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Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
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planningadvice@sholland.gov.uk
www.sholland.gov.uk

T A C Architects
14 Old Fendike Road
Weston Hills
Spalding
Lincolnshire
PE12 6DD

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H08-0928-23 **Date of Decision:** 12th December 2023

Applicant: Ms E Lenten
68 Siltside
Gosberton Risegate
Spalding
Lincolnshire
PE11 4ET

Location: Rear Of 68 Siltside Gosberton Risegate Spalding Lincolnshire

Description: Proposed 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 application site is located within the settlement boundary of Gosberton Risegate, a settlement defined as being a 'Other Service centre' within Policy 1 of the South East Lincolnshire Local Plan 2019. Policy 1 states that "development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities", however, "development will normally be limited to Committed sites and infill".

The application site comprises a backland development that is at odds with the prevailing character of 'Siltside' which predominantly comprises a linear form in respect of residential development, with no identified need or justification for the development of four dwellings within a backland plot, outside of a committed or infill site in which Policy 1 seeks to steer development. Given the location of the site the proposal is in conflict with the spatial strategy outlined in Policy 1 of the South East Lincolnshire Local Plan 2019, which sets out the Spatial Strategy for the plan area. The benefits associated with four dwellings would not outweigh the clear policy conflict.

2 The proposed four dwellings, by reason of its siting and layout, would result in a form of development that would be at odds with the surrounding development along Siltside and would not be in keeping with the immediate surrounding area. The proposal would result in backland development that is contrary to the existing settlement pattern which predominantly comprises a linear form in respect of its residential development, and would introduce a form of development and relationship to the streetscene that is not currently prominent.

The proposal would therefore impact upon the character of the area and constitute an overdevelopment of the site resulting in a cramped environment and as such would be detrimental to the character and appearance of the area contrary to Policy 2 and 3 of the adopted South East Lincolnshire Local Plan 2019 and Section 12 of the National Planning Policy Framework 2023.

3 There is an apparent conflict between pedestrian and domestic vehicles, in such close proximity to the agricultural/commercial activities from the agricultural building that sits forward of the site. Pedestrians would have to walk along the private drive past the agricultural building to vacate the site. As such, it is considered that this can be unsafe for pedestrians and domestic vehicle movements from within the site.

As a result of its lack of 'pedestrian friendly' opportunities, fails to promote sustainable transport methods and fails to ensure that safe and accessible access can be achieved for all users, contrary to Section 9 of the National Planning Policy Framework.

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. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that 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:

Application Form
23/646/PA/002
Design and Access Statement
Flood Risk Assessment by GEOFF BEEL CONSULTANCY dated September 2023



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.