Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

Design and Management.Co.UK
7 West Fen
Frithville
Boston
Lincs
PE22 7EX

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H04-0214-19	**Date of Decision:**	26th March 2024
Applicant:	Mr T Hart 29 Northorpe Road Donington Spalding Lincs PE11 4XU		
Location:	Land Adjacent: 1a And 29 Northorpe Road Donington Spalding Lincolnshire		
Description:	Erection of eight 3 bedroomed dwellings		

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

1 The application site is located outside of, and removed from, the defined settlement boundary of Donington as outlined in the South East Lincolnshire Local Plan (SELLP, March 2019) . As per Policy 1 of the SELLP it is defined as being in the 'Countryside' in planning policy terms. It is divorced from the wider identified built up area of Donington and its services and facilities, which are not easily accessible by sustainable transport means, given the poor pedestrian and cycle links within the area. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles, which would increase carbon emissions. Moreover, residential development in this location would further urbanise this 'Countryside' location, its character being defined by predominantly frontage development with parcels of agricultural land surrounding. Residential development in this location is, therefore, considered to be inappropriate and would result in harm both in the context of Policies 2 and 3 of the SELLP, as well as in relation to the social and environmental objectives enshrined in the National Planning Policy Framework (NPPF, 2023)

Given the location of the site the proposal is in conflict with the spatial strategy outlined in Policy 1 of the SELLP, as well as policies 10, 11 and 17 of the SELLP, which underpin the delivery of housing within defined settlements. The proposal also does not comply with any of the exceptions for new dwellings in the countryside defined under policies 19, 20 22 or 23 of the SELLP.

For the reasons outlined above the proposal is in conflict with SELLP, as well as

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Section 2 of the NPPF, which highlights that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed.

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:
Site Location Plan;
Existing Site Layout;
Proposed Site Layout Rev C;
Proposed Dwellings;
Proposed Refuse Bin Rev C; and
Flood Risk Assessment (prepared by S M Hemmings, dated 24th November 2016).



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.