SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 06 March 2024**

(Author: **Mark Niland - Planning Officer)**

Purpose: **To consider Planning Application H04-0214-19**

Application Number:	H04-0214-19	**Date Received:**	28 February 2019
Application Type:	FULL		
Description:	Erection of eight 3 bedroomed dwellings		
Location:	Land adjacent: 1a and 29 Northorpe Road Donington Spalding		
Applicant:	Mr T Hart	**Agent:**	Design and Management.Co.UK
Ward:	Donington, Quadring and Gosberton	**Ward Councillors:**	Cllr H J W Bingham Cllr M A Geaney Cllr J L King

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H04-0214-19

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application was deferred at the November 2019 Planning Committee to be brought back to be considered afresh. The application was subsequently withdrawn from the December 2019 Planning Committee following publication of the agenda. The application file shows no further correspondence further to that time. The agent has recently made contact with regard to this application asking that it be determined. The report that follows ultimately remains broadly the same as the previous published reports, including the recommendation. References to updated sections of the NPPF are included where relevant. Notably, the Council is still able to demonstrate a 5 year supply of deliverable housing at the present time.

2.0 PROPOSAL

2.1 This is a full planning application for the erection of eight x 3 bedroomed dwellings on land adjacent to 1a and 29 Northorpe Road, Donington.

2.2 Eight bungalows are proposed in a cul-de-sac layout. All bungalows would be the same design but with some variation in handing. A private drive is proposed with a waste collection point located at the front of the site adjoining Northorpe Road. Two vehicle parking spaces are provided for each dwelling (garage and driveway).

3.0 SITE DESCRIPTION

3.1 The application site is located outside of the settlement of Donington as identified by the proposals map, north of the A52.

The proposed access is to be taken from land fronting Northorpe Road to the south of number 3 (and north of 1a) where at present a corrugated-clad building is located, set back from the frontage. It has a concrete apron to the fore and palisade fencing treats the front boundary. An access is located along the side of this building which allows access to the site at the rear. At present there is also an access adjacent to number 29, this allows vehicles to entre and leave the site which located to the rear of that property.

The application site is located to the east of dwellings, with the exception of those fronting Holyrood Close, these are located to the north.

There are views across fields to the east and north east. Along the western boundary are the rear gardens of dwellings fronting Northorpe Road, along the northern boundary are the rear gardens of properties fronting Holyrood Close. Most dwellings in the area are detached, with a mix of both single storey and two storey houses.

3.2 A Public Right of Way (Doni/12/1) runs through the site.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 30 - Pollution
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), December 2023

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting health and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 Planning Applications

5.2 H04-0825-17 - Change of use to B8 (bio fuel storage and distribution) (refused October 2018)

5.3 H04-0911-16 - Residential development (refused January 2017)

5.4 H04-0675-15 - Change of use from agriculture to proposed extension to existing haulage yard to include storage and distribution and parking of operators vehicles and equipment (retrospective) (appeal withdrawn October 2016)

5.5 H04-1056-13 - Part change of use from residential and garden furniture manufacturing place to residential, garden furniture manufacturing place and parking of vehicles associated with arboricultural business (retrospective) (approved January 2014)

5.6 H04-1306-87 - General purpose farm building (approved July 1988).

5.7 Enforcement and Stop Notices

5.8 SHDC.EN103 Enforcement Notice (issued March 2017). Without planning permission the unauthorised material change of use of the land from an agricultural use to a use for the operation of a Tree Surgery business (issued March 2017)

5.9 SHDC.STOP103 Stop Notice issued in association with the above (March 2017)

5.10 Appeals dismissed and Notice upheld, with variation (December 2017):
Without planning permission the unauthorised material change of use of the Land from an agricultural use to a use for the operation of a Tree Surgery business and all works and associated paraphernalia connected with the Tree Surgery business.

5.11 SHDC.EN104 Enforcement Notice (issued March 2017). Appeals dismissed and Notice upheld December 2017:
Without planning permission the unauthorised material change of use of the Land from a mixed use comprising of an agricultural use and garden manufacturing business to a use for the operation of a Tree Surgery business which includes the unauthorised parking of vehicles in connection with the tree surgery business.

6.0 REPRESENTATIONS

6.1 LCC Environmental Services (Rights of Way & Countryside Access)

6.2 Confirms that Donington Public Footpath No. 8 is affected by the proposed development. The proposed layout plan indicates that the public footpath will run along the pavement on the western side of the estate access road. The affected section of public footpath will require removal from the definitive map and statement if it is intended to adopt the estate road and associated footway. The footpath should therefore be constructed to adoptable highway standard. The northern drain side section of public footpath should be laid out to a minimum width of 2m (measured from the shoulder of the drainage bank to the intended outer edge of the native hedge). It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal. The proposed development should not pose any dangers or inconvenience to the public using the right of way. If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public rights of way, prior permission to modify or erect such a feature must be sought from the County Council.

6.3 LCC Highways/SUDS

6.4 Advises that refuse collection point, swept path and proposed footway are acceptable. Requests a crossing point on both side of the access road to allow pedestrians a safe crossing facility onto the existing footway network. Parking provision is unclear.

6.5 LCC Historic Environment Officer

6.6 No archaeological impact.

6.7 SHDC Environmental Protection

6.8 Requests standard contaminated land condition.

6.9 SHDC Environmental Services

6.10 No objection.

6.11 Environment Agency

6.12 No objection subject to condition requiring development to be carried out in accordance with the submitted flood risk assessment.

6.13 Public (3 objections)

6.14 - Loss of privacy
- No affordable housing proposed
- Questions whether re-routing of public footpath is legal
- Housing development to the north of the A52 is unsuitable; no infrastructure in this location
- Site is not brownfield
- Concern re loss of existing Leylandii along western boundary
- Creation of additional traffic
- Local Plan contains enough housing provision to meet need
- Concern re surface water flooding
- Concern that new road off Northorpe Road would be utilised to gain access to existing business to rear of 29
- Adjacent business use should cease
- Concern re location of refuse collection point adjacent to existing dwelling and potential for vermin

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 The key issues in this case are:
- Principle
- Design and layout
- Residential amenity
- Highways and parking
- Flood risk and drainage

7.3 **Evaluation**

7.4 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.5 In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

7.6 The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.7 Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been

adopted.

7.8 Principle

7.9 The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is therefore classed as being in the Countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

7.10 The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The proposal is not considered to meet the provisions of either of these policies.

7.11 It is important to note that the Council is capable of demonstrating a 5-year housing land supply at the present time.

7.12 Paragraph 84 of the National Planning Policy Framework (December 2023) (NPPF) makes provision for new 'isolated' dwellings in the countryside in limited circumstances. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 84 should apply in this instance. There are residential properties immediately adjacent, therefore the site cannot be described as remote or 'isolated'.

7.13 Given the above, the overriding consideration is whether the proposed development can be considered necessary to that location and/or whether the site can be considered to represent a sustainable form of development. As per the second part of Policy 1 (countryside section), the following can be considered as part of the planning balance:

7.14 Economic: The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services, this however is considered to be modest. The converse to this is potential loss of existing uses on site.

7.15 Social: The proposal would make a contribution, albeit small, towards housing supply in the district. However, although the site is less than 1km from the centre of Donington, the site is poorly related to the main-built up area of the settlement, being on the opposite side of the A52 meaning that future occupiers would have to negotiate this road (subject to a 60mph speed limit) to access its services and facilities on foot or by cycle, to the detriment of pedestrian safety. It would therefore be contrary to Policies 2 (Development Management) and 3 (Design of New Development) of the SELLP, as well as Paragraph 114 of the NPPF (December 2023), which states that it should be ensured that safe and suitable access to the site can be achieved for all users, and Paragraph 110 which states that priority should be given to pedestrian movements and that the scope for conflict between pedestrians and vehicles should be minimised.

7.16 Environmental: Due to the site's location to the north of the A52, the area this site forms part of is effectively severed from the main built-up area of Donington where services and facilities are located. It is therefore anticipated that trips generated would be almost exclusively undertaken by car which, no matter the distance of travel involved, would generate carbon emissions and would be contrary to the environmental role of planning including the objective of reducing carbon emissions and minimising pollution. Moreover, the majority of the site is classed as agricultural and it is essentially located within an area of transition between the built up form of the settlement and countryside.

7.17 Its character is defined by predominantly frontage development (which protects the open countryside to the rear) with parcels of agricultural land around. Policies 2 and 3 of the SELLP give weight to the protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in general conformity with Sections 12 and 15 of the NPPF. The development would further urbanise this

section of Northorpe Road, extending residential built form into the open countryside and would therefore materially harm the prevailing character of the area. It would therefore be contrary to both local and national policy in this regard.

7.18 The agent has submitted a statement in support of the application which is included in full as follows:

"In my opinion the case for the development makes itself from the plans and docs submitted, taking account of the historic neighbour objections to the current uses, uses some of which are long standing established and others which are specifically permitted. Obviously to remove all agricultural industrial and commercial current and permitted commercial etc uses will cause all and any current or long standing objectors to cease, they then having nothing to object to.. The development of dwellings, purpose designed for minimal profile in the landscape and to be screened in the landscape by native hedges, the alien leylandii and all trace of commercial haulage and all other uses including agricultural storage and machinery yard removed. Will enhance visual and aesthetic amenity of the locality from any and all receptor viewpoints or standpoints of the site, close up and far away but particularly so for users of the public footpath running alongside the site, the leylandii currently dark and looming.. The introduction and planting of native and domestic garden flora and habitat for native fauna to occupy will enhance and increase the biodiversity of the locality. In respect of sustainability and policy generally. The SLLP makes allowance for "Windfall Sites". The SLLP defines them as "Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously developed sites that have unexpectedly become available" and includes a min of 53 dwellings per year to achieve SHDC SLLP housing delivery target. The site is in a sustainable location next to existing dwellings that although maybe technically Northorpe and separate from Donington (it is separated only by the A52) and is part of continuously built up development all the way to the centre of Donington approx 750m distant. Whereat most essential services are located and in fact is closer to the central shops and essential services than parts of Donington itself. There is a school and regular public service bus stop at the end of Northorpe Road just 300m from the entrance of the proposed site, bus stops and services are closer to this than two thirds of Northorpe's dwellings and as said closer even than parts of Donington itself. It is likely, all in small communities knowing all, that neighbours will likely assist neighbours by on such as shopping, clubs and sports etc, will take and collect for neighbours whilst taking and collecting for themselves. There are no statutory objectors, highways are content for the less onerous use than the current permitted, the EA have requested only a condition in respect of floor levels.. Regards non-statutory objectors I cannot assess the validity or otherwise of those because the detail cannot be divulged, name and address are protected data it is informed and cannot be divulged. As I do not know from where or by whom, I not being able to assess validity so cannot constructively comment, so will not.comment."

7.19 In response to the agent's above case, the removal of the existing permitted uses on the site in close proximity to dwellings could be argued to be welcome in terms of facilitating a better standard of residential amenity for the existing occupants of nearby dwellings. It could also be argued that the removal of the existing permitted uses would enhance the visual and aesthetic amenity of the locality. However, the Local Planning Authority considers that the majority of the site only benefits from a permitted agricultural use (land adjacent 1A) and the replacement of the existing use with dwellings would only serve to further urbanise an area which can be viewed as the rural fringe/transition to countryside and is designated Countryside in the Local Plan.

7.20 Furthermore, the element of the site at land at 29 Northorpe Road that benefits from the planning permission for "Part change of use from residential and garden furniture manufacturing place to residential, garden furniture manufacturing place and parking of vehicles associated with arboricultural business (retrospective)" granted in 2014 (ref: H04-1056-13) includes planning conditions to protect surrounding residential amenity as follows:

"No vehicles in connection to the applicant's arboricultural business shall be brought on or off the site outside the hours of 08:00 to 17:00 Monday to Saturday with the exception of vehicles attending an emergency call out due to an unsafe tree.
Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006."

"Vehicles used by the applicant as part of the arboricultural business operating from the rear of the property known as 29 Northorpe Road, Donington shall be restricted to the numbers and size of vehicles as described in the letter from Lewis Smith of Robert Doughty Consultancy

(received 5 December 2013).
NB. For the avoidance of doubt, this includes 3 x four wheel drive trucks, trailers, a long reach JCB teleporter and associated machinery to be towed.
Reason: To ensure that the Local Planning Authority retains control over the size and extent of vehicles parked at this location in the interests of the future amenity of local residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006."

7.21 Policy 28 of the Local Plan and Section 15 of the NPPF require development proposals to provide an overall net gain in biodiversity therefore it is not contested that the proposed development would not enhance and increase the biodiversity of the locality.

7.22 The SELLP does allow for a windfall allowance. However, any such sites would need to be in accordance with the wider provisions of the Local Plan, in particular the Spatial Strategy (Policy 1). As has already been outlined above this site is contrary Policy 1 of the SELLP given its location in the Countryside in planning policy terms. The sustainability of the site has also been considered above.

7.23 It is accepted that there have been no objections from statutory consultees.

7.24 Given the above, on balance, it is not considered that the application site is a suitable site for residential development. Although there would be some benefits in terms of the potential for job creation and assisting housing supply, it is considered that these benefits are outweighed by the harm that would be caused by virtue of the site's location in relation to services and facilities and the impact its development would have on the character and appearance of the area. It is also clearly evident that in principle the site does not accord with the provisions of the SELLP Local Plan, which was adopted in March 2019. Furthermore, the Council is capable of demonstrating a 5-year housing land supply at the present time. On this basis it is considered that material considerations do not exist that would support a departure from the development plan.

7.25 Design and layout

7.26 The proposal is for 8 bungalows set out in a cul-de-sac layout (private). Although the same dwelling design is proposed for all plots, there would be different handings and there would be some variation in the 'building line'.

7.27 Full details of proposed materials and landscaping can be dealt with by means of a condition if the application were to be approved. Different materials/finishes can add more variation.

7.28 Overall, the proposed design and layout is considered to be broadly acceptable.

7.29 The agent has advised that the intention is to remove the existing Leylandii along the western boundary. However, it has been highlighted by another party that some of the hedge (the Golden Leylandii) along that boundary is not within the applicants ownership. If permission were to be granted for the proposed development, a condition could be added to ensure its retention.

7.30 Residential amenity

7.31 It is not considered that there would be a material adverse impact on residential amenity in terms of overlooking/loss of privacy, loss of light or the proposed/existing dwellings being overbearing in nature. The proposed dwellings would be bungalows and their distance from existing dwellings (the closest being approx. 20m from the most north-western dwelling proposed) would represent a sufficient distance.

7.32 The applicant's agent has made the case that "Obviously to remove all agricultural, industrial and commercial current and permitted commercial etc uses will cause all and any current or long standing objectors to cease, they then having nothing to object to." This issue has been considered earlier in the report and the issue of noise and disturbance relating to the exiting use is mitigated through conditions. The proposed use of the site for dwelling would likely only result

in unacceptable noise impacts during teh construction period. Conditions can mitigate these impacts.

7.33 An acceptable amount of external amenity space would be provided for each of the proposed dwellings. Those along the eastern part of the site would have the most external space but the 'L' and 'reverse-L' shape design of the dwellings would mean that the three plots at the western part of the site would still have reasonable outdoor space.

7.34 Concern has been raised about the location of the proposed refuse collection point in relation to the adjacent dwelling and the potential for vermin. A condition requiring the formation of a management company to prevent any amenity issues could be imposed if the application was to be approved.

7.35 Highways and parking

7.36 Concerns have been raised about the generation of additional traffic. The development of 8 dwellings would only generate a very modest amount of extra traffic and the Highways Authority have not objected to the proposal.

7.37 Policy 36 and Appendix 6 of the Local Plan relate to parking provision. Appendix 6 requires 2 vehicle parking spaces within the curtilage for dwellings of up to 3 bedrooms. 2 vehicle parking spaces (1 x in front of dwelling and 1 x garage) would be provided for each dwelling in accordance with this standard. Appendix 6 also requires 1 cycle parking space within each residential plot. This could be dealt with by condition.

7.38 A public footpath (Donington Public Footpath No. 8) runs along the western side of the site from Northorpe Road which turns approx. 90 degrees eastwards at the turning head at the north of the site. As a result of the development, it is proposed that the public footpath would run along the pavement on the western side of the estate road before continuing eastwards via a new pavement. LCC Environmental Services have advised that this should be constructed to an adoptable standard and that the northern drain side section of public footpath should be laid out to a minimum width of 2m (measured from the shoulder of the drainage bank to the intended outer edge of the native hedge). The submitted plans show that this width would be achieved.

7.39 Given the above, it is not considered that a refusal could be justified on highways grounds.

7.40 Flood risk and drainage

7.41 The site is located within a combination of Environment Agency Flood Zones 1 and 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as not being affected by flood hazard or flood depth. However, a condition could be added if approved that finished floor levels are to be set at 300mm above existing ground level, as recommended in the submitted Flood Risk Assessment.

7.42 Surface water and foul water drainage can be dealt with by condition.

7.43 Other matters

7.44 An objector has commented that no affordable housing is proposed. Paragraph 65 of the National Planning Policy Framework (December 2023) states that developer contributions cannot be sought on schemes that are not major developments. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) defines major residential development as development involving more than 10 dwellinghouses or, where the number of dwellings is unknown, development that is carried out on a site having an area of 0.5ha or more. Given that the number of dwellings is specified as 8, an affordable housing contribution would not be required.

7.45 Planning Balance

7.46 As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.47 The site in question is situated outside of, and removed from, the settlement boundary of Donington as outlined in the Local Plan. As such, the starting point is one of restraint in terms of residential development in policy terms. There are factors that weigh in favour of the proposal as outlined above in this report. However, these are not considered, either individually or cumulatively, to outweigh and overcome the fundamental policy objection in principle to residential development in this countryside location.

7.48 **Additional Considerations**

7.49 Public Sector Equality Duty

7.50 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.51 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.52 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors.

7.53 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.54 Human Rights

7.55 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention
on Human Rights.

7.56 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

7.57 **Conclusion**

7.58 Taking the above into account, the proposal is considered to be contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraph 8 and Sections 9, 12 and

13 of the National Planning Policy Framework (December 2023).

7.59 The recommendation is therefore to refuse.

8.0 RECOMMENDATIONS

8.1 **Refuse permission for the reasons listed at Section 9.0 of this report.**

9.0 REASONS FOR REFUSAL

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 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.

2. 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

3. 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).

Background papers:- Planning Application Working File

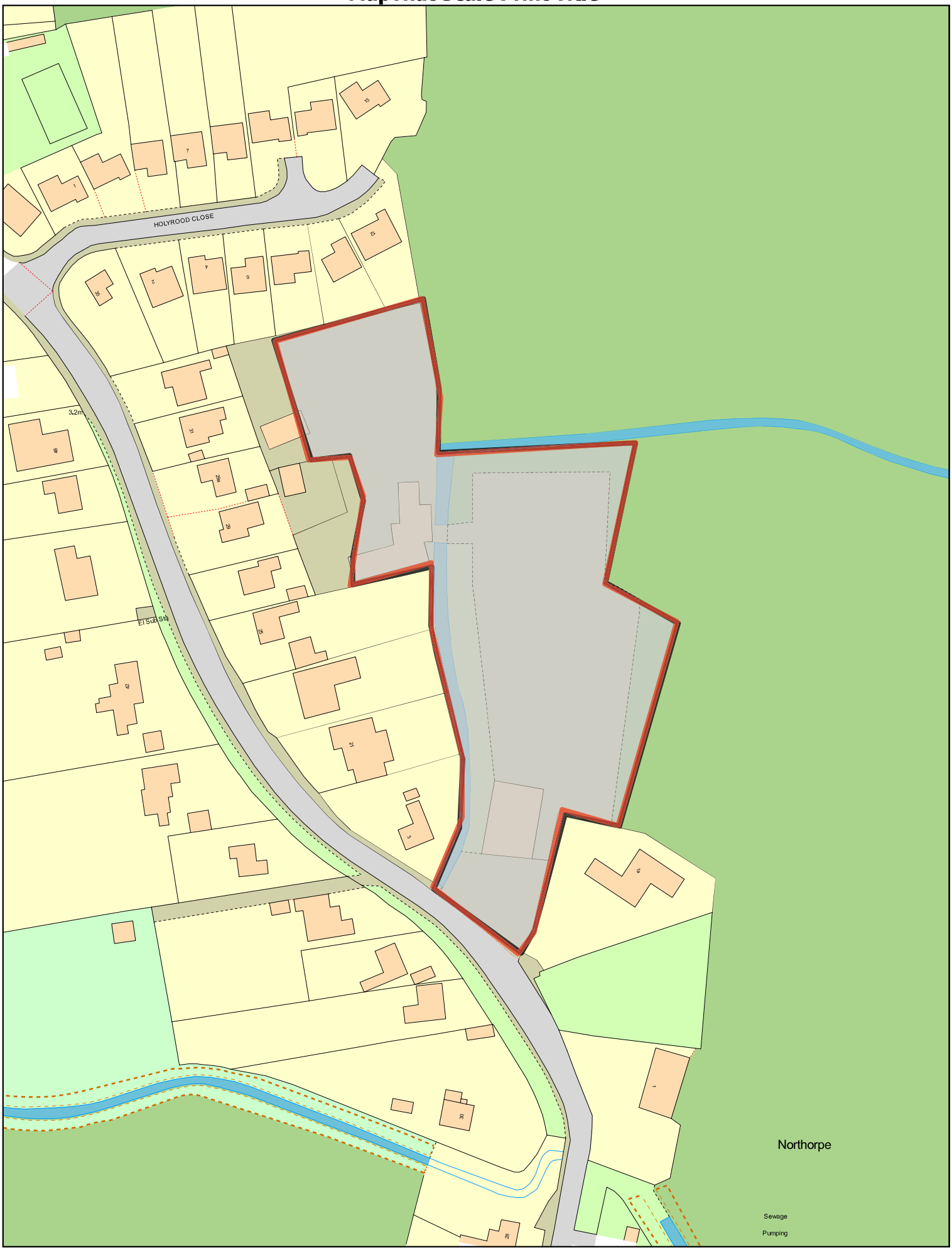
Lead Contact Officer
Name and Post: Mark Simmonds; Development Manager (Interim)
Telephone Number: 01775 764444

Email mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A
Appendix B Committee Report - 18 December 2019
Appendix C Committee Report - 13 November 2019

MapThat Scale Print Title



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