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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H08-1017-18 **Date of Decision:** 29th November 2018
Applicant: Mr & Mrs Garner
Capontoft
Cheal Road
Gosberton
Spalding Lincs
PE11 4JQ
Location: Adjacent: Capontoft Cheal Road Gosberton Spalding
Description: Erection of detached dwelling and double garage and associated works

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

- 1 Although the proposal would make a contribution, albeit small, towards housing supply in the district, this factor is outweighed by the harm that the proposal would cause in terms of other social and environmental effects.

The site does not relate well to any existing settlement. It is approximately 1.6km from the built up area of Gosberton Risegate and there are no footpaths, street lighting or bus stops served by a regular bus service nearby. Consequently, pedestrian access would potentially be hazardous due to the lack of footpath connection from the site as well as street lighting and the surrounding roads being subject to the national speed limit. It is therefore considered that the proposal would be contrary to Paragraph 108 of the NPPF which states that it should be ensured that safe and suitable access to the site can be achieved for all users, and Paragraph 110 which states that priority should be given to pedestrian movements and that the scope for conflict between pedestrians and vehicles should be minimised. Given the potential for pedestrian/vehicle conflict, it is reasonable to assume that future occupiers of the dwellings would be heavily reliant on the private car to access services and facilities which would be contrary to the provisions of the NPPF.

The site is situated amongst a small cluster of dwellings on this part of Cheal Road. There are other residential properties along the road, but these are mostly scattered. The main built up area of Gosberton Risegate is approx. 1.6km away. The overriding character of the area is rural and agricultural in nature. The proposed development, if permitted, would further intensify existing development in this location, which would be contrary to Paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character, including landscape setting. Furthermore, it is not considered that it has been demonstrated that there is an overriding need for the proposed dwelling to be in this location and that there are no alternative sites within the built up area of Gosberton Risegate which could accommodate it. It would also set a harmful precedent by encouraging further applications of a similar nature for future development along Cheal Road and other rural locations across the district. This would cumulatively harm the aims and objectives of both the Framework and emerging SELLP to ensure that new development is sustainable and protects the character and appearance of the area and countryside.

It is appreciated that the applicant has sought to address sustainability concerns by proposing a more sustainable form of construction and that the property has been designed in such a way as to try and minimise its carbon footprint. However, given the location and the Council's approach to other such developments elsewhere in the district, it is not considered that this is sufficient to override the above concerns.

The site is therefore not considered to be a suitable site for residential development with particular regards to the principles of sustainable development. It is contrary to Policies SG1, SG4 and SG14 of the South Holland Local Plan (2006) and Paragraphs 7, 8, 108, 110 and 127 of the National Planning Policy Framework (2018).

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:

18-159.GAR-02 Rev 02;
18-159.GAR-03 Rev 02;
18-159.GAR-01 Rev 02;
18-159.GAR-06 Rev 02;
18-159.GAR-07 Rev 02;
18-159.GAR-09 Rev 02;
18-159.GAR-04 Rev 02;
18-159.GAR-05 Rev 02; and



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 Authority 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.