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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H07-1059-20 **Date of Decision:** 3rd March 2021
Applicant: D Brown Building Contractors Ltd.
Seas End Road
Moulton Seas End
Spalding
PE12 6JX
Location: Off Highstock Lane Gedney Hill Spalding
Description: Residential Development - 10 dwellings

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

- 1 The proposal, if permitted, would constitute a form in part a backland development that would fail to respect the historic character of this part of Gedney Hill. Consequently, it would be detrimental to the prevailing rural character of the area on the southern fringe of the settlement where existing development meets the countryside.

The proposal therefore fails to accord with Policies 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2019. Policy 1 states that outside a defined settlement limit development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Policies 2 and 3 indicate that new development should respect the existing character and appearance of an area and relationship to existing development and land uses. Paragraphs 8 and 127 of the National Planning Policy Framework, 2019 indicate that new development should contribute to and protect the built and historic environment, be sympathetic to local character and history and add to the overall quality of an area.

- 2 With regard to the affordable housing offered by this proposal, the proposed tenure mix would not accord with requirements of Policies 6, 10 and 11 of the South East Lincolnshire Local Plan, 2019 and the intentions of the National Planning Policy Framework, 2019. The developer has not submitted a justification to evidence that the Local Plan Policy is not viable.

Notes:

The determined plans and documents are:

Application Form

Design and Access Statement 3146-17. Revision A - February 2021

Surface & Foul Water Drainage Strategy. 12121 REP-01

Environmental Desk Study. 12 September 2019 19-09-01

Flood Risk Assessment. November 2019

Heritage Statement. November 2019 HS/046

3146-17 300E

3146-17 301

3146-17 302

12121/01

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 for the refusal, that approval has not been possible.

Unsolicited revised plans were submitted to overcome certain consultation responses, however these amendments did not overcome the principal issues on this site, as set out in the reason for refusal above.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>



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.