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Mr S Thompson
5 Barbers Drove South
Crowland
Peterborough
Cambs
PE6 0EY

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H08-0560-16 **Date of Decision:** 2nd August 2016

Applicant: Mr S Thompson
5 Barbers Drove South
Crowland
Peterborough
Cambs
PE6 0EY

Location: Land At Chesboule Lane Gosberton Risegate Spalding

Description: Residential development - erection of 4 detached houses

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

1 The applicant has failed to fully demonstrate that four dwellings could be successfully achieved on the site without significantly impacting on nearby residential amenity by reason of the size and proximity of the site to the rear of other dwellings which run along Chesboule Lane and the finished floor levels which should be no lower than 450mm above ground level in order to reduce the risk of future flooding as advised by the Environment Agency. The proposed erection of four dwellings would also represent an inappropriate form of backland development out of keeping with the existing pattern and character of development in the locality, which consists principally of ribbon development.

Furthermore, the proposed development would, by virtue of the width and positioning of the existing access in relation to the side of the dwelling known as Seven Springs, Chesboule Lane and associated garden, give rise to an adverse impact on the living conditions of the occupants of this property as a result of noise, fumes and general disturbance associated with pedestrain and vehicular traffic accessing the site.

The proposal is therefore contrary to Local Plan Policies SG14 and SG17 of the South

Holland Local Plan 2006, which seek to ensure that the layout of any new development would integrate well with existing patterns of development and protect residential amenity. These policies are consistent with the advice contained in the National Planning Policy Framework 2012, particularly paragraph 58, which states that new development should respond to local character and should reflect the identity of its surroundings.

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:
1:1250 Location Plan, 1:500 Location Plan, 1:500 Block Plan showing an indicative plan,
Flood Risk Advice provided by the Environment Agency in lieu of a Flood Risk Assessment dated 30 July 2015,
letter from applicant dated 28 June 2016,
letter from applicant dated 25 June 2016 including 1:500 block plan of self grown trees and bushes on site and 1:500 location plan showing objectors trees off site.



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.