

RPS Group plc
20 Western Avenue
Milton Park
Abingdon
OX14 4SH

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H05-0027-21 **Date of Decision:** 20th May 2021

Applicant: Mr J Conners
C/O Rps Group Plc
20 Western Avenue
Milton Park
Abingdon
OX14 4SH

Location: Heron Orchard Caravan Park Frostley Gate Holbeach Spalding

Description: Change of use of land for an extension to existing caravan site for seasonal touring use.

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

- 1 Development Plan policy and the National Planning Policy Framework, 2019 both support the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside.

However, it is considered in this case that factors in favour of the proposal are outweighed by other material planning considerations. The proposed development would constitute an intrusive form of development that would harm the character/appearance of the countryside and the historic setting of Riverside House, which is grade II listed and therefore classified as a designated heritage asset. The proposal would therefore be contrary to Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 indicate that new development should be in character and appearance with an area/the countryside and have a satisfactory relationship with existing development. Policy 29 indicates that proposals should preserve the significance of a listed building and not harm the setting of a heritage asset. The latter is in accordance with paragraph 193 of the National Planning Policy Framework, 2019, which states that when considering the

impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This complies with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which requires that special regard must be had to the desirability of preserving the setting of listed buildings.

- 2 It is possible for the proposed development to be delivered on sites within the District that are more sustainable and of no flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 158 to 160 of the National Planning Policy Framework, 2019.

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 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>

The determined plans are:

1543-0001-02;

Planning Supporting Statement by RPS Group PLC (Ref. PPS1543) dated 24 December 2020

Flood Risk Assessment by RPS Group PLC (Ref. RCEF78147 001) dated 4 December 2020;

Flood Warning and Evacuation Plan by RPS Group PLC (Ref. RCEF78147 001) dated 4 December 2020.



Phil Norman
Planning and Building Control 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		

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@planninginspectorate.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.