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Green Contractors
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WD24 4AY

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H07-1243-21 **Date of Decision:** 14th July 2023

Applicant: Mrs R Zdroba
32 Hillgate
Gedney Hill
Spalding
PE12 0NN

Location: Lions Green Station Road Gedney Hill Spalding

Description: Change of use of land for private grazing, erection of greenhouse, two polytunnels, 30 beehives, livestock shed, demolition of existing stables, retention of one existing container and hardstanding - 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 proposal, by reason of its countryside location, involves non agricultural uses, activities and development, including an extensive hardstanding area and a shipping container which are not appropriate uses within the countryside resulting in a car/large vehicle dependent development within an unsustainable location, contrary to Policy 1 of the South East Lincolnshire Local Plan, 2019 and Paragraph 174 (b) of the National Planning Policy Framework, 2021 which protect the intrinsic character and beauty of the countryside by restricting development to defined settlements in accordance with the spatial strategy and sustainable development hierarchy. In this case it has not been demonstrated that the proposal meets the sustainable development needs of the locality in terms of economic, community or environmental benefits in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

2 The proposal, by reason of the extensive hardstanding area, poor quality design, layout and materials, associated activities which include working during unsocial hours results in visual harm and intrusion into the countryside, and an adverse impact on nearby

residential amenity, representing an incongruous form of development, out of keeping with and adversely affecting the character, amenity and appearance of the surrounding landscape, resulting in a poor relationship with neighbouring land uses and its rural location. As such the proposal is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 which require development to relate to the character and appearance of the area in which they are located, and maximise opportunities for improving the character and quality of the area.

3 The proposal fails to include a Flood Risk Assessment to demonstrate that, as a result of the development, the risk of flooding is reduced elsewhere. In particular, the hardstanding area and container, its layout and design and lack of green infrastructure, lack of foul and surface water drainage information together with the alternations to the culvert, conflicts with Paragraph 167 of the National Planning Policy Framework and Policy 4 of the South East Lincolnshire Local Plan, 2019, which require applications to demonstrate adequate foul and surface water treatment can be provided, ensure water resources and drainage are maintained and managed, and ensure opportunities through layout, form and green infrastructure provide appropriate flood resistance and resilience measures and flood betterment to reduce the risk of flooding overall.

Notes:

The determined plans are:
Amended Application Form
Site Location Plan
Block Plan
Site Photographs
Correspondence

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



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.