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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H02-1056-22 **Date of Decision:** 17th January 2023

Applicant: Mr S Jaffer
9 Fleming Court
Peterborough
Cambs
PE2 9SA

Location: Land Off Hereward Way Crowland Spalding Lincolnshire

Description: Construction of two detached two-bedroom dwellings and single garages

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

1 It is considered that the proposed dwellings would appear visually cramped within the plots and would be at odds with the character of existing development in the locality.

This adverse impact would be exacerbated through the introduction of an uncharacteristically long, private vehicle and pedestrian access with the garages sited forward of the dwellings, which would form an out of keeping and incongruous feature within the street scene, and would unnaturally draw the eye, to the detriment of its character.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019). Policy 2 indicates that sustainable development considerations should be met, in terms of the size, scale, layout and design of the dwelling in regards to the impact upon the character and appearance of the area. Policy 3 indicates that design which is inappropriate to the local area or which fails to maximise character and quality of the area will not be acceptable. These policies are in accordance with Section 12 of the National Planning Policy Framework (2021), in particular the principle that new development should be "sympathetic to local character, including the surrounding built environment". It

is also considered to be contrary to Section B2 of the National Design Guide which requires a site's context to be taken into consideration.

2 It is the view of the Highway Authority that the increase in vehicle activity resulting from the construction and occupation of the two dwellings proposed in this application would unacceptably increase the incidence of vehicles meeting other vehicles and pedestrians on this road causing drivers to have to undertake unreasonable reversing manoeuvres in order to pass one another and to the detriment of the safety of the more vulnerable pedestrians.

It is therefore considered that the proposal is contrary to Policy 2 in the South East Lincolnshire Local Plan (2019) in terms of highway safety and manoeuvrability.

Notes:

The determined plans are:

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Heritage Impact Assessment by Chiswick Architectural Ltd- October 2022

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

Phil Norman
Head of Planning
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.