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4 Ford Avenue
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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H06-0532-23 **Date of Decision:** 29th January 2024

Applicant: Mr J Rooney
Land At The Orchards
Blazegate
Gedney
Spalding
PE12 0AD

Location: Land At The Orchards Blazegate Gedney Spalding

Description: Change of Use of Agricultural Land to Provide 5 Gypsy/Traveller Family Pitches Each having a Static Mobile Home, Dayroom, Parking for a Tourer and 2 Vehicle Spaces together with a Treatment Plant, the Laying of Hardstanding and Associated Ancillary Works - re-submission of H06-0216-23 (part retrospective)

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

1 The use for which planning permission is sought falls within the 'highly vulnerable' flood risk vulnerability category within Annex 3 of the National Planning Policy Framework (December 2023), and comprises development that is inappropriate to the flood zone in which the application site is located (Environment Agency Flood Zone 3). Tables 1 and 2 of the National Planning Practice Guidance (NPPG) make it clear that this type of development is not compatible to this flood zone and therefore should 'not be permitted' and the proposals would not therefore sufficiently ensure the safety of occupants and property as a result of flooding.

The application site also lies within an area identified as 'Danger to Most' in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) and could experience depths of between 0.5 - 1.0 metres and 1.0 - 1.6 metres arising from a breach

in the defences during a flood that has a 0.1% tidal chance of occurring in any one year up to 2115. In such a scenario the flooding would pose a 'Danger to Most', which means there will be danger of loss of life for the general public.

The mitigation proposed is considered to be inadequate as the site could be subject to, and surrounded by flood water of up to, and in places in excess of 1.6m deep, which could not be considered safe. Access and egress routes would be subject to similar depths and therefore aerial rescue would be the only means of transporting occupants to safety. The Council therefore remains unsatisfied that the proposed use is acceptable in respect of flood risk.

In light of the above, the proposal is considered contrary to policies relevant to flood risk including Policy 4 of the South East Lincolnshire Local Plan (2019), as well as Section 14 of the National Planning Policy Framework (December 2023) and National Planning Practice Guidance on flood risk.

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. 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

The determined plans are:

Application Form
20/BLAZE/01
20/BLAZE/02 Rev C
Planning Statement dated May 2023
Supporting Planning Statement dated August 2022
Flood Risk Assessment Ref: ECL0712a - by Ellingham Consulting Ltd dated May 2023
Photographs & Floor Plans of Mobile Homes
Design & Access Statement

Please be aware that there is a live enforcement notice on this site in respect of the development proposed. You are advised that you only have 28 days from the date of this decision notice to appeal this decision to the Planning Inspectorate given that there is a live enforcement notice. Should no appeal be forthcoming in that timeframe, and in the context of the live enforcement notice, the Council reserves the right to take appropriate action.

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.