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Mr J Warrick
8 Beech Grove
Donington
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Lincs
PE11 4XQ

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H05-0717-17 **Date of Decision:** 7th September 2017

Applicant: The Estate of Mr and Mrs Sleaford
Ivy House
Old Main Road
Fleet Hargate
Spalding Lincs
PE12 8LJ

Location: Ivy House Old Main Road Fleet Hargate Spalding

Description: Proposed new house and garage

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

1 The site is an awkward triangular plot set behind Ivy House with an access running north/south between Ivy House and the adjacent bungalow which has several main windows facing the side to the access.

The plot is bounded on the south east side by bungalows in close proximity and to the west by residential properties at a significantly raised level.

Due to the layout of the site and the close proximity of neighbouring properties to both main boundaries including those significantly raised in height above the application site the Local Planning authority is of the opinion that the proposals represent a contrived and unacceptably cramped form of over-development on this small wedge shaped piece of land.

There would be likely to be an unacceptable harmful impact upon the neighbouring bungalow to the drive - they have several main windows along the aspect facing the proposed drive and there would be loss of amenity due to the additional traffic and

pedestrian movements which would be overly harmful.

The proposals are therefore contrary to the following policies of the South Holland Local Plan 2006; HS6 New Housing in the Group Centres (Non-Allocated Sites), SG1 General Sustainable Development, SG14 Design and Layout of New Development and SG17 Protection of Residential Amenity as well as the relevant sections of the NPPF (2012).

2 This site is not conducive to residential development and the land is more easily read as part of the grounds and setting of Ivy House and would therefore have a negative impact upon the setting of the host listed building whose curtilage and setting it unacceptably truncates.

The proposals are therefore contrary to policy SG1 of the South Holland Local Plan 2006 and Section 1 paragraphs 7, 14 and 17 and Sections 6, 7 and 12 of the NPPF (2012).

Notes:

The determined plans are:

Drw No J088-PL1
Drw No J088-PL6
Sewer Map
Drw No J088-PL4
Drw No J088-PL5
Drw No J088-PL7
Drw No J088-PL3
Drw No J088-PL2
and the Design and Access Statement and Flood Risk Assessment Submitted with the application.

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

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 Authroity 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.