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Mr Paul Adams
Northgate
Pinchbeck
Spalding
Lincs
PE11 3SE

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H08-0216-19 **Date of Decision:** 12th July 2019

Applicant: Mr Paul Adams
Northgate
Pinchbeck
Spalding
Lincs
PE11 3SE

Location: Cheal House Farm Cheal Road Gosberton Spalding

Description: Siting of portable log cabin for use as residential dwelling

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 not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) and is therefore classed as being in the countryside in planning policy terms.

Policy 1 of the Local Plan states that development in the countryside will only 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.

Annex A to PPS7: Agricultural, Forestry and Other Occupational Dwellings relates specifically to applications of this type and sets out a range of criteria that should be fulfilled. Although PPS7 has been superseded by the National Planning Policy Framework (NPPF), it remains a useful guide for assessing agricultural worker dwelling applications in the absence of any more detailed guidance in the NPPF (2019) and the Local Plan. Annex A to PPS7 sets out (amongst other things) that there should be a clearly established existing functional need, the unit and the agricultural activity concerned should have been

established for at least three years and have a clear prospect of remaining financially sound.

In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that there is an existing functional need for the proposed dwelling in this location and that the enterprise in question is financially viable. The enterprise has also been established for less than three years. The proposal is therefore contrary to Annex A to PPS7.

The proposal is also considered contrary to Policy 1 of the Local Plan given that it has not been demonstrated that a dwelling is necessary in that location and the enterprise would not result in the delivery of meaningful sustainability benefits beyond the immediate to short-term due to viability issues. It would therefore also conflict with the National Planning Policy Framework (2019), the key theme of which is sustainable development.

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. 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

The determined plans are:
Site location plan;
Block plan;
Side elevation plan;
Front elevation and floor plan;
Design and Access Statement; and
Supporting emails and financial information.



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		

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.