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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H02-0715-24 **Date of Decision:** 29th October 2024
Applicant: Mr I Collins
60 Peterborough Road
Crowland
Peterborough
PE6 0BA
Location: Rear Of 60 Peterborough Road Crowland Peterborough
Description: Erection of detached dwelling

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

- 1 The proposal, by reason of its size, siting, bulk, massing, and subdivision of the original plot, represents inappropriate, incongruous and a cramped form of overdevelopment which is out of keeping with the prevailing form of development in the locality, causing an adverse impact, eroding the character and appearance of the area.

The proposal constitutes development that is symptomatic of overdevelopment of the site, resulting in an inappropriate form and a cramped environment. The proposal introduces 'backland' development; thereby adversely affecting the character. Furthermore, the proposal introduces a new access onto James Road with no pedestrian access to Peterborough Road, further impacting upon the character and appearance of the area.

The proposal fails to respect the traditional pattern of the surrounding area, comprising of long narrow plots with dwellings set back and fronting Peterborough Road, with pedestrian access to that road, and introduces a new vehicular access off James Road which is out of character of the area.

As such the proposal conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 which seek to ensure that proposals create distinctive places that are in

keeping with the area in terms of size, scale and layout. In addition, the proposal fails to improve the character and quality of the area, fails to respect the existing scale, massing and position of existing development, and creates visual closure. The proposal also conflicts with Paragraph 128 (d) and (e) of the National Planning Policy Framework, December 2023, which is concerned with the desirability of maintaining the area's prevailing character and setting (including residential gardens), together with the importance of securing well-designed, beautiful, attractive and healthy places.

- 2 The proposal would result in a reduction to a significant proportion of amenity space and potential landscaping of the original site, No. 60 Peterborough Road. In addition, the resultant development would provide limiting available amenity space and potential landscaping to the proposed dwelling and plot. Cumulatively, the proposal decreases the overall plot size and therefore adversely impacts upon the amenity space of No. 60 Peterborough Road and would provide an unsuitable resultant amenity space to both the proposed dwelling and that serving No. 60 Peterborough Road.

It therefore fails to incorporate measures which promote and enhance green infrastructure and provide overall net gains in biodiversity, as required by Policy 28 of the South East Lincolnshire Local Plan, 2019 which seeks to improve the resilience of ecosystems within and beyond the site. As such it also fails to demonstrate that the consequences of climate change have been addressed, by minimising or mitigating climate change and biodiversity measures, and is thereby contrary to Policy 31 of the South East Lincolnshire Local Plan, 2019.

In addition, it is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 by failing to maximise opportunities for improving character and quality, new landscaping to enhance biodiversity and green infrastructure, and conflicts with Sections 14 and 15 of the National Planning Policy Framework, December 2023, which relate to meeting the challenges of climate change, and conserving and enhancing the natural environment.

- 3 The proposal, by reason of its size, siting and proximity to neighbouring properties, would adversely affect the residential amenities of existing nearby residential development at 58 and 60 Peterborough Road, together with future occupiers of the proposed dwelling, resulting in loss of outlook, privacy and overlooking.

As such the proposal is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 which seek to ensure that proposals do not adversely impact residential amenity of adjoining occupiers, do not result in visual closure, thereby failing to achieve well designed and beautiful places as per Section 12 of the National Planning Policy Framework, December 2023.

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:

Application Form

Location Plan

BNG Exemption Statement by Janice Kendrick Design Services Ltd dated 2 September 2024

Design and Access Statement by Janice Kendrick Design Services Ltd (undated)

Flood Risk Analysis by Janice Kendrick Design Services Ltd (undated)

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Phil Norman

Assistant Director - Planning and Strategic Infrastructure

South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

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

Timescales for appealing

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

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

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning-inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

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

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

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

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

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

Compensation

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

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