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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H02-0868-17 **Date of Decision:** 7th September 2018

Applicant: A D, R M, J M and B Alcock
C/O Studio 11 Architecture Ltd
The Boathouse
Harbour Square Nene Parade
Wisbech
PE13 3BH

Location: Land North Of Crowland Garden Centre (Access From James Road) Crowland Peterborough Cambs

Description: Outline application for the erection of up to 6 dwellings with access from James Road

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

1 The site, by virtue of its location, is poorly related to the existing built-up residential area of Crowland. The site is physically and functionally detached from Crowland, its existing and proposed settlement boundary and is located in the open countryside. The result is a development that is considered would be poorly integrated with its surroundings, in particular, with the wider residential areas of Crowland and services and facilities within the town. This is exacerbated by the contrived proposed pedestrian link. As such, the application is contrary to Policies SG14 and SG15 of the South Holland Local Plan, 2006. These policies seek to promote good design and convenient access. Proposals which fail to take account of the character and context of the surrounding area could undermine the quality of the built environment and will not be permitted. These policies are in general conformity with national guidance, contained in the National Planning Policy Framework, 2018. Therefore, the limited social and economic benefits of delivering a small number of homes in this location is outweighed by the above identified social and environmental harm. Consequently, the presumption in favour of sustainable development is not

considered to apply in this instance.

2 This proposal is refused on the basis that there are sequentially preferable sites in flood risk terms available around the town of Crowland, as identified in the emerging South East Lincolnshire Local Plan (Publication Version, March 2017). Notwithstanding that the emerging Local Plan is yet to be adopted and that the Council cannot demonstrate a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development is not considered to apply in this instance because there are sequentially preferable sites from a flood risk point of view available in the vicinity of Crowland. As such, the application is considered to be contrary to national guidance on flood risk, as contained in the National Planning Policy Framework, 2018, which sets out that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

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. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, 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
Flood Risk Assessment August 2017 GCB/PINK PLANNING
Design and Access Statement February 2018 Project no. 421
Dwg no. 421.SL.01A - Illustrative Site Layout
Dwg no. 421.SE.01A - Illustrative Street Elevations
Dwg no. 421.PD.01A - Plot 6 Illustrative Floor Plans & Elevations
Design Principles & Design Code. February 2018. Project No. 421
Dwg no. 421.ED.01A - Existing Site Plan
Dwg no. 421.SL.01A - Illustrative Drainage Strategy
Dwg no. 421.LP.01A - Location Plan
Plot 6 Illustrative Artists Impression 2
Dwg no. 421.SV.01 Illustrative Scheme Views
Illustrative Scheme View from South West
Plot 6 Illustrative Artist Impression 1
Illustrative Scheme View from North East



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.