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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H01-1112-18 **Date of Decision:** 10th December 2018

Applicant: Mr F Pearson
C / O Clive Wicks Associates
36 Boston Road
Sleaford
Lincs
NG34 7EZ

Location: Land Adjacent: Waverley Villa 2 Drain Bank South Cowbit Spalding

Description: Proposed erection of 2 dwellings and garages

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

1 Although the proposal is acceptable in terms of economic and social sustainability, it is considered that this is outweighed by the harm that the proposal would cause in terms of its environmental effects.

The site is situated on the edge of a small cluster of dwellings located off the southern end of Drain Bank South where it meets Barrier Bank. Beyond this small cluster of dwellings are agricultural fields and the area surrounding these properties has an open countryside character due to the flat fenland landscape. This is noticeable when you leave Cowbit along Barrier Bank in a westerly direction. There is a clear sense of physical detachment from the built-up area of Cowbit in terms of how the site relates to existing development. The proposed development, if permitted, would further intensify existing development in this location, which would be contrary to Paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character, including landscape setting. Furthermore, it is not considered that it has been demonstrated that there is an overriding need for the proposed dwellings to be in this location and that there are no alternative sites within the built-up area of Cowbit which

could accommodate them. It would also set a harmful precedent by encouraging further applications of a similar nature along Barrier Bank between the site and the main built-up area of Cowbit. It would encourage further ribbon development along this section of road, thereby eroding the open countryside character of this area. This would cumulatively harm the aims and objectives of both the Framework and emerging SELLP to ensure that new development is sustainable and protects the character and appearance of the area and countryside.

The site is therefore not considered to be a suitable site for residential development with particular regards to the principles of sustainable development. It is contrary to Policies SG1, SG4 and SG14 of the South Holland Local Plan (2006) and Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2018).

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:
18-2432-P-02;
18-2432-P-01 Rev A;
18-2432-P-03 Rev A
18-2432-P-04 Rev A;
18-2432-P-05; and
18-2432-P-06.



Phil Norman
Planning and Building Control Manager
South Holland District Council

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

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

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

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

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

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

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

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

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

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

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.