR B JOHNSON

APPEAL SITE

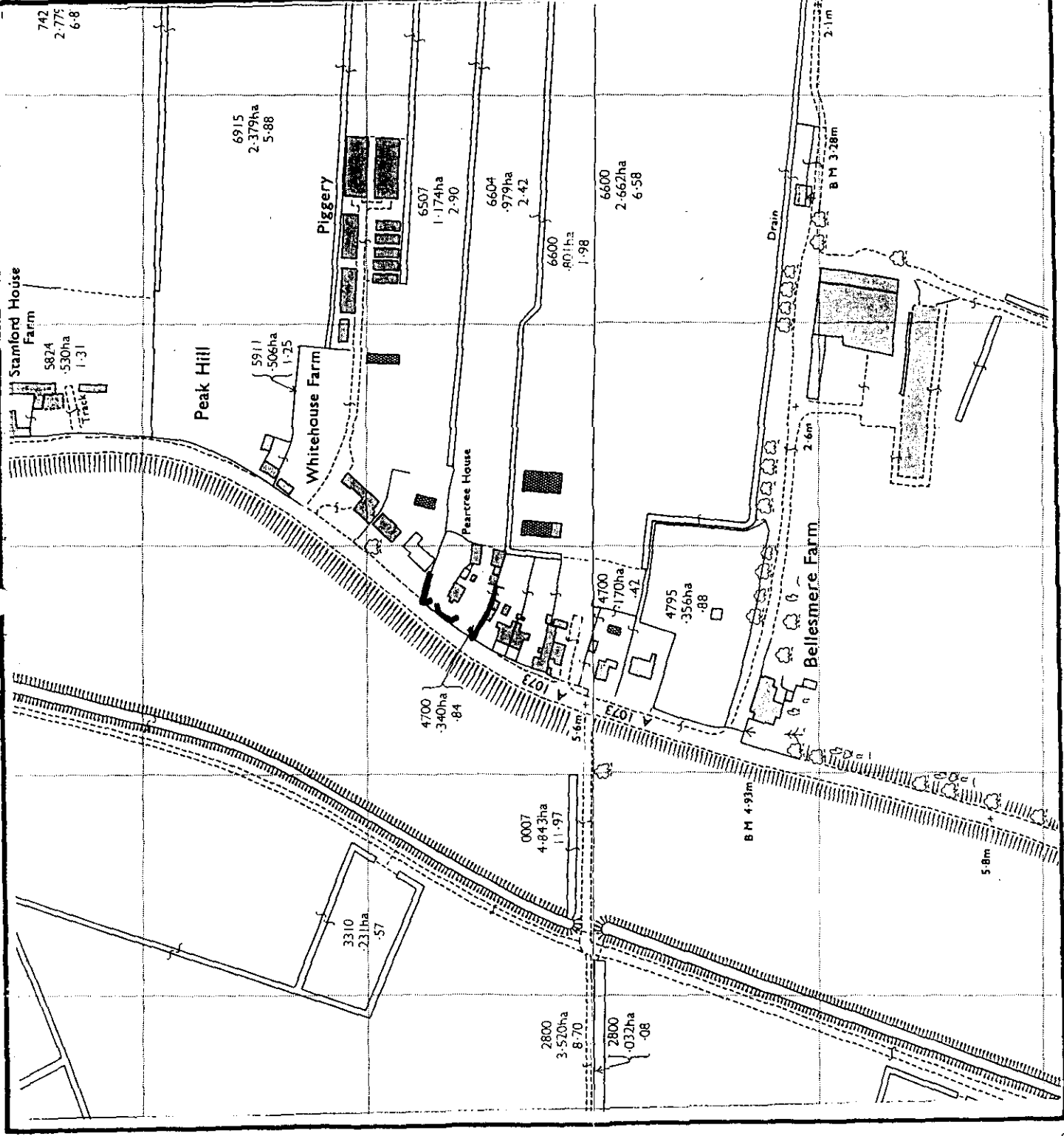


B.SMITH M.R.T.P.I.
DISTRICT PLANNING OFFICER

PRIORY ROAD, SPALDING.

SCALE 1:2500 DATE MAR '94

PLAN 'A'



PLANNING APPLICATION

For office use only

Application No. H01 | 0958 | 93

Date Registered

06 OCT 1993

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

B. JOHNSON
 PEAK HILL HOUSE
 PEAK HILL
 COWBIT
 SPALDING
 LINES PE12 6AW
 Tel. No. 0406 380122

NAME AND ADDRESS OF AGENT

(if form completed by agent)

Tel. No.
 (Personal contact name)

OFFICE
 COPY

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

AS ABOVE

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

BOUNDARY WALLING (REVISED DESIGN)

Please complete

I attach

✓ Four copies of all plans

* an ownership certificate (see back page)

✓ a fee of £60

Signed. B. JOHNSON

Date 27 SEPTEMBER 1993

If you consider no fee is payable
 include a written explanation instead.
 Previous application No.

Please tick **one** box and answer the extra questions under that section.

2. TYPE OF APPLICATION

This is a **full** application for change of use and/or new building worksor This is an **outline** application

(✓)
☒
☐

Now complete Parts
 3, 4 and 5 and an
 Ownership Certificate

Please state Site Area (Hectares)Please tick **any** box where you are including details which you wish to be considered as part of this application.Siting ☐ Design ☐ External Appearance ☐Means of Access ☐ Landscaping ☐

Now complete Parts 3 and 5 and an Ownership Certificate.

or This is a **reserved matters** application.

A. Please state Reference Number of outline permission.

B. Please state which reserved matters are dealt with in this application.

Now complete Part 4 only

or This is an application for **renewal** of temporary permission or **continuation** without complying with planning condition.

A. Please state reference Number of previous permission

B. Please state Condition Number referred to

Now complete an Ownership Certificate

or This is an application for **modification** of a condition on a planning permission which has not yet been implemented.

A. Please state Reference Number of previous permission

B. Please state Condition Number referred to

C. Please state variation required

Now complete an Ownership Certificate.

TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:-

(Tick one or more boxes)

- (i) New Dwellings
(ii) Other new building(s)
(iii) Alterations or extension
(iv) Change of use

☐
☐
☒
☐

If so, how many:

4. A. If building works are proposed, please state extra floor space to be created:

B. Please state size of any new structure:- (a) max. height:
(b) max. length:
(c) max. width:

NA

AS PLANS

sq. metres
metres
metres
metres

C. Please state type and colour of materials for facing external walls:

AS DWELLING.

D. Please state type and colour of roofing materials:

NA

E. Has a survey of the site been undertaken? State Yes or No

YES

5. GENERAL INFORMATION Please complete each section**EXISTING USES**

Please state existing or, if vacant, the last use(s) of site.

EXISTING DWELLING

ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN)

Please tick one box

A. There will be no new access to a public road and no alteration to any existing access to a public road

☒

or

B. There will be a new or altered access to a public road

☐

If so, name of road:

Will there be—

Individual access(es)

New estate road

C. What provision will be made for garages or parking within the site?

TREES Please tick one box

A. The proposal does not involve the felling of any trees

☒

B. The proposal does involve the felling of one or more trees

☐

⇒ If so, please show details on plans.

DRAINAGE

Please complete

A. Please state how surface water will be disposed of

B. For estate developments, please state how highway surface water will be disposed of

C. Please state whether a land drain will be affected

D. Foul sewerage will be disposed of to:

Mains sewer

☐

Cesspool

☐

Septic tank

☐

NA

NO

PLEASE COMPLETE IN ALL CASES

State Yes or No

The proposal is in connection with agriculture

☐

⇒ If so, please give details in Part 6

The proposal affects a listed building

☐

The proposal affects a public right of way

☐

The proposal is known to affect contaminated or filled land

☐

The proposal is for industrial, warehousing, offices, shopping or similar commercial purposes.

☐

⇒ If so, please complete Part 7

In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.

☐

Date:

Consultee(s)

Is this application related to a previous submission?

☒

Application No H01/0123/88

6. **ANY OTHER INFORMATION** Please add any details you wish in support of your application.
Continue on separate sheet if necessary.

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE SECTIONS.

1. APPLICANT'S INTEREST

Please state interest in site (e.g. owner, prosp. purchaser)
(Please remember to indicate on the location plan any other land under your control).

OWNER

2. OWNERSHIP OF THE SITE

This certificate is to make sure that the owners of land are aware of applications made on it.

If the applicant is the **sole owner of the whole site**, complete **Certificate A**.

In **any other case** (i.e. if the applicant is a prospective purchaser, or a tenant, or a joint owner, or the sole owner of only part of the site) then you must give notice to all other owners, and complete **Certificate B**. (An "owner" is a person having a freehold interest, or having a leasehold interest where seven years or more remains unexpired). If you are unable to trace the owner, please contact the Planning Office as a different certificate will be required.

Certificate A Nobody except the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

Signed B. J. (Applicant / Agent) Date 27th September 93

Certificate B The applicant has given the required notice to everyone else who were owners of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

Owner's Name:

Address of owner at which notice was served:

State Date notice served:

Signed (Applicant / Agent) Date

3. AGRICULTURAL HOLDINGS CERTIFICATE

If the land is not in agricultural use complete Certificate 1.

If the land is agricultural, but farmed by the owner and there is no agricultural tenant, complete Certificate 1.

If the site does relate to an agricultural holding, you must give notice to the tenant, and complete Certificate 2. If you are the sole agricultural tenant yourself, sign certificate 2 but insert 'not applicable' in the tenant details.

Certificate 1 None of the land to which the application relates is or is part of any agricultural holding.

Signed B. J. (Applicant / Agent) Date 27th September 93

Certificate 2 The applicant has given the required notice to every other person who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates.

Tenant's Name:

Address of tenant at which notice was served:

State Date notice served:

Signed (Applicant / Agent) Date

APPLICATION ASSESSMENT

Notes for Case Officer

Site Inspection

Accuracy :
Neighbours :
Boundaries :
Site Features :

Inspected by *PO1*
Date *13-10*

Site Notice posted by *PO1*
Date *13-10*
Expiry *Concrete telegraph pole*

Individual Resident Notices required:

Addresses to be sent to -

Addresses delivered to -

*Mrs Goodwin,
"Goodwin"
Peakhill,
Conlat,
PB12 6AU.*

Case Officer Conclusions

*Design ok but does obscure
view from neighbours houses, located*

*Side - Cows are hidden, trees are in, both pillars of cows are ok
to contact the planning to install the fence section was so narrow being*

RECOMMENDATION/DECISION

NON-DETERMINATION

Permitted Dev (or equiv)
Non Development (or equiv)
Non Response after Direction

Senior Officer confirmed

Withdrawn

COMMITTEE

Confirmed as agenda

SUB-COMMITTEE

Confirmed as agenda *+ ag. ✓ & 2/12*

DPBCS AUTHORISED

Decision Issue confirmed

DELEGATED DECISION

Case Officer Recommendation

Approve
(or equiv)

Refuse
(or equiv)

Signed Date.....

Notes:

Disabled
Prev conditions
Amended plans -
Dwg no:
Received:

Conditions/Reasons: (cont overleaf)

ADMIN RECORD SHEET

Initial

Submitted Fee £60.

Receipt No P3354

Date first Rec'd 06 OCT 1993

Registration

Reference H01/0958/93

Cross-Ref

Date 7/10/93

Validation

TYPE Full

Site area
No of dwellings
Floorspace

Earlier permission - Ref:
New/Redevelop/Use/Ext/Alt/Works

Description
to be recorded

Erection of Boundary wall

Invalid

Site plans
Certificate

☐

Fee

Fee (not free)

☐

Inaccurate
Incomplete
Unclear

☐

Fees

Correct fee £60.

Nil fee

☐

Previous app - ref:

Type of app

Reason:

Discounted

Additional £
Refund £

Receipt No
Voucher No

Date
Date

Information

Index sheet 310 OS Plots
Grid ref 52470 316050

Ward X Parish Cowbit

Inside IBD NO Inside LP area NO

Constraints:

CA Cons Area

LB Listed - Grade:

ARC Archaeology

AM Ancient Mon

SSI Special Int

TR Rural

BP TR proposed 67m

LC Level Cross

FP Footpath

TPO Tree Pres

Hazards -

HAZ Site

AIR Safeguard

LIN Elect

PIP Pipe

CON Waste/contamin

Linked to site

Ref

Linked to property

Ref

0331793

Planning Records:
Earlier apps

1360/88

B Reg Records:

Already submitted - Ref:

Request needed

Requested

123/88 - with amendment

LPA Ref: H02/0958/93

DOE Ref: APP/A2525/A/94/235001

TOWN AND COUNTRY PLANNING (APPEALS)
WRITTEN REPRESENTATIONS PROCEDURE
REGULATIONS 1987

APPEAL BY B JOHNSON

Questionnaire and Supporting Documentation from
Local Planning Authority

: Questionnaire

PART ONE: PLANNING OFFICER'S REPORT

: Copy of Report to Planning Committee dated 17th November 1993
: Extract of Minute of Planning Committee meeting 17th November 1993
: Copy of Report to Planning Sub-Committee dated 29th November 1993
: Extract of Minute of Planning Sub-Committee dated 29th November 1993
: Copy of Decision Notice

PART TWO: BACKGROUND PAPERS

: Copy of Lincolnshire County Council Highway observations
: Copy of Parish Council observations
: Copy of letters from Objectors

PLAN 'A' Appeal Site

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs

APPEAL QUESTIONNAIRE
(revised July 1992)

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT APPEAL

DOE APPEAL REF: APP/ A2525/A/94/235201

APPEAL BY: B. Johnson

526470
GRID REF: 316050

SITE: Park Hill House : Park Hill : Conbit : Spalding : Lincs

PLEASE SEND THE COMPLETED QUESTIONNAIRE (TOGETHER WITH ANY ENCLOSURES) TO THE INSPECTORATE AND TO THE APPELLANT OR AGENT WITHIN 14 DAYS OF THE DATE YOU RECEIVED THE APPEAL FORM.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to the Inspectorate within 28 days of the date you received the appeal form.

1. Do the Council agree to the written representations procedure? OR Do the Council wish to appear before and be heard by an Inspector? (a local inquiry or hearing)	YES / NO YES / NO
2. If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land?	YES / NO
3. Does the appeal relate to an application for approval of reserved matters?	YES / NO
4. Was an Article 12 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES / NO / NA
5. Was it necessary for the Council to advertise the proposals under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	YES / NO
6. Is the appeal site within an approved Green Belt?	YES / NO
7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, attach details).	YES / NO
8. Are there any other appeals or matters relating to the same site or neighbourhood still before the Secretary of State for consideration; or does the development directly affect the line of a footpath, bridleway or highway? (If YES, attach details and, where necessary, give the Department's reference numbers.)	YES / NO
9. Is the site within a Conservation Area/ If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	YES / NO
10. Does the appeal relate to an application for conservation area consent?	YES / NO
11a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building/ (Delete as appropriate)	YES / NO
b. Would the proposed development affect the setting of a listed building?	YES / NO
If the answer to questions 11a or b is YES, please attach a copy of the relevant listing description from the list of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13)	
12. Has a grant been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	YES / NO
13. Would the proposals affect an Ancient Monument (whether scheduled or not)?	YES / NO

14. Copies of the following documents must, if appropriate, be enclosed with this questionnaire

- a) any comments or directions received from the secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDO;
- b) any representations received as a result of an Article 12 (or Regulation 6) notice;
- c) a copy of any notice published under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and / or Regulation 5;
- d) any representations received as a result of a notice published under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);
- e) details of any other applications or matters currently before the Council relating to the same site;
- f) In the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision;
- g) a list of any conditions or limitations the Council would favour if the appeal were to be allowed;
- h) any other relevant information or correspondence the Council consider the Inspectorate should be aware of.

the number of documents enclosed

2

not applicable

FOR APPEALS BEING DECIDED BY THE WRITTEN REPRESENTATIONS PROCEDURE

15. If you have not already done so, please notify, in accordance with Regulation 5(1), details of the appeal to authorities and other persons who made representations to you about the application. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

the number of documents enclosed

not applicable

a) representations received from interested parties about the original application;

4

b) the planning officer's report to committee;

1

c) any relevant committee minute;

1

16. Relevant plans and policies;

Please enclose extracts of relevant policies and plans and explanations of these. Each extract should include the front page, showing the title of the plan and date of approval or adoption. Where plans and policies have not been approved or adopted, the stage and status of the plan should be given

17. Do the documents listed above comprise the Council's full statement of case?

YES/NO

Council's reference: 101/58/93

I certify that a copy of this appeal questionnaire and any enclosures have on this day been sent to the appellant or agent.

Signature B. J. T. T.

on behalf of SOUTH HOLLAND DISTRICT Council

Date of despatch 21/3/94

NB: Please alert the Inspectorate to any changes in circumstances occurring after the return of this questionnaire.

LPA Ref: H02/0958/93

DOE Ref: APP/A2525/A/94/235001

TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY B JOHNSON

PART ONE: PLANNING OFFICER'S REPORT

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs

APPLICATION REFERENCE: H01/0958/93 DATE RECEIVED: 06-OCT-93

TYPE: Full

DESCRIPTION: Erection of boundary wall

LOCATION: Peak Hill House, Peak Hill, Cowbit.

APPLICANT: B Johnson

AGENT:

REASON FOR COMMITTEE CONSIDERATION

Objections received.



RECOMMENDATION

- A. *That the site be inspected by the Sub-Committee.*
- B. *Subject to the views of the Sub-Committee, refuse permission*
The wall as constructed in its present position and height is considered to be detrimental to the safety of other road users along this fast stretch of busy Class I County Road. In particular the visibility for adjoining residents when emerging onto the highway is impaired so that they do not have sufficient vision of oncoming traffic.
- C. *That enforcement action be authorised to secure removal of the unauthorised wall within a period of 3 months, in the interests of the safety of road users.*

COMMENTS

- 1 A report was considered by the Planning Committee on the 13 July 1993 with respect to this wall which has been erected.
- 2 The Planning Committee resolved to inspect the site which was carried out on the 26 July 1993 following which it was resolved to require the applicant to submit a formal planning application.
- 3 The forward-most pillars on either side of the access closest to Crowland obscure the view from adjoining driveways on the Crowland side of the site so that they are unable to see properly towards Cowbit. Conversely vehicles using the road cannot see cars leaving these driveways. The raised section in the middle of the front wall is less damaging to visibility since it lines through with an existing concrete telegraph pole. The result of obscuring the highway is that cars generally tend to be hidden, and lorries and other high vehicles may be from certain positions.

- 4 Although County have suggested reasons for refusal, they raise doubts over this. In my view, these doubts largely stem from an insufficient understanding of planning law, not because they consider the wall to have no effect on safety.

REPRESENTATIONS

- Parish Council: Recommend site visit, accident blackspot, hindrances to visibility should be avoided.
- Ward Member: Obscures visibility, have been recent accidents nearby.
- County Highways: Given this matter careful consideration. Consider the matter is not straight forward but suggest reason for refusal if Committee consider there is justification.
- Public: Four letters received from: "Goodison", Peakhill, 18 Eves Close, Newboro', "The Cottage", Peakhill, 55 Mill Drove, Cowbit (summarised):
- No alterations to height.
 - Impossible to see round bend at oncoming traffic.
 - Two relatives don't visit owing to near misses.
 - Bad accident occurred within last fortnight.
 - Road is dangerous, so perhaps should take a little notice of our feelings.
 - Chairman of Parish Council is aware of views.
 - Should try to drive into my drive with a car and see how bad it is.
 - Aghast how Council allowed permission for this.
 - Trying to get onto road is dangerous.
 - Speeds are unbelievable, surprised no limit.
 - Have always kept our conifers and tree low.
 - Live next door to wall, difficult to pull out of drive had several near misses.
-

PLANNING COMMITTEE - 17th November, 1993

752. PLANNING APPLICATIONS (Continued)

(c) Applications Deferred (Continued)

Plan No. and Applicant

Proposal

H23/0880/93
P G & C L Frith

Change of use of outbuilding to sell sports and leisure wear at Braemar, Mill Lane, Whaplode.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H05/0901/93
Mr D J Lynn

O.A. Single storey dwelling at 15 Branches Lane, Holbeach.

(Pending a site inspection to assess the suitability of the site for the proposal.)

(It was reported that a late letter of objection had been received.)

H01/0910/93
Mr & Mrs S W Sewell

O.A. Dwelling with garage including details of means of access at Barrier Bank, Cowbit.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H23/0915/93
Laburnham Estates

Change of use to workshop and store at Stockwell Gate, Whaplode.

(Pending a site inspection to assess the suitability of the site for the proposal.)

(Councillor A.E. Naylor left the meeting following consideration of the above application.)

H09/0918/93
R English Esq

O.A. Dwelling at rear garden of 13 Cranmore Lane, Holbeach.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H01/0958/93
B Johnson

Boundary wall at Peak Hill House, Peak Hill, Cowbit.

(Pending a site inspection to assess the suitability of the boundary wall in its present position.)

H02/0993/93
Miss P Steels

Details of brick and tile materials (Condition 2 of application H02/1344/91) at The Tiles, 58 West Street, Crowland.

(Pending a site inspection to assess the suitability of the site for the proposal.)

APPLICATION REFERENCE: H01/0958/93

DATE RECEIVED: 06-OCT-93

TYPE: Full

DESCRIPTION: Erection of boundary wall

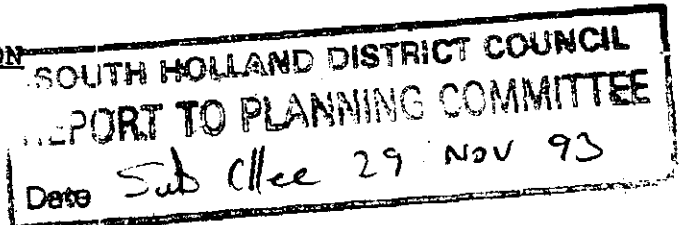
LOCATION: Peak Hill House, Peak Hill, Cowbit.

APPLICANT: B Johnson

AGENT:

REASON FOR COMMITTEE CONSIDERATION

Objections received.



RECOMMENDATION

- A. That the site be inspected by the Sub-Committee.
- B. Subject to the views of the Sub-Committee, refuse permission
The wall as constructed in its present position and height is considered to be detrimental to the safety of other road users along this fast stretch of busy Class I County Road. In particular the visibility for adjoining residents when emerging onto the highway is impaired so that they do not have sufficient vision of oncoming traffic.
- C. That enforcement action be authorised to secure removal of the unauthorised wall within a period of 3 months, in the interests of the safety of road users.

COMMENTS

- 1 A report was considered by the Planning Committee on the 13 July 1993 with respect to this wall which has been erected.
- 2 The Planning Committee resolved to inspect the site which was carried out on the 26 July 1993 following which it was resolved to require the applicant to submit a formal planning application.
- 3 The forward-most pillars on either side of the access closest to Crowland obscure the view from adjoining driveways on the Crowland side of the site so that they are unable to see properly towards Cowbit. Conversely vehicles using the road cannot see cars leaving these driveways. The raised section in the middle of the front wall is less damaging to visibility since it lines through with an existing concrete telegraph pole. The result of obscuring the highway is that cars generally tend to be hidden, and lorries and other high vehicles may be from certain positions.

Although County have suggested reasons for refusal, they raise doubts over this. In my view, these doubts largely stem from an insufficient understanding of planning law, not because they consider the wall to have no effect on safety.

REPRESENTATIONS

Parish Council:

Recommend site visit, accident blackspot, hindrances to visibility should be avoided.

Ward Member:

Obscures visibility, have been recent accidents nearby.

County Highways:

Given this matter careful consideration. Consider the matter is not straight forward but suggest reason for refusal if Committee consider there is justification.

Public:

Four letters received from: "Goodison", Peakhill, 18 Eves Close, Newboro', "The Cottage", Peakhill, 55 Mill Drove, Cowbit (summarised):

- No alterations to height.
- Impossible to see round bend at oncoming traffic.
- Two relatives don't visit owing to near misses.
- Bad accident occurred within last fortnight.
- Road is dangerous, so perhaps should take a little notice of our feelings.
- Chairman of Parish Council is aware of views.
- Should try to drive into my drive with a car and see how bad it is.
- Aghast how Council allowed permission for this.
- Trying to get onto road is dangerous.
- Speeds are unbelievable, surprised no limit.
- Have always kept our conifers and tree low.
- Live next door to wall, difficult to pull out of drive had several near misses.

ADDENDUM

- 1 This application was deferred by the Planning Committee for a site visit by the Sub-Committee.
- 2 A letter has been received from the applicant, the contents of which are summarised below:
 - Surprised to find you are not fully aware of facts in relation to wall.
 - Most significant alteration is set back side boundaries by 1.5 metres from that shown on original plan - a vast improvement.
 - Should permission not be granted, in order to comply with the initial planning permission the wall will have to be extended to the footpath edge, more detrimental to visibility.
 - Majority of public comments are irrelevant to the wall, largely referring to the general danger of the A1073.

3 The original application for the house and garage was
granted with a single access on 2 March 1988 without any
walls shown on the plan. An amendment for a "new driveway
' and access" was accepted on the 3 July 1988. This plan
included walls to the side and front boundaries, but they
were not part of the described amendment and are, therefore,
not considered to be authorised as part of the amendment.
4 It is considered, therefore, that if this planning
application is refused, the applicant does not have any
authorisation to erect walls in the position shown on the
submitted amended drawing, accepted on the 4 July 1988.
5 Normally the applicant would have permitted development
rights to erect a 1 metre wall fronting onto the A1073, but
the General Development Order does not authorise "any
development which ... creates an obstruction to the view of
persons using any highway used by vehicular traffic, so as
to be likely to cause danger to such persons". Therefore,
in this location a 1 metre wall may need planning
permission, depending on its position.

PLANS SUB-COMMITTEE - 29th November 1993

787. PLANNING APPLICATIONS (Continued)

(a) Determinations following Site Inspections (Continued)

Plan No. & Applicant

Proposal

H01/0958/93
B Johnson

Boundary wall at Peak Hill House, Peak Hill, Cowbit.

RESOLVED: (a) Planning permission be refused for the above development in accordance with recommendation (B) of the Director of Planning and Building Control Services report and (b) that a further report on enforcement action in respect of the unauthorised boundary wall at the site be submitted to a future meeting.

(Councillor C.J.T.H. Brewis requested that his vote against the refusal of the above application be recorded.)

H02/0993/93
Miss P Steels

Details of brick and tile materials
(condition 2 of application H02/1344/91)
at the Tiles, 58 West Street, Crowland.

RESOLVED: Planning permission be granted for the above development in accordance with the recommendation of the Director of Planning and Building Control Services.

(Councillor Mrs P.J. Buffham left the meeting following consideration of the above application.)

(b) Planning Application

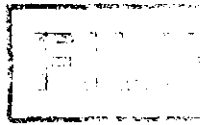
The undermentioned application was submitted for consideration and the Sub-Committee informed that the application had to be referred back to the Planning Committee for final determination.

H09/0865/93
Hey & Croft Ltd
(Receivership)

Residential development at Marsh Road,
Holbeach Hurn.

RESOLVED: That the Planning Committee be informed that, whilst the Sub-Committee is generally satisfied with the layout of the proposed development and the number of properties proposed, it is opposed to the dwelling types currently proposed and considers that mains drainage only would be suitable for this development.

(End of Minutes)



Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H01/0958/93

Received:06-OCT-93 Type:FULL

Name: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Agent: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Description: Erection of boundary wall

Location : Peak Hill House Peak Hill
Cowbit Spalding, Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

- 1 The wall as constructed in its present position and height is considered to be detrimental to the safety of other road users along this fast stretch of busy Class I County Road. In particular the visibility for adjoining residents when emerging onto the highway is impaired so that they do not have sufficient vision of oncoming traffic.

Director of Planning and Building Control Services
02-DEC-93 H01/0958/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

LPA Ref: H02/0958/93

DOE Ref: APP/A2525/A/94/235001

TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY B JOHNSON

PART TWO: BACKGROUND PAPERS

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: SOUTH HOLLAND District Council

Application
Reference

H01/0958/93

Form of notification by the County Director of Highways and Planning for
DEVELOPMENT AFFECTING HIGHWAYS

With reference to the application dated
relating to the following proposed development:

1. National Grid Reference of a
central point on site

horizontal				vertical			

2. Address or location

PEAK HILL HOUSE, PEAK HILL, COMBIT.

3. Name, classification and number of road

I (A 1073)

4. Date application referred

14-10-93

5. State whether outline, detailed application etc.

Full.

6. Description of proposed development/change of use
including access details

ERECTION OF BOUNDARY WALL.

- 7.

Delete as
appropriate

Notice is hereby given under the provisions of article 15 of the Town and
Country Planning General Development Order, 1988, that the County Council
as local highway authority:—

- ~~a. Does not wish to restrict the grant of permission.~~
b. Requests that any permission given by the local planning authority shall
include the conditions shown overleaf.
c. Requests that the local planning authority refuse the application (reason
overleaf).
~~d. Requests the local planning authority to complete Form T.R. 108 para
10b as shown overleaf.~~

Date:

5-11-93

Signed:

Director of Highways and Planning

CONDITIONS: —

Delete as
appropriate

- (i) For applications where items are to be reserved for subsequent approval in consultation with the Director of Highways and Planning
- (ii) For other applications

Delete as
appropriate

- (i) REASONS FOR a, b, or c overleaf
- (ii) COMMENTS FOR FORM T.R. 108 para 10b

The wall, as constructed, in its present position and height is considered to be detrimental to the safety of other road users, along this fast stretch of busy Class I County Road.

In particular ^{the} visibility for adjoining residents when emerging onto the highway is impaired so that they ~~cannot~~ do not have sufficient vision of oncoming traffic.

Note / I shall be pleased if you will draw your

Note: — use continuation sheet(s) as necessary.

Committee's attention to ~~the~~ the comments made on my H/A/35 dated 21/10/83.

BRI SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priest Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161
Fax: (0775) 710772



Application no: H01/0958/93

Applicant: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Agent: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Description: Erection of boundary wall

Location: Peak Hill House Peak Hill
Cowbit Spalding, Lincs

Type: FULL

Date received: 06-OCT-93

11-OCT-93

Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 25-OCT-93. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with his application is P J UDY

Yours faithfully

B SMITH

Director of Planning and Building Control Services

Clerk to Cowbit PC
7 West Parade
Spalding
Lincs
PE11 1HD

FOR PARISH COUNCIL USE ONLY

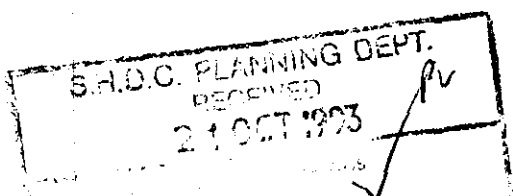
Comments:

Recommend site visit. (see previous correspondence). Peakhill is an accident blackspot and any hindrances to motorist visibility on leaving neighbouring properties should be avoided.

Signed:

[Signature]

20.9/93



(u.)

S.H.D.C. PLANNING DEPT. RECEIVED 29 OCT 1993	
Attention of DPO <u>MM</u> DOPO BS JC ACP Action by Discuss with Copy to	File Nos. <u>✓</u> Acknowledge YES/NO by <u>MM</u> date <u>29/10</u>

MISS K. PHILPOTS
MR. S. CORBY
THE COTTAGE
PEAK HILL
COWBIT
NR. SPALDING
LINCOLNSHIRE
PE12 6AW

Dear Sir/Madam,

As a resident of 'Peak Hill' Cowbit, I am putting forward my objection to the hideous wall that Mr. Johnson has built at the front of his home 'Peak Hill House'.

Unfortunately our house is situated next door to Mr. Johnson. To please our neighbours we have always kept our conifers that are nearest to the main road to a height of 3 feet tall. We also have a tree placed in the front of our garden which we have always kept trimmed of a low height.

making it visible and safe for ourselves and neighbours to pull out of their drives safely.

Having to live directly next door to this wall we find it extremely difficult to pull out of our drive onto the main road. In the few months of this wall being here I have had several incidents where I have had near collisions with ~~each~~ other cars due to ~~not~~ being able to see properly when pulling out. I find it very inconvenient when having visitors as I find myself having to guide them out onto the main road as they can no longer do so themselves since this wall has been here.

Maybe you should send somebody round to our property and let them see for themselves ⁱⁿ the

Difficulty and danger that's caused when attempting to pull out onto the main road with this wall here.

Also while we are on the subject of hideous walls I'd like to know if Mr. Johnson is planning to do anything about the wall he ~~had~~ has had built between his property and ours, because at the moment I am faced with the ugliness of breeze blocks for a view! I find that the wall being left like this, is decreasing the value of our property if we were to sell! I am now thinking about purchasing some conifers so that I can hide this wall.

I do hope that you will do something about these walls, especially the wall situated on the main road.

Roads are dangerous enough and with this wall here it's not only risking the lives of us the residents, but also the public. Don't you think we have enough idiots on the roads without one's who hide behind a wall?

I look forward in hearing some good news from you concerning this wall.

Yours faithfully
~~Philpots~~
Shy.

S.H.D.C. PLANNING DEPT.
 RECEIVED
 28 OCT 1993

APPROVED BY
 [Signature]
 DATE
 28 OCT 1993

FORWARDED BY
 [Signature]
 DATE
 28 OCT 1993

FORWARDED BY
 [Signature]
 DATE
 28 OCT 1993

55 MILL DRIVE
 COWBIT
 SPARLING
 LINGS
 PE126AS

Dear Sir,

I am deeply concerned about the situation of a high wall, which blocks the view of my daughters home at Peckhill. We visit quite a lot, and find it very difficult to get on to the road. My daughter and her family use this road a numerous times a day, and my husband and myself worry considerably whenever we hear of an accident in Peckhill. It really is a dangerous time getting out of her drive on to the road. Is it at all possible that you could go and look at the height of the wall from her driveway, 'Goodison'. Then you would see what I mean.

Yours Faithfully

MRS H MITCHELL

(u) NW

S.H.D.C. PLANNING DEPT.	
RECEIVED	
26 OCT 1993	
AMPLIFIED YES ☒ NO ☐ ADP YES ☐ NO ☐	THE LHS. YES ☐ NO ☒

Mrs I McCracken
 18 EVES CLOSE
 NEWBOROUGH
 PETERBOROUGH
 CAMBS
 PE6 7RF

Dear Sir

I am writing with great concern about a wall at Peakhill Cowbit.

Having visited a house at Peakhill on a number of occasions, I am agast as to how the Council have allowed permission for this.

I am quite a steady driver and find trying to get onto the road very disconcerting and dangerous when one cannot see clearly to the right.

The speed of some drivers is unbelievable and I cannot understand why there is no speed limit.

To try and judge the speed of the cars and lorries before you can get onto the road is quite difficult and to pull out too soon is taking ones life in ones hands.

I await to hear from you with great interest as soon as possible.

Yours faithfully

Mrs I McCracken

OBJECTION

H.D.C. PLANNING DEPT	
RECEIVED	
22 OCT 1993	
Attention of DPO ☒ NRM DPO ☐ ES JC ☐ ACP Action by Discuss with Copy to	File No. 158/93 YES ☒ NO ☐ By 57 Date 22/10

"Goodism",
 Peak Hill,
 Colobit,
 Spalding,
 Times.,
 12:12 AM

21st Oct. 1993

Dec 1 Sep

New Plan - wall at Peakhill

After taking a look at the new plan submitted, I find no alterations regarding the layout at front, which makes it impossible to see around the bend at oncoming traffic, has been made. I now have 2 relatives not calling on me again due to them having a very close shave coming out, as they dare not risk their lives.

Since my letter of a fortnight ago, another bad accident has happened. Does this not make you think this road is very dangerous, so perhaps you could just take a little notice as to how we feel about getting on to the road safely.

P.C. Newton also agrees this is very bad and has had a word with the chairman

• of the Parish Council - Mr. T. Barker - giving
cross.

I therefore object to the new plan which
was submitted and trust a site meeting from
my drive be made at your earliest convenience
as winter is rapidly approaching.

Please try and drive into my drive with
car and you will then see how bad it is.

Yours faithfully

Alan Gardner.

Ro	Al
DPD	DPD
DPD	DPD
JC	JC
Action by	AC
Disputed with	
Copy to	

Your P

LPA Ref: H02/0958/93

DOE Ref: APP/A2525/A/94/235001

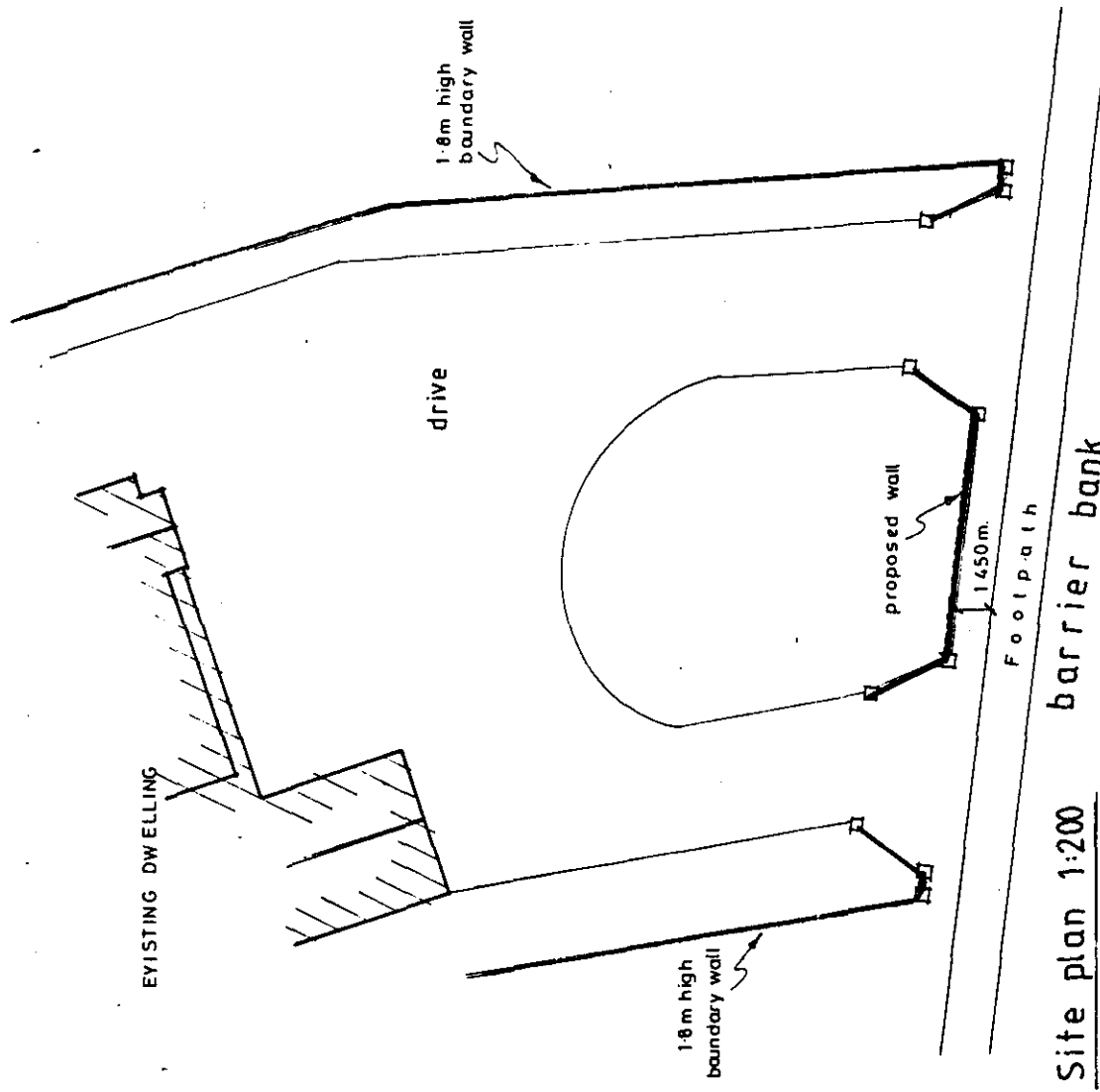
TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY B JOHNSON

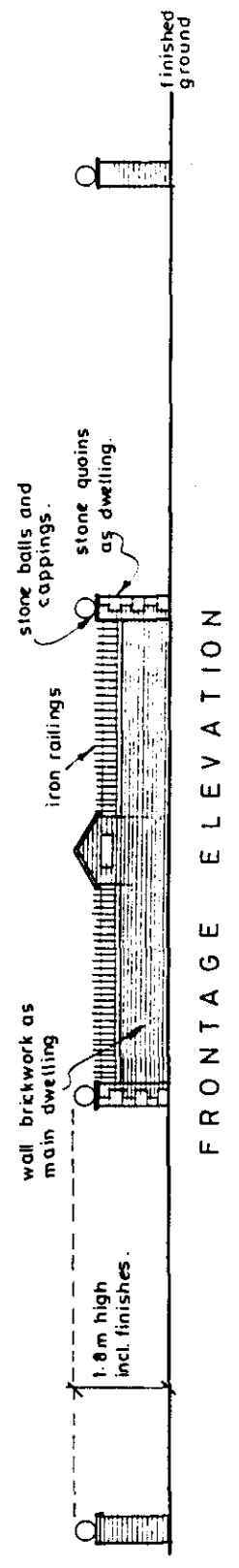
PLAN 'A'

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs

Amended Plan



Proposed frontage wall at:
 Barrier bank,
 Cowbit.
 Spalding, Lincs.
 Mr B. Johnson
 Site, location plan &
 Elevation of wall.
 May 93 1:100 1:200 1:2500
 rev A/oct 93



DOE Ref: APP/A2525/A/94/235001

LPA Ref: H02/0958/93

TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY B JOHNSON

STATEMENT ON BEHALF OF SOUTH HOLLAND DISTRICT COUNCIL

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs

STATEMENT

1. The Local Planning Authority consider the wall, owing to its height and position, to constitute a hazard to road safety because it restricts visibility when accessing the A1073 from residential properties.
2. It is considered that the wall is sufficiently close to the road to be considered 'adjacent' to it, thereby restricting the height of a means of enclosure to one metre, under the terms of the 1988 Town and Country Planning General Development Order. However, Article 3(5) of that Order states:

"The permission granted by Schedule 2 shall not, ... authorise any development which ... creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons."

Therefore, the Local Planning Authority are of the opinion that this wall requires planning permission regardless of its height, and it is important that this height is reduced enough to allow suitable visibility for highway safety. It would be nonsense to permit a wall which the General Development Order, which normally permits development without the need to obtain planning permission, would prevent on the grounds of highway safety. This view is supported by an Enforcement Appeal Inspector, documented in the enclosed Journal of Planning Law extract, who decided that a fence erected between two drives needed lowering to protect highway safety.

3. The Lincolnshire County Council as Highways Authority have submitted their statement, which the Local Planning Authority supports.
4. The Local Planning Authority does not wish to make comments upon the appellants letter dated 29th March 1994, following his meeting with a representative of the Lincolnshire County Council, since no representative of the Local Planning Authority was there. However, the appellants comment about growing trees, bushes, shrubs or hedges is perfectly true but the Local Planning Authority have no control over these situations because they are not development. Walls are development and the Local Planning Authority have controlling powers which they have used in this instance.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1202e
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-878461
Switchboard 0272-878000
Fax No 0272-878804
GTN 1374

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
h01/0958/93
Our Ref:
APP/A2525/A/94/235001

Date: 26 May 1994

Dear Sir,

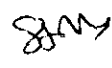
TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY MR. B. JOHNSON
SITE AT PEAK HILL HOUSE, PEAK HILL, COWBIT, SPALDING.

I am writing to inform you that the site inspection which was scheduled to take place shortly has been cancelled because this case is now travelling with an Enforcement appeal.

?

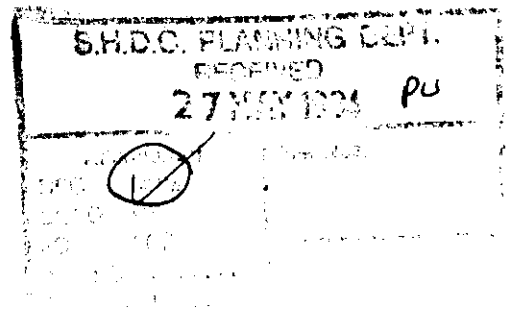
A fresh date for the site visit will be arranged as soon as possible.

Yours faithfully

pb 
M Bell

NB: All further correspondence should be addressed to the Case Officer (see initial correspondence).

(209H 30/9/93)





The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-878627
Switchboard 0272-878000
Fax No 0272-878406
GTN 1374

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
h01/0958/93
Our Ref:
APP/A2525/A/94/235001

Date: 24 May 1994

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR. B. JOHNSON
SITE AT PEAK HILL HOUSE, PEAK HILL, COWBIT, SPALDING.

I refer to the above mentioned appeal.

I am writing to inform you that it will now be decided concurrently with the related Enforcement appeal.

Any existing site visit arrangements for the Enforcement appeal will continue and also apply to the Section 78 appeal. Therefore, the arrangements made for the Section 78 appeal will now be cancelled.

Further correspondence should now be sent to Mrs M Hearle in Room 1111(7), Telephone No. 0272 878710 at the above address, who is now the Case Officer for both of the appeals.

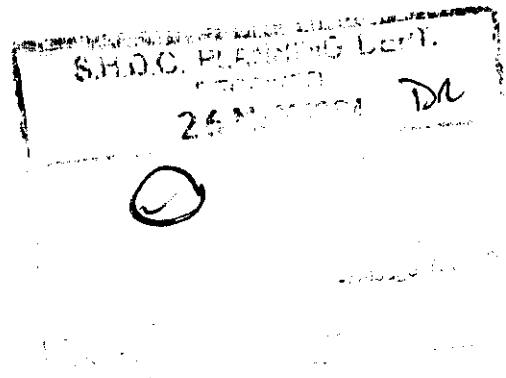
Yours faithfully

P James

P JAMES

Planning Appeals Administration

ENF1





The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218627
Switchboard 0272-218811
Fax No 0272-218406
GTN 1374

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
h01/0958/93
Our Ref:
APP/A2525/A/94/235001

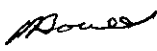
Date: 7 April 1994

Dear Sir,

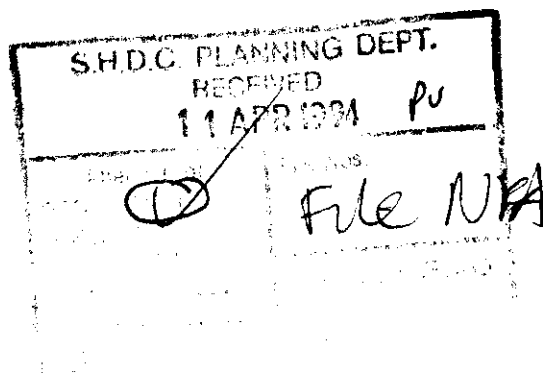
TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR. B. JOHNSON
SITE AT PEAK HILL HOUSE, PEAK HILL, COWBIT, SPALDING.

1. I enclose a copy of correspondence about the above appeal from an interested party.
2. Please do not comment unless you think the correspondence raises new points to which you wish to reply. If you wish to comment, you should do so within 7 days of the date of this letter, sending a copy of your comments to the other main party. If no reply is received within this period, we will assume you do not wish to make any.

Yours faithfully


PAT HORNE

211A



18. EVES CLOSE
NEWBOROUGH
PETERBOROUGH
CAMBS
PE 6 7RF

DOE APPEAL REF: APP/A2525/A/94/235001

Dear Sir

I am writing with great concern about a wall at Peckhill coult

Having visited a house at Peckhill on a number of occasions I am amazed as to how the Council have allowed permission for this.

I am quite a steady driver and I find it very frightening and dangerous trying to get onto the road when I cannot see clearly to the right.

The speed of some cars that go past whilst you wait is shocking, when there are signs clearly warning drivers to reduce their speed.

I await to hear from you with great interest as soon as possible.

Yours faithfully

Mrs J. McCracken.

MRS J. MCCRACKEN.

Tel. Holbeach 380528

S.P.D.C. PLANNING DEPT.

12 MAY 1994

"Goodison",

Peak Hill,

Coltish,

Spalding,

Lines.,

12 6 AM

Dear Sir,

Re: Wall at Peak Hill

Referring to my letter which I sent to you and to the D.O.E. I must admit I have not heard one word from them.

Obviously it is not important to them and I point out courteousness does pay.

We now have another hazard along this road with the grass and keek on the top of the other side bank, which now total blindness on the complete road is causing much distress.

Please could something be done quickly regarding the wall and the grass as we are thinking of putting our house up for sale because we can no longer live with the danger. Obviously it does not bother you.

Yours faithfully

Ann Gower

Brian Johnson
Peak Hill House
Peak Hill
Cowbit
Spalding
Lincs. PE12 6AW

S.H.D.C. PLANNING DEPT. RECEIVED 31 MAR 1994 DL	
Attention of PO ☒ NRM GPO ☒ LS AC ☒ ACP	File Nos. p/plan 2/1000
Action by	Acknowledge YES/NO
Discuss with	by
Copy to	date

David please
See NRM re
this

29th March 1994

The Planning Inspectorate
Room 10/15
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Ref: APP/A2525/A/94/235001
Mr D. Shortland

Dear Sir

RE: ERECTION OF BOUNDARY WALL - PEAK HILL HOUSE, COWBIT

Further to submitting my recent appeal regarding the boundary wall at the above address, I have recently received copies of two reports sent to you by the Local Planning Authority and the Lincolnshire County Council Highways Department, of which I would like to raise comment.

You will note from the appeal documentation sent to you by myself on 22nd February 1994 that the Lincolnshire County Council Highways Department submitted a report to the LPA and committee on 13th July 1993 which is totally contradictory to their recent report dated 16th March 1994. I duly telephoned Mr Chris Briggs from the Highways Department to ascertain how two such different reports could be written on the same subject and after a subsequent meeting with him on Thursday 24th March 1994 at the above address, Mr Briggs maintained that he would stand fully behind his initial report taking the following into account: *Not totally correct.*

- Emphasis changed* {
- a) Planning policy guidance note 13 and the X distance of 2 metres being acceptable. *in certain instances only.* -
 - b) Anyone can grow trees, bushes, shrubs or hedges along a footpath edge for screening, sounding and security. *- always sound this*
 - c) The occupants of "Goodison" have an in and out access which has been impeded by their own wall, shrubs and the gradient out of their driveway. *Yes.*
 - d) The occupants of the next door cottage having to possibly reverse out of their own driveway due to their turning area being taken up by other resident vehicles. *- This is his contention not mine.*

Item 6 (CB/PLAN/AA/AM) refers to there being 6 injury accidents within 400 metres of the appeal site in the last three years. It was pointed out at our meeting by myself that the wall has not contributed to any of these accidents and the accidents were, in fact, all at least 0.5 miles from my property. I feel that this item has no relevance whatsoever to my wall.

In conclusion to the above comments, following my meeting with Mr Briggs last week it is my own personal opinion that the recent Highways report, ref. CB/PLAN/11/AM, was strongly influenced by the LPA.

With reference to the report submitted to you by the Local Planning Authority, I am surprised that the information they included was only from October 1993, particularly as the majority of relevant information was prior to then.

Yours faithfully

B.C. JOHNSON

B.C. JOHNSON

cc: Mr Chris Briggs - Lincolnshire County Council Highways Department
Local Planning Authority

S.H.D.C. PLANNING DEPT.	
RECEIVED	
22 MAR 1994	
File Nos.	
3 YR	

Ref. APP/A2505/A/94/235001.

GOODISON

PEAKHILL

COWBIT

SPALDING

LINCS. PE126AN

13.3.94

Dear Sir,

Re - wall at Peakhill

Thank you for your letter dated 8th March.

I would appreciate it if this matter could be resolved as soon as possible. Now the weather is obviously getting better, so the traffic speed gets faster. With the light rights approaching we no longer can rely on looking for the car lights to come from behind the wall. At best we could see a car with lights on a ~~little~~ little quicker than one that doesn't.

I wish some-one from the Highways Department could live here for a week

Top COPY

SENT TO

D. O. E.

just to see what it is like to try
and get onto the road. It is quite nerve
racking. I doubt whether Mr. Johnson
would like it a great deal.

Even the Police have given their
backing as to how dangerous it is and
the Council have all agreed (all but one
person) the necessity to have it removed
or built further back.

Trusting the Department of the
Environment will take note of the
Police, Council's and various other comments
which have been made.

Hoping for the correct decision.

Yours faithfully

Ann Gardel.

P.S. What cost is a person's life?

Ref. APP/A2505/A/94/235001

GOODISON

PEAKHILL

COWBIT

SPALDING

LINCS. PE126AN

13.3.94

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Yours faithfully

Ann Gachet.

P.S. What cost is a person's life?



LINCOLNSHIRE COUNTY COUNCIL

HIGHWAYS & PLANNING DEPARTMENT

4th Floor, City Hall, Beaumont Fee, Lincoln LN1 1DN
Telephone (0522) 552222 Fax (0522) 553149

Your Ref: APP/A2525/A/G4/235001
My Ref: CB/PLAN/11/AM

Director: J. Emmerson

Planning Inspectorate
Department of the Environment
Room 10/15
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

For further information contact

Mr C Briggs
Telephone Lincoln (0522) 553127

16 March 1994

Dear Sirs

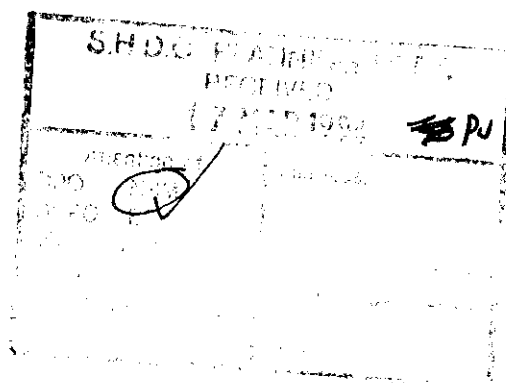
TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR B JOHNSON AGAINST THE REFUSAL OF PERMISSION FOR THE
ERECTION OF A BOUNDARY WALL BY SOUTH HOLLAND DISTRICT COUNCIL,
AT PEAK HILL HOUSE, PEAK HILL, COWBIT, LINCOLNSHIRE

With reference to the above appeal against refusal of planning permission I
enclose a copy of the statement on behalf of the County Council as Highway
Authority.

I have forwarded a copy of this statement to the appellant and to South Holland
District Council as the Local Planning Authority.

Yours faithfully


Director of Highways and Planning



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MR B JOHNSON AGAINST SOUTH HOLLAND
DISTRICT COUNCIL'S REFUSAL OF PLANNING PERMISSION
FOR THE ERECTION OF A BOUNDARY WALL AT
PEAK HILL HOUSE, PEAK HILL, COWBIT

LOCAL PLANNING AUTHORITY REF: H01/0958/93

LOCAL HIGHWAY AUTHORITY REF: CB/PLAN/11

STATEMENT ON BEHALF OF LINCOLNSHIRE COUNTY COUNCIL
AS HIGHWAY AUTHORITY

1. The appeal site is located on the east side of the Class I County Road, A1073 Barrier Bank.
2. This road links Spalding in the north to Peterborough in the south. It is an important link between the two towns and forms part of the County's Strategic Road Network.
3. A Traffic Count was carried out in 1990 and the figures were updated in 1993 (using the Department of Transport's growth figures) to give an Average Daily Traffic Flow (2-way) of 7,320 vehicles.
4. There is no speed limit on this road other than the national maximum of 60 mph.
5. The site is located in the middle of a set of double bends where both forward visibility and visibility from individual accesses is restricted due to the road's alignment.
6. Within the vicinity of this site (400 metres either side of the appeal site) there have been 6 injury accidents reported in the last 3 years (See Appendix A).
7. Planning Policy Guidance Note 13 recommends that for individual accesses, adequate visibility should be achievable from a point 2.4 metres back from the carriageway edge ('X' distance). This is particularly important on a road which carries high volumes of fast moving traffic such as the A1073. Due to the alignment of this road it is not possible for the recommended visibility distances along the carriageway ('Y' distance) to be obtained. This makes it even more essential that the 'X' distance is protected.
8. The wall, as constructed, affects the visibility at the southern access point, at the appeal site, and adequate visibility from 2.4 metres cannot be achieved. Vehicles emerging from this access will need to edge out into the carriageway of the A1073 before being able to adequately see oncoming traffic, from the south, to the detriment of highway safety.
9. Visibility from neighbouring properties, to the south, have also been made worse by the erection of this wall. Drivers emerging from these accesses also have to edge out into the busy carriageway of the A1073, in order to see oncoming traffic from the north, to the detriment of their safety and the safety of other road users.
10. This wall has therefore created an obstruction to the view of persons using the highway and, bearing in mind the speed and volume of traffic on this road, is likely to cause danger to such persons.
11. For the reasons set out in this statement the Inspector is requested to dismiss this appeal.

APPENDIX A

ACCIDENT REFERENCE: A056691
=====

STATUS: NON-VALIDATED

ROAD1 NO: A1073 ROAD2 NO: PARISH: COWBIT

GRID REF: E526503 N316112 SPEED LIMIT: 60 MPH

LOCATION: OUTSIDE WHITE HOUSE, PEAK HILL, COWBIT

DESCRIPTION: VEH 1 ENTERED MAIN ROAD FROM DRIVEWAY INTO PATH OF VEH 2

SEVERITY: Slight

DATE: 21 JUL 1991 DAY: Sunday TIME: 09:55

NUMBER OF VEHICLES: 2
NUMBER OF CASUALTIES: 1

JUNCTION DETAIL : Using Pvre drv or Entrance
JUNCTION CONTROL: Uncontrolled

WEATHER: Fine (Without High Wind)
SURFACE CONDITIONS: Dry
LIGHT CONDITIONS: Day - St Lighting Unknown

MAIN CONTRIBUTORY FACTOR : Injs Emrgnce Prvte Entrnce
SECOND CONTRIBUTORY FACTOR:
THIRD CONTRIBUTORY FACTOR :

=====

VEHICLE 1 : VEHICLE TYPE Car
MANOUVRE AND DIRECTIONS Turning Right East TO North

SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

No injuries were noted for this vehicle

=====

VEHICLE 2 : VEHICLE TYPE Car
MANOUVRE AND DIRECTIONS Going ahead rght hand bend North TO
South
SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Veh Passenger 46 Female
Slight

=====

ACCIDENT REFERENCE: A009892

STATUS: NON-VALIDATED

ROAD1 NO: A1073 ROAD2 NO: PARISH: COWBIT

GRID REF: E526300 N315800 SPEED LIMIT: 60 MPH

LOCATION: 880 YARDS SPALDING SIDE OF JNC QUEENS BANK, COWBIT

DESCRIPTION: VEH 1 OVERTOOK CAR AND 2 HGV'S INTO PATH OF VEH 2 TRAVELLING
OPPOSITE DIRECTION.

SEVERITY: Serious

DATE: 02 FEB 1992 DAY: Sunday TIME: 12:35

NUMBER OF VEHICLES: 2

NUMBER OF CASUALTIES: 2

JUNCTION DETAIL : Not at/within 20m of Jnct.

JUNCTION CONTROL:

WEATHER: Fine (Without High Wind)

SURFACE CONDITIONS: Wet or Damp

LIGHT CONDITIONS: Day - St Lighting Unknown

MAIN CONTRIBUTORY FACTOR : Ovrtnng Offside Injdcsly

SECOND CONTRIBUTORY FACTOR: Dazzled by Sun

THIRD CONTRIBUTORY FACTOR :

VEHICLE 1 : VEHICLE TYPE Car
MANOUVRE AND DIRECTIONS Ovrtnkg movg Veh on offside North TO
South
SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng
No injuries were noted for this vehicle

VEHICLE 2 : VEHICLE TYPE Car
MANOUVRE AND DIRECTIONS Going ahead other South TO North
SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Driver 36 Male Serious

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Veh Passenger 6 Male
Slight

ACCIDENT REFERENCE: A017293

=====

STATUS: NON-VALIDATED

ROAD1 NO: A1073 ROAD2 NO: PARISH: COWBIT

GRID REF: E526600 N316500 SPEED LIMIT: 60 MPH

LOCATION: PEAK HILL, APPROX. 600 YARDS SOUTH OF JNC BACK GATE, COWBIT

DESCRIPTION: DRIVER LOSES CONTROL WHILST NEGOTIATING RIGHT HAND BEND,
CROSSES INTO OFFSIDE CARRIAGEWAY AND COLLIDES WITH VEH 2.

SEVERITY: Slight

DATE: 05 MAR 1993 DAY: Friday TIME: 15:20

NUMBER OF VEHICLES: 2
NUMBER OF CASUALTIES: 1

JUNCTION DETAIL : Not at/within 20m of Jnct.
JUNCTION CONTROL:

WEATHER: Fine (Without High Wind)
SURFACE CONDITIONS: Wet or Damp
LIGHT CONDITIONS: Day - No Street Lighting

MAIN CONTRIBUTORY FACTOR : Going too Fast
SECOND CONTRIBUTORY FACTOR:
THIRD CONTRIBUTORY FACTOR :

=====

VEHICLE 1 : VEHICLE TYPE Car
MANOUVRE AND DIRECTIONS Going ahead rght hand bend North TO
South West
SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Driver 41 Female Slight

=====

VEHICLE 2 : VEHICLE TYPE Goods between 1.52 & 3.04 Tonnes
MANOUVRE AND DIRECTIONS Going ahead left hand bend South West
TO North
SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

No injuries were noted for this vehicle

=====

ACCIDENT REFERENCE: A068793
=====

STATUS: NON-VALIDATED

ROAD1 NO: A1073 ROAD2 NO: PARISH: COWBIT

GRID REF: E526500 N316200 SPEED LIMIT: 60 MPH

LOCATION: PEAK HILL, 500M NORTH OF JNC QUEENS BANK, COWBIT

DESCRIPTION: VEH 1 BRAKED FOR VEH IN FRONT TURNING RIGHT. VEH 2 BRAKED
BEHIND. VEH 3 HIT REAR OF VEH 2 PUSHING IT INTO VEH 1.

SEVERITY: Serious

DATE: 09 SEP 1993 DAY: Thursday TIME: 16:15

NUMBER OF VEHICLES: 3

NUMBER OF CASUALTIES: 3

JUNCTION DETAIL : Not at/within 20m of Jnct.

JUNCTION CONTROL:

WEATHER: Fine (Without High Wind)

SURFACE CONDITIONS: Dry

LIGHT CONDITIONS: Day - St Lighting Unknown

MAIN CONTRIBUTORY FACTOR : Driving too Close

SECOND CONTRIBUTORY FACTOR: Going too Fast

THIRD CONTRIBUTORY FACTOR : Bend

=====

VEHICLE 1 : VEHICLE TYPE Car
MANOUVRE AND DIRECTIONS Waitng to go ahead, held up South TO
North
SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

No injuries were noted for this vehicle

=====

VEHICLE 2 : VEHICLE TYPE Car
MANOUVRE AND DIRECTIONS Waitng to go ahead, held up South TO
North
SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Driver 27 Male Serious

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Veh Passenger 26 Female
Slight

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Veh Passenger 2 Male
Slight

=====

VEHICLE 3 : VEHICLE TYPE Light Goods Vehicle
MANOUVRE AND DIRECTIONS Stopping South TO North

SKIDDING / JACKKNIFING / OVERTURNING Skidding

No injuries were noted for this vehicle

ACCIDENT REFERENCE: A079493
=====

STATUS: NON-VALIDATED

ROAD1 NO: A1073 ROAD2 NO: PARISH: COWBIT

GRID REF: E526400 N316200 SPEED LIMIT: 60 MPH

LOCATION: 0.63 MILE SOUTH OF BACK GATE, COWBIT

DESCRIPTION: VEH 1 WENT OUT OF CONTROL, CROSSED CENTRE OF ROAD INTO PATH OF
VEH 2. VEH 3 COLLIDED WITH VEH 1 AND VEH 4 RAN INTO REAR OF VEH
3.

SEVERITY: Serious

DATE: 14 OCT 1993 DAY: Thursday TIME: 14:50

NUMBER OF VEHICLES: 4

NUMBER OF CASUALTIES: 5

JUNCTION DETAIL : Not at/within 20m of Jnct.

JUNCTION CONTROL:

WEATHER: Fine (Without High Wind)

SURFACE CONDITIONS: Dry

LIGHT CONDITIONS: Day - No Street Lighting

MAIN CONTRIBUTORY FACTOR : Going too Fast

SECOND CONTRIBUTORY FACTOR: Bend

THIRD CONTRIBUTORY FACTOR :

=====

VEHICLE 1 : VEHICLE TYPE Light Goods Vehicle
MANOUVRE AND DIRECTIONS Going ahead other South TO North

SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Driver 46 Male Serious

=====

VEHICLE 2 : VEHICLE TYPE Car
MANOUVRE AND DIRECTIONS Going ahead other North TO South

SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Driver 50 Male Serious

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Veh Passenger 48 Female
Slight

=====

VEHICLE 3 : VEHICLE TYPE Car
MANOUVRE AND DIRECTIONS Going ahead other South TO North

SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Driver 25 Female Slight

CASUALTY : CASUALTY CLASS / AGE / SEX / SEVERITY Veh Passenger 23 Female
Slight

=====

VEHICLE 4 : VEHICLE TYPE Car

MANOUVRE AND DIRECTIONS Going ahead other South TO North

SKIDDING / JACKKNIFING / OVERTURNING No Skdng /Jck-Knfg /Ovrtrng

No injuries were noted for this vehicle

=====

ACCIDENT REFERENCE: A100093
=====

STATUS: NON-VALIDATED

ROAD1 NO: A1073 ROAD2 NO:

PARISH: COWBIT

GRID REF: E526500 N316300

SPEED LIMIT: 60 MPH

LOCATION: PEAK HILL, COWBIT

DESCRIPTION: WHILST NEGOTIATING APPROACH TO RIGHT HAND BEND, THE VEHICLE
LEFT THE ROAD AND CAREERED DOWN EMBANKMENT INTO A FIELD.

SEVERITY: Slight

DATE: 08 DEC 1993

DAY: Wednesday

TIME: 13:00

NUMBER OF VEHICLES: 1

NUMBER OF CASUALTIES: 2

JUNCTION DETAIL : Not at/within 20m of Jnct.

JUNCTION CONTROL:

WEATHER: Raining With High Winds

SURFACE CONDITIONS: Wet or Damp

LIGHT CONDITIONS: Day - No Street Lighting

MAIN CONTRIBUTORY FACTOR : Wrong Course/ Positioning

SECOND CONTRIBUTORY FACTOR: High Wind Contributory

THIRD CONTRIBUTORY FACTOR :

=====

VEHICLE 1 : VEHICLE TYPE Motor Cycle

MANOUVRE AND DIRECTIONS Going ahead rght hand bend South TO
North

SKIDDING / JACKKNIFING / OVERTURNING Skidding & Overturned

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Driver 32 Female Slight

CASUALTIES : CASUALTY CLASS / AGE / SEX / SEVERITY Veh Passenger 4 Male
Slight

=====

TOWN AND COUNTRY PLANNING REGULATIONS 1990

APPELLANT: B Johnson

Application No: H01/0958/93

DoE Appeal Reference: APP/A2525/A/94/235001

An appeal has been made to the Department of the Environment against refusal of planning consent by South Holland District Council for:

Erection of boundary wall at Peak Hill House, Peak Hill, Cowbit, Spalding, Lincs.

This is the subject of an appeal, which was received on 4th March 1994

This notice is to inform you of the appeal as the occupier of property in the proximity of the appeal site, or as a person or body who was notified or consulted about the original application and/or has made representations about that application.

The appeal will be determined by the Department of the Environment on the basis of **Written Statements** submitted by the appellant and the Council, and following a site visit by an Inspector. It is open to the Secretary of State to grant planning permission.

Any written comments already made to the authority in connection with the original application will be forwarded to the Inspector who will take them into account when deciding the appeal. Any further representations or elaboration or modification of earlier views should be sent direct to **The Planning Inspectorate, Department of the Environment at Room 10/15 Tollgate House, Houlton Street, Bristol, BS2 9DJ**, quoting the above appeal reference, within 28 days of the starting date of the appeal.

Any comments received can only be taken into account provided they are made known to all parties and copies will therefore be sent to the appellant. (It would be of assistance to the Department of the Environment if two additional copies of your comments could be sent, in order that they can forward them to both parties).

The Department of the Environment will circulate the decision on the appeal only to those who specifically request a copy.

B SMITH

Director of Planning & Building Control Services

South Holland District Council

Council Offices. Priory Road, Spalding, Lincs. PE11 2XE

Telephone Spalding (0775) 761161

08 Mar 1994

NOTIFICATION LETTER SENT TO:

Clerk () Cowbit Parish Council
7 West Parade
Spalding
Lincs
PE11 1HD

Highways & Planning Department
City Hall
Beaumont Fee
Lincoln

Miss K Philpots & Mr S Corby
The Cottage
Peak Hill
Cowbit
Spalding
Lincs
PE12 6AW

Mrs Mitchell
55 Mill Drove
Cowbit
Spalding
Lincs

Mrs J McCracken
18 Eves Close
Newborough
Peterborough

Mrs Gardner
Goodison
Peak Hill
Cowbit
Spalding
Lincs



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street

Direct Line 0272-218627
Switchboard 0272-218811
Fax No 0272-218406
GTN 1374

BRISTOL PLANNING DEPT.
RECEIVED
- 8 MAR 1994

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
h01/0958/93
Our Ref:
APP/A2525/A/94/235001

Date: 4 March 1994

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR. B. JOHNSON
SITE AT PEAK HILL HOUSE, PEAK HILL, COWBIT, SPALDING.

1. I refer to the above appeal. The appeal form and accompanying documents are now being checked to see that all is in order. If further information is needed, or if the appeal is found to be invalid, we will write to you as soon as possible.
2. The date of this letter is the "starting date" for the purposes of the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987.
3. The appellant has chosen the written method. Unless you tell us otherwise, we will assume that the Council do not wish to exercise their right to be heard. As you know, if the Council agree to the written procedure, they are required, in accordance with the Regulations, to:

i.- within 5 working days to notify those interested persons who were required to be consulted on the original planning application, and all those who made representations at application stage, that an appeal has been made. (The letter should include the information and details required by the Regulations to be notified. The Council will wish to decide on the precise form of notification but Annex B to DOE Circular 11/87 gives a suggested format. Interested persons should be advised that if they wish to receive a copy of the appeal decision letter, they must write direct to the Inspectorate asking for one.)

- ii. - within 14 days of the "starting date" to send to the Inspectorate a completed appeal questionnaire in respect of this appeal together with all the necessary enclosures. Also to send a copy of the appeal questionnaire and enclosures direct to the appellant or agent. (Please ensure that the Inspectorate's reference number above is quoted and that all the relevant documents are attached).
4. Representations received by us from interested persons will normally be copied to you and the appellant. Any comments you wish to make on them should be sent to me, and copied to the appellant, within 7 days. Please avoid long exchanges of correspondence which can considerably delay the decision.
5. The Council will wish to decide whether or not to submit a further written statement. In most cases the relevant background documents submitted with the appeal questionnaire, together with a simple index of these documents, will be sufficient to present the Council's case. If it is considered necessary to submit a further statement, the concise format suggested in Appendix 1 to DOE Circular 18/86 should be used. Any such further statement must be sent to the Inspectorate within 28 days of the "starting date". A copy must also be sent direct to the appellant or agent.
6. Arrangements will be made for the Inspector to visit the site as soon as possible after the closing date for representations. You will be sent details.
7. DOE Circular 11/87 sets out the timetable for appeals determined by the written procedure and I am sure that you will do all you can to keep within the timetable. Please note that, having drawn attention to the timetable, the Inspectorate does not send reminders to councils or appellants about the submission of documents.
8. Regulations 9(1) allows the Secretary of State or his Inspector the discretion to proceed to a decision on an appeal taking into account only such representations and supporting documents as have been submitted within the relevant time limits. Where representations are received outside the time limits, they may not be taken into account. Inspectors will not accept representations at the site visit: nor will they undertake to wait for representations. All representations must be sent to me, as indicated in paragraphs 3 and 5 above.
9. I am the case officer dealing with this appeal. Please send any further correspondence to me at the above address, quoting in full the Inspectorate's reference number given above.

Yours faithfully

P N
P T

Mr. D. Shorland

102/Sept 92

Brian Johnson
Peak Hill House
Peak Hill
Cowbit
Spalding
Lincs. PE12 6AW

22nd February 1994

The Planning Inspectorate
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Dear Sir

RE: ERECTION OF BOUNDARY WALL

S.H.D.C. PLANNING DEPT. RECEIVED 31 MAR 1994	
Attention of NPO ☒ NRM DOPO BS JC ACP	File Nos.
Action by	Acknowledge YES/NO
Discuss with	by
Copy to	date

Further to a recent Enforcement Notice from the South Holland District Council regarding the above, I hereby submit my Appeal.

Please find attached all relevant documentation and correspondence (in numerical order of issue) in relation to the Appeal, of which South Holland District Council are in receipt of.

1. ORIGINAL PLANNING PERMISSION - REF. HO1/0123/88 - 27/01/88
2. ORIGINAL SITE PLAN - DRAWING NO. 88005-3A - JANUARY 1988
3. PLANNING AMENDMENT FORM/AMENDED PLAN - REF. A/3 - 10/05/93
4. LETTER TO S.H.D.C. - 16/06/93
5. LETTER FROM S.H.D.C. REF. HO1/123/88/A3 - 22/09/93
6. S.H.D.C. AGENDA ITEM NO. 5
7. PLANNING APPLICATION FORM REF. HO1/0958/93/AMENDED PLAN REF. REV A/OCT93 - OCTOBER 1993
8. LETTER FROM S.H.D.C. REF. HO1/0958/93 - 11/10/93
- 9a. LETTER TO S.H.D.C. REF. HO1/0958/93 - 15/11/93
- 9b. PLAN (NOT TO SCALE) REF. REV A/OCT 93 - AMENDED
- 9c. PLAN (NOT TO SCALE) - DRAWING NO. 88005-3A - EXISTING
- 9d. S.H.D.C. AGENDA
10. REFUSAL OF PLANNING PERMISSION REF. HO1/0958/93 - 02/12/93
11. LETTER FROM S.H.D.C. - REF. H1/958/93 - 10/01/94
12. LETTER TO S.H.D.C. - REF. H1/958/93 - 25/01/94
- 13a-j PHOTOGRAPHS OF WALL - DESCRIPTION ON REVERSE OF EACH ONE
14. LETTER AND SECTION 330 FORM FROM S.H.D.C. (ENFORCEMENT ACTION - 21/01/94).

I have highlighted the salient points in the documents which I would draw particular attention to.

GROUNDS OF APPEAL

Prior to commencing the building of my property, and subsequently the wall, there was an established hedge approximately 1.2 metres high with a large tree incorporated in it situated directly along the footpath edge (my wall is 1.5m away from the footpath). I, too could plant a similar hedge along the footpath edge, I believe being quite within my rights to do so and not necessitating Planning Permission, of which would cause a far greater hazard than the existing wall. (ref. Document 6 - 2nd page, 1st and 3rd paragraph)

On the original plan passed in 1988 (ref. Document 2), it clearly shows the boundary walls each side projecting right up to the footpath edge, admittedly at 1 metre high of which I have exceeded, but at 1 metre high it is not possible to see over the wall in a car (ref. Document 6 - 2nd page, 3rd paragraph). These boundary walls have been built 1.5 metres back from the footpath edge, surely being an improvement to the original plan.

My reason for altering the initial plan of the wall, the amended plan being submitted to the S.H.D.C. on 10/03/93 (see Document 3), was primarily to enhance the property. With the initial plan of the boundary walls running directly up to the footpath edge, I felt that it would be a favourable option, both visually and for safety reasons, to build the side returns and to set them back from the footpath edge.

Lincolnshire County Highways have confirmed that the wall complies with the minimum standard for visibility in a report to S.H.D.C. (ref. Document 6); the minimum standard being 2 metres from a footpath for single dwellings whereas the wall in question is 2.5 metres.

With reference to the four letters of complaint regarding the wall, I feel that some of the points listed (ref. Document 9d - 2nd page) have no relevance to the issue in question, ie.

"Bad accident" - this was not in the vicinity of my property, and no relevance whatsoever to the wall.

"Road is dangerous" - of which we are all aware but this is due to drivers' excessive speeds, not the wall.

"Excessive speeds" - again, no relevance to the wall

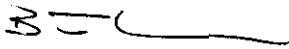
"Neighbours have difficulty pulling out of drive" - they have their own turning bay which is permanently obstructed by their own vehicles parked on it (see photographs), the vehicles which protrude further than the wall.

As for the neighbours hedge always kept low, up until a short while ago the hedge was 8 feet tall but to accentuate my wall, the end 2 or 3 have been cut short (see photographs).

In conclusion, I refer to the A1073 and the media attention it has received recently due to the publicity of all recent accidents. Due to the proposed bypass for Cowbit and Peak Hill having been delayed, I feel that any possible attention is being drawn to the road and blown out of proportion in an attempt to force this issue through.

If I can be of any further assistance regarding the conclusion of my Appeal, please do not hesitate to contact me.

Yours faithfully



B.C. JOHNSON

Encs.

cc: Brian Smith
Chris Briggs



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

FOR OFFICIAL USE ONLY

Date received

Planning Appeal to the Secretary of State Town and Country Planning Act 1990

Town and Country Planning General Development Order

The appeal must reach the Inspectorate within 6 months of the date of the Notice of the Local Planning Authority's decision, or within 6 months of the date by which they should have decided the application.

A. INFORMATION ABOUT THE APPELLANT(S)

Full name: BRIAN CHARLES JOHNSON

Address PEAK HILL HOUSE

PEAK HILL, COMBIT

SPALDING, LINES

Daytime Telephone number 01462 380532

Postcode PE12 6AW

Reference H01/0958/93

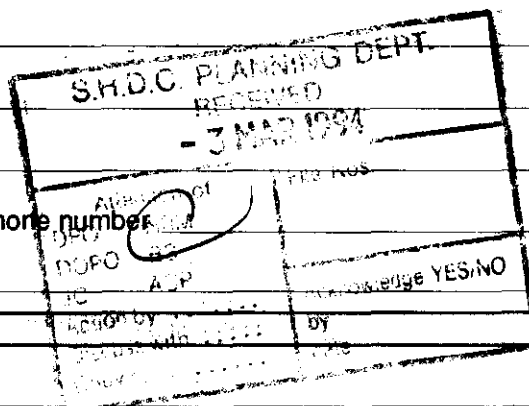
Agent's name (if any) N/A

Agent's Address

Daytime Telephone number

Postcode

Reference



B. DETAILS OF THE APPEAL

Name of the Local Planning Authority (LPA)

Description of the development

EXTENSION OF BOUNDARY WALL TO
RESIDENTIAL PROPERTY (AS ABOVE)

Address of the site AS ABOVE

National Grid Reference (see key on
OS map for instructions).
Grid Letters: Grid Numbers
eg TQ: 298407

Postcode

526500 316400

Date and reference no. of the application in respect of which you are
appealing.

06/10/93

H01/0958/93

Date of LPA notice of decision (if any).

02/12/93

C. THE APPEAL

THIS APPEAL IS AGAINST the decision of the LPA:-

1. to *refuse/grant subject to conditions, planning permission for the development described in Section B. ☒
2. to *refuse/grant subject to conditions, approval of the matters reserved under an outline planning permission. ☐
3. to refuse to approve any matter (other than those mentioned in 2 above) required by a condition on a planning permission. ☐

Or the failure of the LPA:-

4. to give notice of their decision within the appropriate period on an application for permission or approval. ☐

*Delete as appropriate

D. PROCEDURE

- 1a. Do you agree to the written procedure? (ie an exchange of written statements with the LPA and a visit to the site by an Inspector). If yes, please tick opposite and answer question 1b below. ☒
- 1b. Tick if the whole site can clearly be seen from a road or other public land. ☒

OR

2. Do you wish to appear before and be heard by an Inspector? (ie at a local inquiry or hearing). If yes, please tick. ☐

E. SUPPORTING DOCUMENTS

A copy of each of the following should be enclosed with this form.

1. The application submitted to the LPA; ☒
2. Any Article 12(A) certificate (site ownership details) submitted to the LPA; ☒
3. Plans, drawings and documents forming part of the application submitted to the LPA; ☒
4. The LPA's decision notice (if any); ☒
5. Other relevant correspondence with the LPA; ☒
6. A plan showing the site in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS map) ☒

Copies of the following should also be enclosed, if appropriate:

7. If the appeal concerns reserved matters, the relevant outline application, plans submitted and the permission; ☒
8. Any plans, drawings and documents sent to the LPA but which do not form part of the submitted application (eg drawings for illustrative purposes); ☒
9. Additional plans or drawings relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:..... ☐

F. APPEAL CERTIFICATION

IMPORTANT: THE ACCOMPANYING GUIDANCE NOTES SHOULD BE READ BEFORE THE APPROPRIATE CERTIFICATE IS COMPLETED.

SITE OWNERSHIP CERTIFICATES

PLEASE DELETE INAPPROPRIATE WORDING WHERE INDICATED (*) AND STRIKE OUT INAPPLICABLE CERTIFICATE

CERTIFICATE A

I certify that:

On the day 21 days before the date of this appeal nobody, except the appellant, was the owner (*see Note (i) of the Guidance Notes*) of any part of the land to which the appeal relates.

OR

CERTIFICATE B

I certify that:

I have/~~The appellant has*~~ given the requisite notice to ~~everyone~~ else who, on the day 21 days before the date of this appeal, was the owner (*see Note (i) of the Guidance Notes*) of any part of the land to which the appeal relates, as listed below.

Owner's Name

Address at which notice was served

Date on which notice was served

Signed BJ (on behalf of)

Name (in capitals) BRIAN CHARLES JOHNSON Date 23/2/94

AGRICULTURAL HOLDINGS CERTIFICATE (TO BE COMPLETED IN ALL CASES)

* None of the land to which the appeal relates is, or is part of, an agricultural holding.

OR

* I have/~~The appellant has~~ given the requisite notice to every person other than my/him/her* self who, on the day 21 days before the date of the appeal was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as follows:-

Tenant's Name

Address at which notice was served

Date on which notice was served

*Delete as appropriate. If the appellant is the sole agricultural tenant the first alternative should be deleted and "not applicable" should be inserted below the second alternative.

Signed BJ (on behalf of)

Name (in capitals) BRIAN CHARLES JOHNSON Date 23/2/94

G. GROUNDS OF APPEAL If the written procedure is requested, the appellant's FULL STATEMENT OF CASE MUST be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

Appeal handed in without
Statement - to follow.

continue on a separate sheet if necessary

PLEASE SIGN BELOW

I confirm that a copy of this appeal form and any supporting documents not previously seen by the LPA has been sent to them. I undertake that any future documents submitted in connection with this appeal will also be copied to the LPA at the same time.

Signed Brian Charles Johnson (on behalf of)

Name (in capitals) BRIAN CHARLES JOHNSON Date 23/2/94

CHECKLIST

- This form signed and fully completed.
- Any relevant documents listed at Section E enclosed.
- Full grounds of appeal/outline of case set out at Section G.
- Relevant ownership certificate A, B, C or D completed and signed.
- Agricultural Holdings Certificate completed and signed.

Send one copy of the appeal form with all the supporting documents to:

The Planning Inspectorate
Tollgate House
Houlton Street
Bristol BS2 9DJ

A copy of the appeal form **must** be sent to the LPA at the address from which the decision on the application (or any acknowledgements, etc) was received, enclosing only copies of those documents not previously seen by the LPA.

DISTRIBUTION AND TIMETABLE

Questionnaire - Planning

Written Reps

Requirement date is 14 days from Start Date. i.e. date of letter from DoE confirming appeal is to be Written Reps.

Distribution is:

- 1 Copy to DoE
- 1 Copy to Appellant
- 1 copy to file

Local Inquiry

Requirement date is 14 days from Initial DoE Notification Letter.

Distribution is:

- 5 copies to Admin Department
- 1 copy to file

Informal Hearing

Requirement date is 14 days from Initial DoE Notification Letter.

Distribution is:

- 1 copy to DoE
- 1 copy to Appellant
- 1 copy to File

Questionnaire - Enforcement

Enforcement Questionnaires are a pre-printed form which will be forwarded to you from DoE direct or via Admin Dept.

Enf Offr will complete draft copy. Type original and forward, unsigned and undated, to Admin Dept with standard Enf Memo.

Requirement date is 14 days from Initial DoE Notification Letter.

Distribution is:

- 1 copy to Admin Dept
- 1 copy to file

Statement

Local Inquiry

Requirement date is 6 weeks from Start Date i.e. the date of the letter from DoE informing us that appeal is to be an Inquiry

Distribution is:

- 5 copies to Admin Dept
- 1 copy to file

Informal Hearing

Requirement date is 6 weeks from Start date i.e. the date of the letter from DoE informing us that appeal is to be an Informal Hearing or no later than 3 weeks before hearing, whichever is the earlier.

Distribution is:

- 1 copy to DoE
- 1 copy to Appellant
- 1 copy to file

Proof of Evidence

Local Inquiry Only

Requirement date is 3 weeks before the enquiry date.

Distribution:

- 5 copies to Admin Dept
- 1 copy to File

Appeal No: 6/94	Appellant: B JOHNSON		*Planning *Listed Building *Advertisement *Enforcement *Other				*Refusal *Condition *Non-Determination		Date Recd: 03 Mar 94	
	SHDC Ref: W02/0958/93									Start Date: 04 Mar 94
	DoE Ref: APP/A2525/A/94/235001									
	Officer: D. Roberts - PUDY									
Documents Required (Distr on Reverse)			*WRITTEN REPS		*LOCAL INQUIRY		*INFORMAL HEARING			
Questionnaire	Date Regd	Date Out	Date Regd	Date Out	Date Regd	Date Out	Date Regd	Date Out		
	10 Mar 94	21/3 21/3/94								
Notice	11 Mar 94	08 Mar 94								
Statement	01 MAR 94	19/4/94								
Proof of Evidence	Not Regd				Not Regd					
DOCUMENTATION CHECKS			INFORMATION							
Document	Case Offr	Date	Site Visit:		Inspector:					
Questionnaire			Date:		Time:					
Statement			Inquiry/Hearing		Location:					
Proof of Evidence			Date:		Time:					

*Highlight as appropriate

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Conclusion

"Having considered and taken into account the evidence presented to the Inquiry in regard to the potential for the activity of clay pigeon shooting to cause lead pollution of agricultural land and in the longer term to result in its permanent contamination by lead compounds, possibly to a concentration which could far exceed that given in legislation, it is considered inappropriate that the dispersal of significant amounts of lead shot over land used for agricultural purposes should be allowed. Such a situation could arise even having regard to permitted rights under the GDO."

[By courtesy of the Chief Executive's Department, Bedford Borough Council.]

Editor's note: The overlap or dividing line between planning and environmental protection is mentioned by the assessor: "as indicated in the Draft PPG [on Planning and Pollution Control] at paragraph 3.13. The dividing line between planning and pollution controls is not always clear-cut. In this particular situation, apart from the National Rivers Authority there appears to be no other statutory responsibility for the prevention of pollution." The planning conditions are therefore imposed in anticipation of a pollution risk. In a decision [1993] J.P.L. 390, the dividing line was clearer in the specific case of the running of a port.

General Development Order effect on the height of a fence adjacent to a highway. The test under Article 3(5) applied to it as an "obstruction", which meant that the test "adjacent to a highway" did not need to be applied

Ref. T/APP/C/91/P4225/613599/v6
March 6, 1992

Appeal against an enforcement notice issued by the Rochdale Metropolitan Borough Council concerning land and buildings at 39 Cheltenham Road, Alkrington, Middleton. The breach of planning control

sed to effect removal of lead shot
Richardson express my doubts on
nd.

y, ranges between 2-200 mg/kg
stration of lead in soil under the
The tentative threshold 'trigger'
ls has been set at 500 mg/kg air
food under the Lead in Food

the likely use of concentrated
or to harvesting the seed. This
neutralised by its chalk content.
which, while not very soluble in
larly when the soil is worked.
which could be present in any
probably make the lead more
on soil microbes, insects and

alleged in
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The appeal

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Ground

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alleged in the notice is "The carrying out on the said land of building or other operations, namely the erection of a fence over one metre in height on land adjacent to Cheltenham Road, a highway used by vehicular traffic, in the position shown between points A and B on the plan attached to this notice", and the requirements of the notice are "Reduce the height of the first two fence panels and posts nearest to Cheltenham Road to a height of one metre."

"The appeal is proceeding on grounds (a) and (g) as set out at section 174(2) of the 1990 Act prior to its amendment by the 1991 Act, that is to say, that planning permission ought to be granted for the development to which the notice relates (ground (a)); that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control or to achieve a purpose specified in section 173(4) (ground (g)).

The appeal site and surroundings

"I have seen that numbers 37 and 39 Cheltenham Road comprise a pair of semi-detached bungalows with integral garages, served by driveways to either side of the common boundary. It is along this boundary that you erected the fence in question. It has four wooden panels standing on a concrete plinth and secured by concrete posts. The panel nearest the highway stands about 1 m in height, the others somewhat higher.

Ground (a)

"I note that you have partially complied with the terms of the notice by reducing the fence panel nearest the highway to about one metre. However, I still need to consider the likely effect of the fence as erected. In my opinion the case turns on whether an appreciable increase in risk of traffic accident has resulted.

"There must be many thousands of cases in which fencing obstructs mutual sighting between drivers or pedestrians on the highway and vehicles emerging from a domestic drive. At the same time, for many years and in many situations, conditions have been imposed on planning permissions with the intent of reducing such risks through restricting fences, walls and planting within sight-line areas to 1 m in height. I infer from the representations and my inspection that your fence will have been substantially over 1 m in height throughout its length; the Council put it at 1.27 m.

"It is impossible to predict whether relaxation of the normal requirement in this individual case would result in any accident over the years. This depends not only on chance but on a miscellany of factors, for example whether, as you have inferred, a car might be parked in the drive to form a greater obstruction than the fence. A fence greater than 1 m in height does however introduce a specific risk in itself.

"I do not envisage that, as a barrier or in terms of privacy, there would be any great difference between a fence here of 1.27 m rather than 1 m. Thus, I can envisage no advantage which the higher fence would bring in terms of residential amenity or otherwise which could be set against the traffic aspect.

"Where relevant, consideration of a ground (a) appeal should include what could be done as permitted development; it would not be reasonable to require removal of elements which could immediately be replaced as of right. You raise this point by implication in your representations, in effect submitting that at least if the fence panel nearest the highway was no

more than 1 m in height the requirements of Schedule 2 to the General Development Order would be met. This depends in turn on application of the phrase 'adjacent to a highway', to be decided on the facts of the individual case.

"It is not however strictly necessary in this case to decide the last point, as there is a further test to be applied, arising from Article 3(5) of the Order. Under this clause, development is not permitted if it creates an obstruction to the view of persons using any highway used by vehicular traffic so as to be likely to cause danger to such persons. I have no doubt that Cheltenham Road is for this purpose to be considered a highway. Without removal of a further panel there would in my opinion be inadequate inter-visibility between a driver reversing out of the drive to either 37 or 39 Cheltenham Road and a child on the footpath or a driver in the street. I thus consider that the panel second-nearest to the street should also be reduced in height. It appears to me only reasonable that the concrete posts should also be shortened, not only because they could themselves impede visibility, but on grounds of appearance.

"Specifically called upon to decide whether planning permission should be granted, I conclude that it should not. Thus the appeal on ground (a) fails.

Ground (g)

"In my opinion the ground (g) appeal in this case does not introduce any consideration not already dealt with under ground (a). In order to meet the objections to the development which I have identified it is necessary to retain the requirements of the notice as served; thus the ground (g) appeal also fails."

[By courtesy of the Acting Borough Solicitor, Rochdale Metropolitan Borough Council.]

Editor's note. This case offers further assistance in dealing with the law on the erection of fences adjacent to the highway as considered in Practical Point number 6 [1993] J.P.L. 404. For comparison, the two applicable parts of the General Development Order are:

Schedule 2 Part 2 Minor Operations. Class A Permitted Development.

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Development not permitted.

A.1 Development is not permitted by Class A if

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level.

Article 3(5).

The permission granted by Schedule 2 shall not, except in relation to development permitted by parts 9, 11, 13 or 30 authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

PLANS SUB-COMMITTEE - 29th November 1993

787. PLANNING APPLICATIONS (Continued)

(a) Determinations following Site Inspections (Continued)

Plan No. & Applicant

Proposal

H01/0958/93
B Johnson

Boundary wall at Peak Hill House, Peak Hill, Cowbit.

RESOLVED: (a) Planning permission be refused for the above development in accordance with recommendation (B) of the Director of Planning and Building Control Services report and (b) that a further report on enforcement action in respect of the unauthorised boundary wall at the site be submitted to a future meeting.

(Councillor C.J.T.H. Brewis requested that his vote against the refusal of the above application be recorded.)

H02/0993/93
Miss P Steels

Details of brick and tile materials (condition 2 of application H02/1344/91) at the Tiles, 58 West Street, Crowland.

RESOLVED: Planning permission be granted for the above development in accordance with the recommendation of the Director of Planning and Building Control Services.

(Councillor Mrs P.J. Buffham left the meeting following consideration of the above application.)

(b) Planning Application

The undermentioned application was submitted for consideration and the Sub-Committee informed that the application had to be referred back to the Planning Committee for final determination.

H09/0865/93
Hey & Croft Ltd
(Receivership)

Residential development at Marsh Road, Holbeach Hurn.

RESOLVED: That the Planning Committee be informed that, whilst the Sub-Committee is generally satisfied with the layout of the proposed development and the number of properties proposed, it is opposed to the dwelling types currently proposed and considers that mains drainage only would be suitable for this development.

(End of Minutes)

Town and Country Planning Act etc

DRAFT REFUSAL

Reference: H01/0958/93

Received:06-OCT-93 Type:FULL

Name: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Agent: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Description: Erection of boundary wall

Location : Peak Hill House Peak Hill
Cowbit Spalding, Lincs

South Holland District Council hereby give notice
that permission has been refused etc
for the following reasons:

- 1 The wall as constructed in its present position and height is considered to be detrimental to the safety of other road users along this fast stretch of busy Class I County Road. In particular the visibility for adjoining residents when emerging onto the highway is impaired so that they do not have sufficient vision of oncoming traffic.

02-DEC-93

AD check.....*AP*²/₁₂.....

Authorised to issue (inc Delegation).....*AP*.....

29th NOVEMBER 1993 PLANNING SUB-COMMITTEE PLANNING APPLICATIONS
POST COMMITTEE INSTRUCTIONS

<u>Application Number/ Applicant</u>	<u>Case Offr</u>	<u>Instructions/ Decision</u>
H16/0700/93 Allison Homes	PJU	Deferred for further negotiations to loosen up the SE corner of development. Speak to highways re increased traffic calming measures within site and whether Pinchbeck Road/Woolram Wygate Junction will be able to cope with additional traffic generated.
H09/0865/93 Hey & Croft	JB	Deferred to full plans committee for decision. Verbal report on 7 Dec cttee saying sub-cttee happy with layout but cannot support house types. Check whether house types were mentioned in DoE Appeal decision letter and whether they have been altered in the new application, and situation with regard to sewerage.
H23/0880/93 PG & CL Frith	DMG	DPBCS Auth subject to section 106 agreement tying business to dwelling and revocation of planning permission for bungalow. Conditions to include height of pillars on either side of access being reduced to the same level as the lowest part of the garden wall.
H05/0901/93 Mr D J Lynn	DMG	Deferred. Request indicative plans showing how development will take place. Plans to show landscaping/access details and have sufficient detail to assess relationship with boundary and existing dwellings.
H01/0910/93 Mr & Mrs S W Sewell	DJR	Refused as recommended.
H23/0915/93 Laburnham Estates	DMG	Grant permission against recommendation. Seek advice from Env Svc with regards to condition to protect adjacent dwellings from noise.
H09/0918/93 R English Esq	DMG	Grant permission against recommendation. Conditions to include restriction to single storey building.
H01/0958/93 B Johnson	PJU	Refuse permission in accordance with recommendation "B". Report back to sub-committee with advise on enforcement action/negotiations to achieve removal of wall. Liaise with Admin Dept.
H02/0993/93 Miss P Steele	PJU	Grant permission as recommended.

30th November 1993

Signed: _____

Principal Planning Officer

APPLICATION REFERENCE: H01/0958/93 DATE RECEIVED: 06-OCT-93

TYPE: Full

DESCRIPTION: Erection of boundary wall

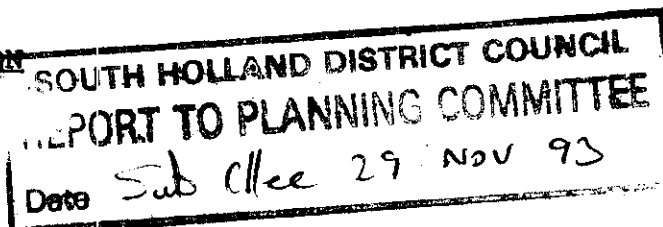
LOCATION: Peak Hill House, Peak Hill, Cowbit.

APPLICANT: B Johnson

AGENT:

REASON FOR COMMITTEE CONSIDERATION

Objections received.



RECOMMENDATION

- A. That the site be inspected by the Sub-Committee.
- B. Subject to the views of the Sub-Committee, refuse permission
The wall as constructed in its present position and height is considered to be detrimental to the safety of other road users along this fast stretch of busy Class I County Road. In particular the visibility for adjoining residents when emerging onto the highway is impaired so that they do not have sufficient vision of oncoming traffic.
- C. That enforcement action be authorised to secure removal of the unauthorised wall within a period of 3 months, in the interests of the safety of road users.

COMMENTS

- 1 A report was considered by the Planning Committee on the 13 July 1993 with respect to this wall which has been erected.
- 2 The Planning Committee resolved to inspect the site which was carried out on the 26 July 1993 following which it was resolved to require the applicant to submit a formal planning application.
- 3 The forward-most pillars on either side of the access closest to Crowland obscure the view from adjoining driveways on the Crowland side of the site so that they are unable to see properly towards Cowbit. Conversely vehicles using the road cannot see cars leaving these driveways. The raised section in the middle of the front wall is less damaging to visibility since it lines through with an existing concrete telegraph pole. The result of obscuring the highway is that cars generally tend to be hidden, and lorries and other high vehicles may be from certain positions.

4. Although County have suggested reasons for refusal, they raise doubts over this. In my view, these doubts largely stem from an insufficient understanding of planning law, not because they consider the wall to have no effect on safety.

REPRESENTATIONS

- Parish Council: Recommend site visit, accident blackspot, hindrances to visibility should be avoided.
- Ward Member: Obscures visibility, have been recent accidents nearby.
- County Highways: Given this matter careful consideration. Consider the matter is not straight forward but suggest reason for refusal if Committee consider there is justification.
- Public: Four letters received from: "Goodison", Peakhill, 18 Eves Close, Newboro', "The Cottage", Peakhill, 55 Mill Drive, Cowbit (summarised):
- No alterations to height.
 - Impossible to see round bend at oncoming traffic.
 - Two relatives don't visit owing to near misses.
 - Bad accident occurred within last fortnight.
 - Road is dangerous, so perhaps should take a little notice of our feelings.
 - Chairman of Parish Council is aware of views.
 - Should try to drive into my drive with a car and see how bad it is.
 - Aghast how Council allowed permission for this.
 - Trying to get onto road is dangerous.
 - Speeds are unbelievable, surprised no limit.
 - Have always kept our conifers and tree low.
 - Live next door to wall, difficult to pull out of drive had several near misses.

ADDENDUM

- 1 This application was deferred by the Planning Committee for a site visit by the Sub-Committee.
- 2 A letter has been received from the applicant, the contents of which are summarised below:
 - Surprised to find you are not fully aware of facts in relation to wall.
 - Most significant alteration is set back side boundaries by 1.5 metres from that shown on original plan - a vast improvement.
 - Should permission not be granted, in order to comply with the initial planning permission the wall will have to be extended to the footpath edge, more detrimental to visibility.
 - Majority of public comments are irrelevant to the wall, largely referring to the general danger of the A1073.

- 3 The original application for the house and garage was granted with a single access on 2 March 1988 without any walls shown on the plan. An amendment for a "new driveway and access" was accepted on the 3 July 1988. This plan included walls to the side and front boundaries, but they were not part of the described amendment and are, therefore, not considered to be authorised as part of the amendment.
- 4 It is considered, therefore, that if this planning application is refused, the applicant does not have any authorisation to erect walls in the position shown on the submitted amended drawing, accepted on the 4 July 1988.
- 5 Normally the applicant would have permitted development rights to erect a 1 metre wall fronting onto the A1073, but the General Development Order does not authorise "any development which ... creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons". Therefore, in this location a 1 metre wall may need planning permission, depending on its position.
-

APPLICATION REFERENCE: H01/0958/93

DATE RECEIVED: 06-OCT-93

TYPE: Full

DESCRIPTION: Erection of boundary wall

LOCATION: Peak Hill House, Peak Hill, Cowbit.

APPLICANT: B Johnson

AGENT:

REASON FOR COMMITTEE CONSIDERATION

Objections received.



RECOMMENDATION

- A. That the site be inspected by the Sub-Committee.
- B. Subject to the views of the Sub-Committee, refuse permission
The wall as constructed in its present position and height is considered to be detrimental to the safety of other road users along this fast stretch of busy Class I County Road. In particular the visibility for adjoining residents when emerging onto the highway is impaired so that they do not have sufficient vision of oncoming traffic.
- C. That enforcement action be authorised to secure removal of the unauthorised wall within a period of 3 months, in the interests of the safety of road users.

COMMENTS

- 1 A report was considered by the Planning Committee on the 13 July 1993 with respect to this wall which has been erected.
- 2 The Planning Committee resolved to inspect the site which was carried out on the 26 July 1993 following which it was resolved to require the applicant to submit a formal planning application.
- 3 The forward-most pillars on either side of the access closest to Crowland obscure the view from adjoining driveways on the Crowland side of the site so that they are unable to see properly towards Cowbit. Conversely vehicles using the road cannot see cars leaving these driveways. The raised section in the middle of the front wall is less damaging to visibility since it lines through with an existing concrete telegraph pole. The result of obscuring the highway is that cars generally tend to be hidden, and lorries and other high vehicles may be from certain positions.

- 4 Although County have suggested reasons for refusal, they raise doubts over this. In my view, these doubts largely stem from an insufficient understanding of planning law, not because they consider the wall to have no effect on safety.

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 - Trying to get onto road is dangerous.
 - Speeds are unbelievable, surprised no limit.
 - Have always kept our conifers and tree low.
 - Live next door to wall, difficult to pull out of drive had several near misses.
-

TRANSPARENCY INSTRUCTIONS

COMMITTEE : 17-11

APPLICATION NO : 958/03

CASE OFFICER : P U

SITE 1:2500 1:50 000		ELEVATION - N <input type="text"/> E <input type="text"/> S <input type="text"/> W <input type="text"/>		FLOOR <input type="text"/> PLAN <input type="text"/>
BLOCK (amended _____)		FRONT <input type="text"/> REAR <input type="text"/>		SIDE <input type="text"/>
ALSO SHOW :	☐ ☐ ☒ ☐ ☐	CONSERVATION AREA I B D T P O or TREES PHOTOGRAPHS OBJECTORS PREVIOUS APPLICATION SITES- NO.s _____		
ANY OTHER REQUIREMENTS : ----- AS before Plus new photos -----				

Confirmed (DPO/DDPO) _____

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161
Fax: (0775) 710772

Cam



H01/0958/93

FULL

Applicant: B Johnson
Tel: 0406 380122

Agent: B Johnson
0406 380122

Description: Erection of boundary wall

Location: Peak Hill House
Peak Hill
Cowbit
Spalding, Lincs

Valid date: 06-OCT-93	Terminal date: 01-DEC-93
Target dates:	Target Committee: 17-NOV-93
To case officer 13-OCT-93	Report deadline: 03-NOV-93
Inspected by 20-OCT-93	Agreed TD Ext:
Extra contacts 27-OCT-93	Case Officer:
Report if not clear by 10-NOV-93	P J UDY

DEVELOPMENT/CONSTRAINTS

Size:
Category: Misc works
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Mrs Gardner "Goodison" Peak Hill	15-OCT-93	05-NOV-93
Site/Press Advert MIN	15-OCT-93	05-NOV-93
Clerk to Cowbit PC 0775 724536	11-OCT-93	25-OCT-93
Cllr T Barker 0406 380787	11-OCT-93	18-OCT-93

*LCC Obs Attached
plan taken 21/10/93*

*commits as before
recent accident
nearby. ✓*

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772



Application no: H01/0958/93

Applicant: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Agent: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Description: Erection of boundary wall

Location: Peak Hill House Peak Hill
Cowbit Spalding, Lincs

Type: FULL

08-DEC-93

Dear Sir/Madam,

PLANNING APPLICATION

The above application for planning permission has now been considered, together with your comments, and it has been decided that permission should be refused in this case.

The full reasons for refusal can be seen by inspecting the register of applications which is available in this Department.

Yours faithfully

B SMITH

Director of Planning and Building Control Services

① Miss K Philpots & Mr S Corby
The Cottage
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

② Mrs J McCracken
18 Eves Close
Newborough
Peterborough

③ Mrs Mitchell
55 Mill Drive
Cowbit
Spalding.

④ Mrs Gardner
"Goodison"
Peak Hill
Cowbit
Spalding

(u.)

S.H.D.C. PLANNING DEPT. RECEIVED 29 OCT 1993	
Attention of DPO ☒ MRM DOPO ☐ BS JC ☐ ACP Action by Discuss with Copy to	File Nos. ☒ Acknowledged YES/NO by ☒ ☐ date 29/10

MISS K. PHILPOTS
 MR. S. CORBY
 THE COTTAGE
 PEAK HILL
 COWBIT
 NR. SPALDING
 LINCOLNSHIRE
 PC12 6AW

Dear Sir/Madam,

as a resident of 'Peak Hill' Cowbit, I am putting forward my objection to the hideous wall that Mr. Johnson has built at the front of his home 'Peak Hill House'.

Unfortunately our house is situated next door to Mr. Johnson. To please our neighbours we have always kept our conifers that are nearest to the main road to a height of 3 feet tall. We also have a tree placed in the front of our garden which we have always kept trimmed of a low height

making it visible and safe for ourselves and neighbours to pull out of their drives safely.

Having to live directly next door to this wall we find it extremely difficult to pull out of our drive onto the main road. In the few months of this wall being here I have had several incidents where I have had near collisions with ~~each~~ other cars due to ~~not~~ being able to see properly when pulling out. I find it very inconvenient when having visitors as I find myself having to guide them out onto the main road as they can no longer do so themselves since this wall has been here.

Maybe you should send somebody round to our property and let them see for themselves ⁱⁿ the

difficulty and danger that's caused when attempting to pull out onto the main road with this wall here.

Also while we are on the subject of hideous walls I'd like to know if Mr. Johnson is planning to do anything about the wall he ~~had~~ has had built between his property and ours, because at the moment I am faced with the ugliness of breeze blocks for a view! I find that the wall being left like this, is decreasing the value of our property if we were to sell! I am now thinking about purchasing some conifers so that I can hide this wall.

I do hope that you will do something about these walls, especially the wall situated on the main road.

Roads are dangerous enough and with this wall here it's not only risking the lives of us the residents, but also the public. Don't you think we have enough idiots on the roads without one's who hide behind a wall?

I look forward in hearing some good news from you concerning this wall.

Yours faithfully
Philippe
Shy.

(J) NW

S.H.D.C. PLANNING DEPT.	
RECEIVED	
26 OCT 1993	
Attention of	File Nos.
NPO ☒ NOM DPO ☐ ES JPT ☐ ASP	YES/NO ☒ YES ☒ NO
Approved by Approved with Date	Date

MRS J. McCRACKEN
 18 EYES CLOSE
 NEWBOROUGH
 PETERBOROUGH
 CAMBS
 PE6 7RF

Dear Sir

I am writing with great concern about a wall at Peak Hill Cowbit.

Having visited a house at Peak Hill on a number of occasions, I am aghast as to how the Council have allowed permission for this.

I am quite a steady driver and find trying to get onto the road very disconcerting and dangerous when one cannot see clearly to the right.

The speed of some drivers is unbelievable and I cannot understand why there is no speed limit. To try and judge the speed of the cars and lorries before you can get onto the road is quite difficult and to pull out too soon is taking one's life in one's hands - I

I await to hear from you with great interest as soon as possible.

Yours faithfully:

Mrs J. McCracken

OBJECTION

Del. Hall

H.D.C. PLANNING DEPT

RECEIVED
22 OCT 1993

pu

Attended by
DPO ☒ NRM
DUPO ☐ BS
JC ☐ ACP
Action by
Discuss with
Copy to

File No.
158193

RECOMMENDATION YES/NO
by 57
date 22/10

"Goodison",

Peak Hill,

Cotuit,

Spalding,

Lincoln,

11:12 AM

21st Oct. 1993

Dear Sir,

New Plan - wall at Peakhill

After taking a look at the new plan submitted, I find no alterations regarding the height at front, which makes it impossible to see around the bend at oncoming traffic, has been made. I now have 2 relatives not calling on me again due to them having a very close shave coming out, as they dare not risk their lives.

Since my letter of a fortnight ago, another bad accident has happened. Does this not make you think this road is very dangerous, so perhaps you could just take a little notice as to how we feel about getting on to the road safely.

P.C. Newton also agrees this is very bad and has had a word with the chairman

of the Parish Council - Mr. T. Barker - giving his views.

I therefore object to the new plan that was submitted and trust a site meeting from my drive be made at your earliest convenience as winter is rapidly approaching.

Please try and drive into my drive with a car and you will then see how bad it is.

Yours faithfully

Alan Gardner.

S.H.D.C. PLANNING DEPT.	
RECEIVED	
16 NOV 1993	
Attention of	File Nos.
DPO DORO JC ACP	17/11
Action by : Discuss with : Copy to :	Acknowledge YES/NO by : date : 16/11

Brian Johnson
Peak Hill House
Peak Hill
Cowbit
Spalding
Lincs. PE12 6AW

Tel: 0406 380122 (Home)
0406 380532 (Work)

Your Ref: HO1/0958/93

LATE OBS: Offr. *P.M.* Date *15.11.*

Salient points highlighted

15th November 1993

Brian Smith Esq.
Director of Planning
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs. PE11 2XE

Dear Sir

RE: AMENDED PLANNING APPLICATION FOR BOUNDARY WALL AT PEAK HILL HOUSE, COWBIT.

Due to not receiving any prior notification of your planning meeting on Wednesday 17th November 1993 regarding the erection of the boundary wall at the above location, I find I have limited time in which to respond to your comments and misrepresentation of the agenda for the forthcoming meeting.

Following my telephone call to your office and our subsequent meeting on Friday 12th November, I was surprised to find that you were not fully aware of all the facts in relation to the boundary wall, these of which have not been mentioned or put forward in the agenda for the consideration of the committee, nor at the previous meeting held in July of this year. The only reference made was for planning permission granted for a house and garage with vehicular access including an enclosure along the front and side boundaries, ref. HO1/0123/88/A3, but explained in no great detail.

I enclose for your perusal a copy of drawing number 88005-3a, being the original plan in which permission was granted in 1988 and also a copy of drawing number rev A/oct 93 being the amended plan. You will see that the most significant alteration on the amended plan are the side boundaries being set back 1.5m further than the original plan, which I feel is a vast improvement.

Cont.../

Should permission not be granted for the amendment, in order to comply with the initial planning permission the wall will have to be extended to the footpath edge to complete the development. Surely this would be more detrimental to visibility than the amended plan?

In closing, I would like to make a brief mention regarding the majority of the points listed in the agenda by the public as being irrelevant to the wall in question and largely referring to the general danger the A1073 as a whole, of which we are all fully aware.

Yours faithfully

B. J. _____

B.C. JOHNSON

Enclosures: Drawing No. 88005-3a (original plan)
Drawing No. rev A/oct 93 (amended plan)
Copy Letter dated 16/06/93 to Brian Smith

cc: Chris Briggs - Director of Highways & Planning
All Council Members

S.H.D.C. PLANNING DEPT.
RECEIVED
28 OCT 1993

55 MILL DROVE
COWBIT
SPADING
LINGS
PE126AS

ATTENTION OF		NO.	
DR	NEW		
DOPO	BS		
LC	ACP		
FORWARDED BY		DATE	
DISCUSS WITH		YES/NO	
CO-AM		DEEPLY CONCERNED	

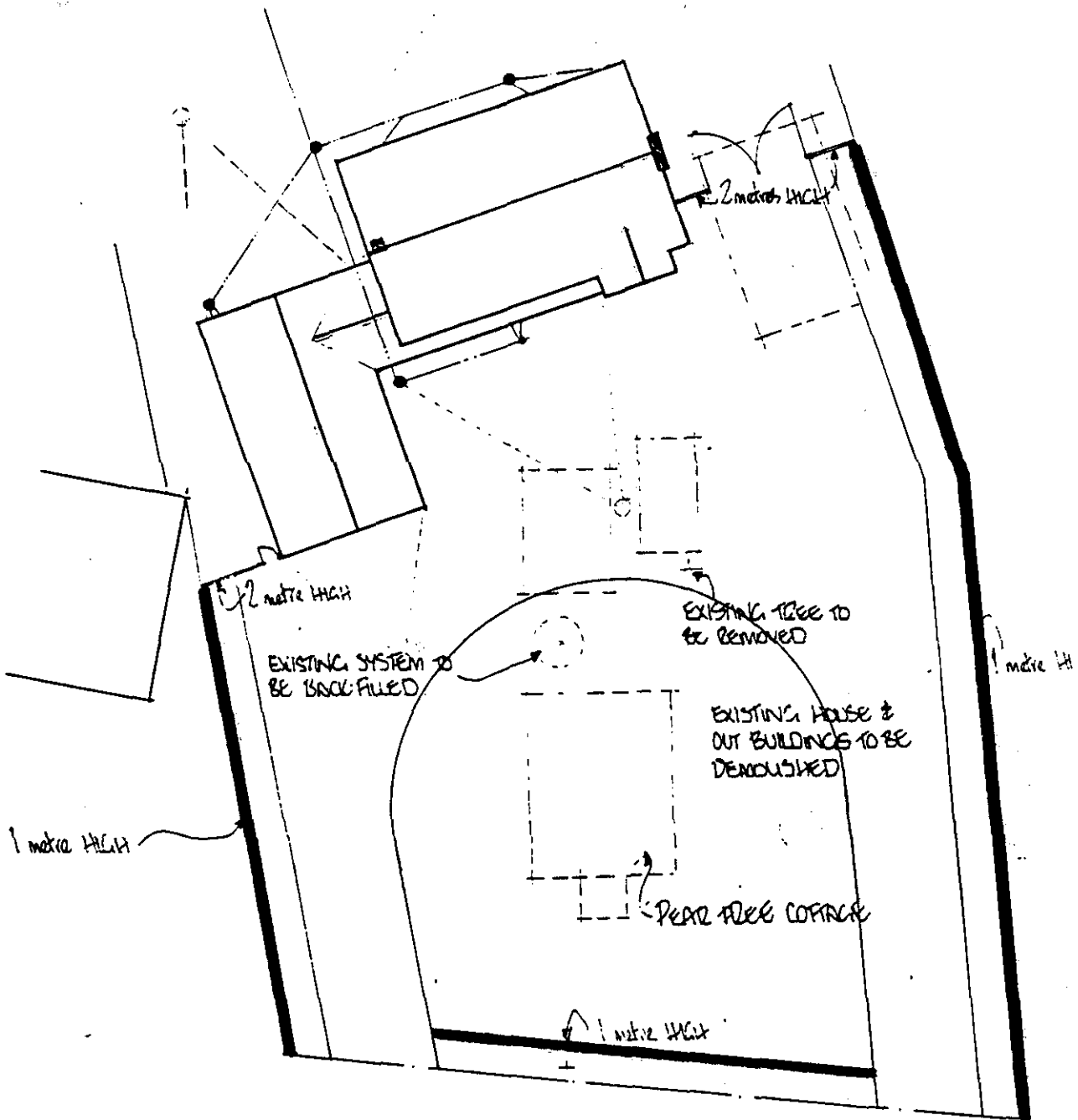
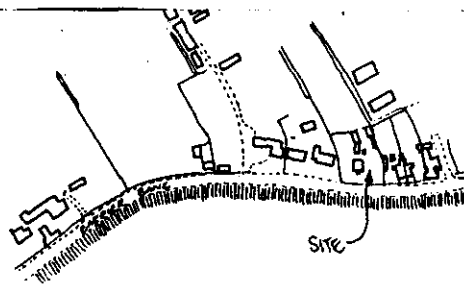
Dear Sir,

I am deeply concerned about the situation of a high wall, which blocks the view of my daughter's home at Peabhill. We visit quite a lot, and find it very difficult to get on to the road. My daughter and her family use this road a numerous times a day, and my husband and myself worry considerably whenever we hear of an accident in Peabhill. It really is a dangerous time getting out of her drive on to the road. Is it at all possible that you could go and look at the height of the wall from her driveway, 'Goodison'. Then you would see what I mean.

Yours Faithfully

MRS H MITCHELL

Existing Plan



LOCATION PLAN SCALE 1:2500



Broadgate Builders (Spalding) Limited

Broadgate House, Weston Hills, Spalding, Lincolnshire PE12 6DB

Telephone: Humber (0406) 380381 & 380532

TITLE

PROPOSED HOUSE WITH GARAGE INCLUDING
VEHICULAR ACCESS AT:
BARRIER BANK, PEAR HILL, CORBIT.
FOR MR & MRS B. JOHNSON.

DATE JANUARY 1986

DRAWN

12

DRWG NO. 48005-3

SCALE AS SHOWN

REVISIONS

1. & 2. as per original plan, minor changes to be made

Visited Site on 16-11-93

measured wall pillars - seem about right height.

Comparing photos taken at different times
Seems as if part of wall reduced in height.

Think pillars will have to be reduced to
approx 1m / poss slightly lower to
impr visibility.

DM

958/43

P27 Saw Mr Johnson 12-11-93

We looked at application as it was,
be a wall. The Sand should have
considered possibly permitted wall, but a
amendment - which could make things worse.

Suggested his only line of defence was to
write in & state how current proposal
improves or relates to previous wall granted
by an amendment. The issue needs to
be considered for purposes of Enforcement
notice requirements.

Will see what NRM / RJS say but if
receive letter raising further points will
likely be reported to etc.

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: SOUTH HOLLAND District Council

Application Reference H01/0958/93

Form of notification by the County Director of Highways and Planning for
DEVELOPMENT AFFECTING HIGHWAYS

With reference to the application dated
relating to the following proposed development:

1. National Grid Reference of a
central point on site

horizontal				vertical		

2. Address or location

PEAK HILL House, PEAK HILL, COMBIT.

3. Name, classification and number of road

I (A'1073)

4. Date application referred

14-10-93

5. State whether outline, detailed application etc.

FULL

6. Description of proposed development/change of use
including access details

ERECTION of BOUNDARY WALL.

7. Notice is hereby given under the provisions of article 15 of the Town and Country Planning General Development Order, 1988, that the County Council as local highway authority:—

Delete as
appropriate

- ~~a. Does not wish to restrict the grant of permission.~~
- b. ~~Requests that any permission given by the local planning authority shall include the conditions shown overleaf.~~
- c. Requests that the local planning authority refuse the application (reason overleaf).
- d. ~~Requests the local planning authority to complete Form T.R. 108 para 10b as shown overleaf.~~

Date:

5-11-93

Signed:

Director of Highways and Planning

CONDITIONS: —

Delete as
appropriate

- (i) For applications where items are to be reserved for subsequent approval in consultation with the Director of Highways and Planning
- (ii) For other applications

Delete as
appropriate

- (i) REASONS FOR a, b, or c overleaf
- (ii) COMMENTS FOR FORM T.R. 108 para 10b

The wall, as constructed, in its present position and height is considered to be detrimental to the safety of other road users, along this fast stretch of busy Class I County Road.

In particular ^{the} visibility for adjoining residents when emerging onto the highway is impaired so that they ~~cannot~~ do not have sufficient vision of oncoming traffic.

Note / I shall be pleased if you will draw your

Note: — use continuation sheet(s) as necessary.

Committee's attention to ~~the~~ the comments made on my H/A/55 dated 21/10/83

**Lincolnshire
County Council**Director of Highways and Planning
J Emmerson BSc MSc PhD CEng FICE**FACSIMILE TRANSMISSION COVER SHEET**DATE 5-11-93

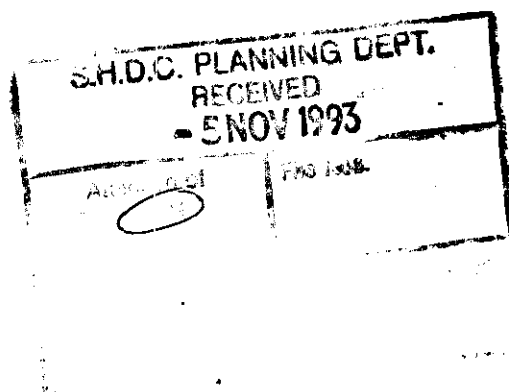
TO	
NAME	<u>P. Udy</u>
<u>South Holland District Council</u>	
ADDRESS	<u>Perry Road</u>
<u>Spalding</u>	
FAX NO	<u>0775 710772</u>

FROM	
NAME	<u>Chris Briggs</u>
ADDRESS	<u>4th Floor</u> <u>City Hall</u> <u>Beaumont Fee</u> <u>Lincoln LN1 1DN</u>
TELEPHONE NO	<u>0522 553122</u>
FAX NO	<u>0522 553149</u>

NUMBER OF PAGES TO FOLLOW:

2

Kindly telephone us on the above number if any page is unclear.

MESSAGE:

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/38

To: South Holland District CouncilApplication Reference H01/0958/93

Form of notification by the County Director of Highways and Planning for
DEVELOPMENT AFFECTING HIGHWAYS

With reference to the application dated
relating to the following proposed development:

1. National Grid Reference of a
central point on site

horizontal

vertical

--	--	--	--	--	--	--	--

2. Address or location

PEAK HILL House, PEAK HILL, COMBIT.

3. Name, classification and number of road

I (A 1073)

4. Date application referred

14-10-93

5. State whether outline, detailed application etc.

Full.

6. Description of proposed development/change of use
including access details

Erection of Boundary Wall.

- 7.

Notice is hereby given under the provisions of article 15 of the Town and Country Planning General Development Order, 1988, that the County Council as local highway authority:—

Delete as
appropriate

~~a. Does not wish to restrict the grant of permission.~~

b. Requests that any permission given by the local planning authority shall include the conditions shown overleaf.

c. Requests that the local planning authority refuse the application (reason overleaf).

d. Requests the local planning authority to complete Form T.R. 108 para 10b as shown overleaf.

Date:

5-11-93

Signed:

Director of Highways and Planning

CONDITIONS:-

Delete as appropriate

- (i) For applications where items are to be reserved for subsequent approval in consultation with the Director of Highways and Planning
- (ii) For other applications

Delete as appropriate

- (i) REASONS FOR a, b, or c overleaf
- (ii) COMMENTS FOR FORM T.R. 108 para 10b

The wall, as constructed, in its present position and height is considered to be detrimental to the safety of other road users, along this fast stretch of busy Class I County Road.

In particular ^{the} visibility for adjoining residents when emerging onto the highway is impaired so that they ~~cannot~~ do not have sufficient vision of oncoming traffic.

Note: I shall be pleased if you will draw your

Note:- use continuation sheet(s) as necessary.

Committee's attention to the comments made on my H/A/ST dated 21/10/93

DEPARTMENT OF HIGHWAYS AND PLANNING

To P. UOY S. H. D. C.

Planning
Reference H/10958/93

The following are my observations upon the enquiry
under the reference quoted above:—

PEAK HILL House, Peak Hill Court

NOTE TO COMMITTEE.

I have given this matter careful consideration as I consider the matter is not straightforward. The wall, which in parts is over 1m in height does not abut the highway boundary and it therefore raises the following questions:—

- (1) If a 1 metre high fence was erected in front of this wall, would the wall still require permission?
- (2) What if a hedge, which does not require permission was planted? This would reduce the visibility at neighbouring driveways still further.
- (3) Visibility from the applicant's access is not affected from a point 2m back from the carriageway edge although at 2.4m it is affected by the wall. The only affect appears to be to neighbouring properties. Are we justified in refusing a wall or imposing conditions for the benefit of neighbours?

Date

Signed

Director of Highways and Planning

DEPARTMENT OF HIGHWAYS AND PLANNING

To.....

Planning

Reference.....

The following are my observations upon the enquiry under the reference quoted above: -

Bearing these questions in mind would we have sufficient ground to justify a refusal ~~at~~ on appeal?

If Committee considers we have sufficient justification which would need to be based on the effect of the wall on other highway users ie the neighbours emerging from their drives. If so then I suggest the reason should read:-

The wall in its present position and height is detrimental to the safety of other road users along this first stretch of busy Elton T. Country Road.

Date

21/10/93

Signed

Director of Highways and Planning

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Pr Road, Spalding,
Lincolnshire, PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772



Application no: H01/0958/93

Applicant: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Agent: B Johnson
Peak Hill House
Peak Hill
Cowbit, Spalding
Lincs, PE12 6AW

Description: Erection of boundary wall

Location: Peak Hill House Peak Hill
Cowbit Spalding, Lincs

Type: FULL

Date received: 06-OCT-93

11-OCT-93

Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 25-OCT-93. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with this application is P J UDY

Yours faithfully

B SMITH

Director of Planning and Building Control Services

Clerk to Cowbit PC
7 West Parade
Spalding
Lincs
PE11 1HD

FOR PARISH COUNCIL USE ONLY

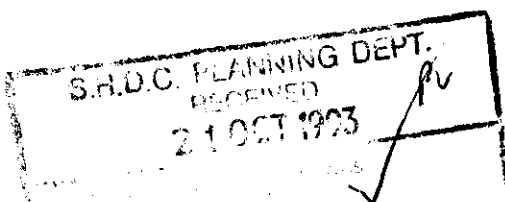
Comments:

Recommended site visit. (see previous correspondence). Peakhill is an accident blackspot and any hindrances to motorist visibility on leaving neighbouring properties should be avoided.

Signed:

[Signature]

20/10/93



Brian Johnson
Peak Hill House
Peak Hill
Cowbit
Spalding
Lincs. PE12 6AW

Tel: 0406 380122 (Home)
0406 380532 (Work)

Your Ref: HO1/0123/88

16th June 1993

*Have previously received this
is an agreement file*

Brian Smith Esq.
Director of Planning
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs. PE11 2XE

Dear Sir

RE: ORIGINAL PLANNING APPLICATION FOR HOUSE & GARAGE, INCLUDING
VEHICULAR ACCESS, AT BARRIER BANK, PEAK HILL, COWBIT (DATED
27/01/88)

Further to my recent submission of planning amendments regarding the above and the proposed boundary walls, I would like to put the following points forward for your consideration.

BACKGROUND INFORMATION

In 1988 Planning Permission and Highways Approval was granted for the above, including boundary walling, and to my knowledge no complaints were received.

The house and road access are now complete apart from the final tarmac re-instatement.

In 1992 the footings for the boundary walls were excavated, concreted and built to ground level. In April 1993 work started on building the front section.

EXISTING WALL

I understand you have received a complaint regarding the wall and the restricted vision that it has caused, after which I had a visit from Keith Woods from your department who came to assess the situation. Following his visit Mr Woods contacted me and advised that I put forward an amended plan showing the slight alterations that I have made to the original drawing, of which you are now in receipt of.

Regarding the aforementioned complaint I would like you to consider the following points:

1. When I originally acquired the land there was a hedge approximately 1.2m high with a large tree incorporated in it directly on the edge of the footpath (which I subsequently removed before building commenced).
2. The new wall is set back 1.5m from the footpath, 1m in height.
3. On the existing plan (drawing no. 88005-3a) the dividing boundary walls to the adjacent properties on either side clearly shows that the wall runs right up to the footpath edge.

On the amended plan it has been set back 1.5m from the footpath to run in line with the central section, clearly improving visibility from neighbouring properties and therefore an improvement to the existing plan.

4. The wall pillars do in fact exceed 1m with a finished height of 1.8m (including the decorative pillar caps). Should permission not be granted and the pillars be restricted to their original height, I believe this would not improve visibility for neighbouring properties due to it not being possible to see over the wall whilst in a car at the original 1m height.

The last thing I would wish is to cause ill feeling amongst my neighbours regarding this matter. If a compromise could be met, such as a two way convexed mirror opposite neighbouring properties to improve visibility, I would be happy to pay for this.

In conclusion, I feel that my amended plans are an improvement on the original plans which were passed from a visibility point of view, and also a great improvement compared with the hedge which was originally in place over 5 years ago.

Should you require any further information do not hesitate to contact me and I look forward to hearing from you in due course.

Yours faithfully



BRIAN JOHNSON

cc: Chris Briggs Esq.
Director of Highways & Planning
City Hall
Lincoln

E AN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161
Fax: (0775) 710772



VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P3354
Date received : 06-OCT-93

Received from

B C Johnson

Address

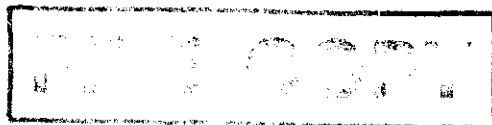
Peak Hill House
Peak Hill
Cowbit
Spalding

Fee paid	£	60.00
VAT	£	0.00

Total received £ 60.00

Cash/Cheque : Cheque

Signed.....*K. Lowe*..
(Authorised Collector)





DIRECTOR OF ADMINISTRATION

R COLE DMA

Director of Administration
Council Offices,
Council Road,
Spalding PE11 2XE
Lincolnshire PE11 2XE
Telephone: (0775) 761111
Fax: (0775) 711253

Nigel Mulren - Training
Sh

2000-10-14

Dear Sir,
I have been
in contact with
you regarding
the matter.

WITH COMPLIMENTS

Yours faithfully,
R Cole DMA

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: SOUTH HOLLAND DISTRICT COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

Land at Peak Hill House Peak Hill Cowbit shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the erection of a wall, pillars, splays and returns along the north western boundary of the land.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

The wall as constructed in its present position and height is considered to be detrimental to the safety of other road users along this fast stretch of busy Class 1 County Road. In particular the visibility for adjoining residents when emerging onto the highway is impaired so that they do not have sufficient vision of oncoming traffic.

5. WHAT YOU ARE REQUIRED TO DO

Reduce the height of the wall, including the pillars, splays and returns, to a height not exceeding 0.9 metres measured from the surface of the footpath at a point adjacent to the most southerly pillar of the wall.

Time for compliance : One calendar month from the date this notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 20th May, 1994 unless an appeal is made against it beforehand.

Dated: 18th April 1994

Signed:

R. G. G.
Director of Administration

on behalf of

South Holland District Council
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

SUPERCEDED

JMB will substitute

S.H.D.C. PLANNING DEPT. RECEIVED 18 APR 1994	
Author of DPO SUPO JC ADP	File nos.
Author by	Knowledge YES/NO
Consent with	by
Signature	DATE

Highway or
Carriageway
for footpaths
message pan

N R as

P 21

20-4-94

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 20th May, 1994. The enclosed booklet "Enforcement Appeals - A Guide to Procedure": sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 20th May 1994 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

VISIBILITY STANDARDS

1. New accesses onto roads should wherever possible be on level ground or in hollows where there is good visibility. They should not be near the crest of a hill, near a sharp bend or where there are double white lines (indicating restricted forward visibility). At eye level (defined as 1.05m above road level) there should be a clear view over the whole area shaded in fig. 1 below.

2. A "minor road distance" of 9 metres is the normal requirement for new junctions and for the improvement of existing junctions between access roads and district or local distributor roads. The provision will be required where the "minor road" is busy (eg where it serves as a main connection between the public road system and a housing estate development or an industrial estate) but would not apply at junctions or accesses within estates. For less busy, simple and very minor junctions and busy private accesses (eg those serving a factory, a free standing shop or a petrol filling station) a minor road distance of 4.5m will normally be the acceptable minimum. For other types of access serving single dwellings or a small cul-de-sac of a half dozen dwellings, the minimum acceptable minor road distance is 2.4m. In urban areas with a speed limit of 30 mph or less this distance may be reduced to 2m. Only in exceptional circumstances should a distance of less than 2.4m be considered for an access with multiple usage.

3. The "major road distance" will depend on the speed of traffic on the major road: the appropriate distance can be read off Table A

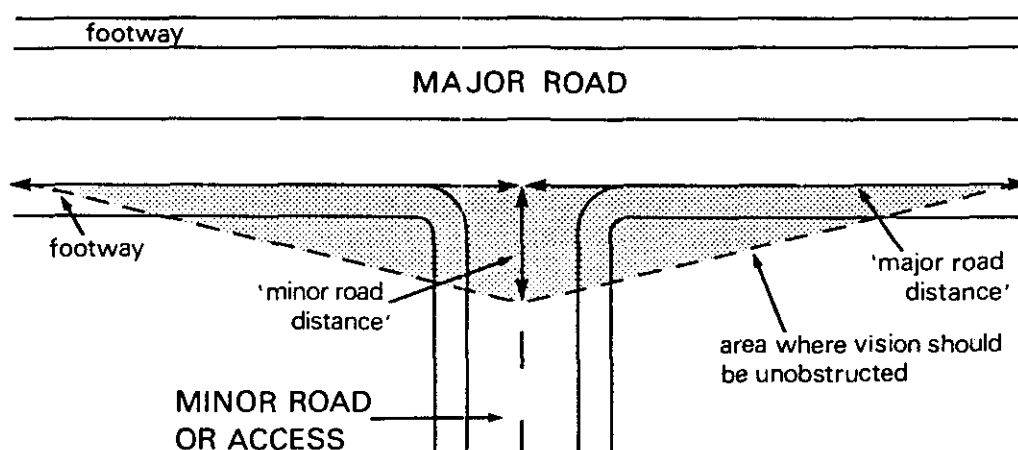
or B overleaf. If the highest traffic speed on the road in wet weather (excluding the fastest 15% of vehicles) is known* then this speed — or the next highest speed which appears on the table, — should be used as the major road speed in Table A to arrive at the appropriate "major road distance". Where there is a speed limit and the actual speed of traffic on the major road is not known it will normally be necessary to provide for "major road distances" as shown in Table B.

4. If the major road is a one-way road, a single splay in the direction of approaching traffic will normally suffice, subject to paragraph 5 below. If the minor road or access serves as a one way exit from the major road the standard visibility splays will not be required, provided that forward visibility is adequate for turning vehicles.

5. Where an emerging vehicle crosses a footway at a lightly used access, for example from the driveway of a proposed dwelling, pedestrians will not have sufficient warning of its approach. A splayed opening will normally be needed for this purpose. Unless a suitable alternative standard has been adopted by the local planning authority, the splay should extend from the back of the footway for a "minor road distance" of 2.4m and for a similar "major road distance" along the back of the footway. Where the footway is likely to be used by small children, there should be clear visibility at a level of 0.6m above road level, in addition to visibility at the 1.05m level.

* Advice on measurements for this purpose is given in DTp Advice Note TA 22/81.

Fig. 1



PLANNING COMMITTEE - 17th November, 1993

752. PLANNING APPLICATIONS (Continued)

(c) Applications Deferred (Continued)

Plan No. and Applicant

Proposal

H23/0880/93
P G & C L Frith

Change of use of outbuilding to sell sports and leisure wear at Braemar, Mill Lane, Whaplode.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H05/0901/93
Mr D J Lynn

O.A. Single storey dwelling at 15 Branches Lane, Holbeach.

(Pending a site inspection to assess the suitability of the site for the proposal.)

(It was reported that a late letter of objection had been received.)

H01/0910/93
Mr & Mrs S W Sewell

O.A. Dwelling with garage including details of means of access at Barrier Bank, Cowbit.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H23/0915/93
Laburnham Estates

Change of use to workshop and store at Stockwell Gate, Whaplode.

(Pending a site inspection to assess the suitability of the site for the proposal.)

(Councillor A.E. Naylor left the meeting following consideration of the above application.)

H09/0918/93
R English Esq

O.A. Dwelling at rear garden of 13 Cranmore Lane, Holbeach.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H01/0958/93
B Johnson

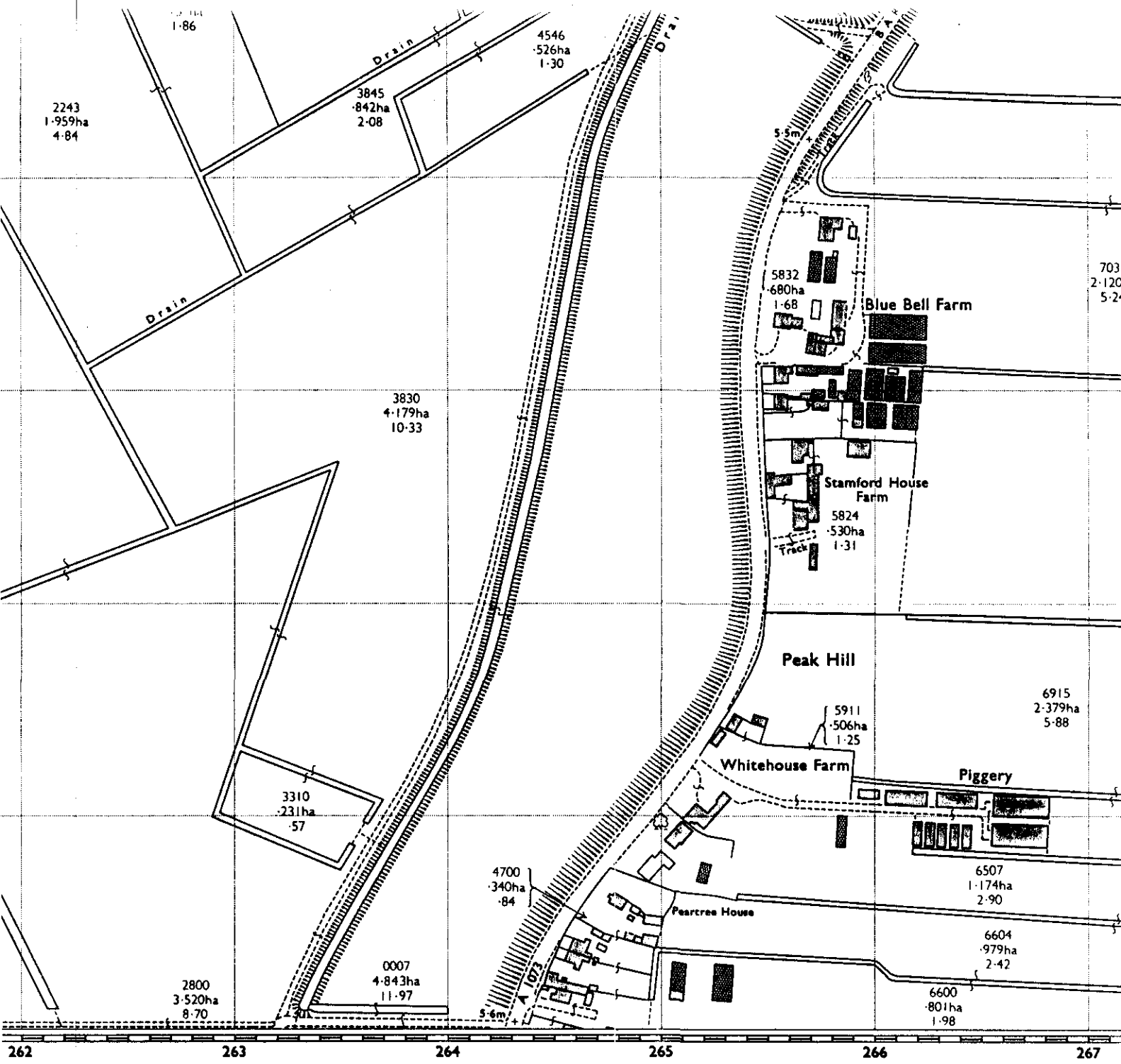
Boundary wall at Peak Hill House, Peak Hill, Cowbit.

(Pending a site inspection to assess the suitability of the boundary wall in its present position.)

H02/0993/93
Miss P Steels

Details of brick and tile materials (Condition 2 of application H02/1344/91) at The Tiles, 58 West Street, Crowland.

(Pending a site inspection to assess the suitability of the site for the proposal.)

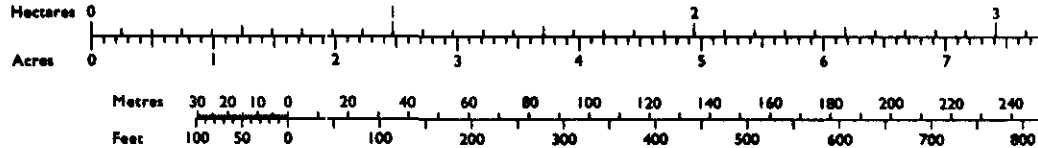


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approximate.



ABBREVIATIONS

B H.....	Beer House	L B Sta.....	Lifeboat Station	P T P.....	Police Telephone
B M.....	Bench Mark	L C.....	Level Crossing	R H.....	Road House
B P.....	Boundary Post	L G.....	Loading Gauge	rp.....	Revision
B S.....	Boundary Stone	L Ho.....	Lighthouse	S.....	Sign
C.....	Crane	L Twr.....	Lighting Tower	S B.....	Sign Board
C H.....	Club House	m.....	Metres	S Br.....	Sign Board
Chy.....	Chimney	M H W.....	Mean High Water	S D.....	Sign
Cn.....	Capstan	M H W S.....	Mean High Water Springs	S L.....	Sign
D Fn.....	Drinking Fountain	M L W.....	Mean Low Water	Si.....	Sign
Dk.....	Dock	M L W S.....	Mean Low Water Springs	S P.....	Sign
E I P.....	Electricity Pillar or Pole	M P.....	Mile or Mooring Post	Spr.....	Spring
E T L.....	Electricity Transmission Line	M P U.....	Mail Pick-up	S Sta.....	Sign
F A.....	Fire Alarm	M S.....	Mile Stone	T C B.....	Telephone
F A P.....	Fire Alarm Pillar	N T.....	National Trust	T C P.....	Telephone
F B.....	Filter Bed or Foot Bridge	N T L.....	Normal Tidal Limit	Tk.....	Tank
F B M.....	Fundamental Bench Mark	N T S.....	National Trust for Scotland	Tr.....	Traverse
F S.....	Flagstaff	P.....	Pillar, Pole or Post	ts.....	Traverse
F Sta.....	Fire Station	Path (um).....	Unmade Path	W.....	Well
G P.....	Guide Post	P C.....	Public Convenience	W B.....	Well