

Remway Design Ltd
Treetops
The Raceground
Spalding
Lincolnshire
PE11 3AP

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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference:	H04-1034-15	Date of Decision:	5th February 2016
Applicant:	Mr M Bond 39 High Street Donington Spalding Lincs PE11 4TA		
Location:	Rear: 39 High Street Donington Spalding Lincs		
Description:	Outline application for detached 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 would result in a backland development which would constitute a cramped and incongruous form of development at odds with the existing form and character of the surrounding area, which forms part of the Donington Conservation Area. This is by virtue of its plot size, location and relationship with neighbouring properties. Moreover, by virtue of its backland location, it would result in an adverse impact on any future occupiers due to its poor outlook onto the rear of other dwellings, fences and foliage which would likely create an unacceptable standard of accommodation. As such, the proposal is considered contrary to Policies SG14 and SG17 of the South Holland Local Plan, 2006, Paragraphs 17, 53, 58 and Sections 6 and 7 of the National Planning Policy Framework, 2012. These policies indicate that new development should:
 - make a positive contribution to the character and appearance of the locality,
 - not cause unacceptable harm to residential amenity,
 - should take into account the local character of the area and
 - the inappropriate development of residential gardens should be resisted where it causes harm.Policies SG14 and SG17 are in accordance with advice contained within Sections 6 and 7

of the National Planning Policy Framework, 2012.

- 2 The existing access point onto the High Street is considered unsuitable to accommodate any additional vehicle movements that might occur, either now or in the future, as a result of the proposed development. The proposal has not considered pedestrian safety from and to the proposed development from vehicles already using this access way, especially as there is no pre-existing pedestrian pathway. In addition, the existing road width and right angled bend would also be unable to accommodate service vehicles for the site, leading to a potential increase in the incidence of vehicles waiting on the highway which may impact highway safety. The existing access road is not wide enough to be used as a shared vehicular access for a residential dwelling as the bend is too narrow should vehicles meet, coupled with insufficient views around the bend to see oncoming vehicles. The proposal is therefore contrary to Policy SG15 of the South Holland Local Plan, 2006. This policy states that proposals for development shall provide safe and convenient access to and within the site for motor vehicles and pedestrians to accommodate the potential increase in movement generated by the proposal.

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 reasons 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:

dwg. no's. 2667/01 and 2667/01B



Paul Jackson
Place 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 Authority 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.