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

Hix & Son
28 Church Street
Holbeach
Spalding
Lincs
PE12 7LL

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H06-0546-16 **Date of Decision:** 25th July 2016

Applicant: C Wright & Son (Gedney) Ltd
Main Street
Gedney Dyke
Spalding
Lincs
PE12 0AJ

Location: Main Street Gedney Dyke Spalding

Description: Proposed frontage residential development

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 is considered to be inherently unsustainable given its location in the open countryside outside of the development boundary of any settlement, as outlined in the adopted South Holland Local Plan, 2006. It is not on a regular public transport route. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles to access local services which, no matter the distance of travel involved, would be contrary to one of the core planning principles of paragraph 17 of the National Planning Policy Framework to make the fullest use of public transport. Moreover, the reliance on the motor car would increase carbon emissions, contrary to the requirements of the environmental role of planning. It is therefore considered that a development of this scale is not suitable in terms of sustainability.

Consequently, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development. It is therefore contrary to Policies SG1, SG2 and HS7 of the South Holland Local Plan and Paragraph 17 and Section 6 of the National Planning Policy Framework, 2012. In particular, Paragraph 49 indicates that new housing should be in a sustainable location.and is not well related or connected to

facilities or services. It is considered that trips generated by the development would be car dominated.

2 The Flood Risk Assessment submitted with this application does not comply with the requirements set out in the planning Practice guidance to the National Planning policy Framework (2012)and does not provide a suitable basis for assessment of the flood risks arising from the proposed development.

The proposals are therefore contrary to section 10 of the National Planning Policy Framework (2012).

3 The site is within an area where the HER records a large strip which encompasses this site as an area that formed part of the adjacent saltern complex. It is considered very possible that there were more saltern mounds closer to the development site and that the area that was used for processing may still survive here also.

The developer has declined to submit further information which should include trial trenching and the Local planning Authority is therefore unable to assess the potential survival of archaeology and significance of this site regarding the impact of this development upon any archaeological remains.

The proposals are therefore contrary to the National Planning Policy Framework (2012) Section 12, paragraph 128.

Notes:

The determined plans are:
Dwg. No's: WRIGHT-MS-01 and WRIGHT-MS-03.
Flood Risk Assessment (prepared by DC Architectural Services, dated 1st March 2016).

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.