T A C Architects
14 Old Fendike Road
Weston Hills
Spalding
Lincolnshire
PE12 6DD

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

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

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H04-0384-23 **Date of Decision:** 13th June 2023

Applicant: Dorset Homes Ltd
The Coach House
Fengate
Moulton Chapel
Spalding
PE12 0XR

Location: Adj 33 Church Street Donington Spalding

Description: Proposed Bungalow

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

1 The proposed development, by reason of its siting, orientation, design, and material finish, would result in a form of development that would be uncharacteristic and at odds with the prevailing character within the surrounding area. The proposal would introduce a new form of development, given its visually out of keeping form and design, that would result in harm to the Conservation Area and cause a detrimental visual impact on the setting of nearby listed buildings, namely the Grade I listed church of St Mary and the Holy Rood, such as to harm the significance of the listed buildings, as well as the character and appearance of the Conservation Area.

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) (SELLP) outlines that sustainable development considerations should be met in relation to such matters as impact on the character and appearance of an area and the relationship to existing development. These policies give weight to protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that developments should ensure a high standard of amenity for existing and future users,

among other considerations. This goes on to state that decision should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Policy 29 of the SELLP details that a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment; Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape.

The harm is considered to be less than substantial harm, and the public benefit of the proposal, providing a single residential dwelling, would not outweigh the identified harm and the proposal would not better reveal or preserve the heritage assets. The proposal is therefore contrary Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2019), Sections 12 and 16 of the National Planning Policy Framework, 2021, and Sections 66 and 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.

2 The access point, for both entering or leaving in forward and reverse gears, would cause an unacceptable impact to highway safety. The visibility for drivers entering Church Street at the proposed access point is significantly below the prescribed standards for the classification and nature of this highway; therefore, failing to provide sufficient sight of any vehicle that may be approaching opposing the ability to safely complete this manoeuvre. The proposal also fails to provide adequate turning facilities so as to be able to leave and enter the highway in a forward gear thus be at risk of conflict with other road users. It is therefore considered that the development proposed in this application would have an unacceptable impact upon highway safety.

Therefore, it is considered that the proposed access and point of access would have an unacceptable impact upon highway safety. The proposal is therefore considered to be contrary to the National Planning Policy Framework, 2021 Section 9 and Policy 2 of the South East Lincolnshire Local Plan (2019).

Notes:

The determined plans are:

Application Form
23/636/PA/003
Design and Access Statement Incorporating Heritage Impact Assessment

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



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.