Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

H A Architectural Services
Orion House
14 Barn Hill
Stamford
Lincs
PE9 2AE

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H09-0034-17 **Date of Decision:** 8th May 2017

Applicant: H A Architectural Services
Ash House
3a Whitwell Road
Empingham
Oakham Rutland
LE15 8PX

Location: Paddock Between 1 Paddock Lane/Campling Place Holbeach Bank Spalding

Description: Proposal of 56 new sustainable dwellings comprising 28 affordable homes and 28 open market homes together with provision of New Community Village Shop

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

1 The proposed development is considered to be inherently unsustainable given its location in the open countryside outside of the development boundary of any settlement, as outlined in the adopted South Holland Local Plan, 2006. It is not well linked to facilities or services being served from the main town of Holbeach. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles to access local services which, no matter the distance of travel involved, would be contrary to one of the core planning principles of paragraph 17 of the National Planning Policy Framework to make the fullest use of public transport. Moreover, the reliance on the motor car would increase carbon emissions, contrary to the requirements of the environmental role of planning. It is therefore considered that a development of this scale is not suitable in terms of sustainability.

Consequently, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the character of the open countryside. It is therefore contrary to Policies SG1, SG2, SG4 and HS7 of the

South Holland Local Plan and Paragraphs 14, 49 and 55 of the National Planning Policy Framework, 2012. Paragraphs 14 and 49 indicate that new housing should be in a sustainable location and contribute towards protecting and enhancing the environment. Paragraph 55 stresses that local planning authorities should avoid new homes in the countryside, unless there are special circumstances.

2 Notwithstanding the Council's current lack of a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development enshrined in Paragraph 14 of the National Planning Policy Framework, 2012 does not apply in this instance due to the significant and demonstrable harm from a highways safety perspective. Paddock Lane is considered to be unsuitable in terms of its construction, surface and lack of footway and lighting to serve a residential development of the scale proposed in this Outline Application, coupled with the current volume of traffic from the existing dwellings served from the same road. It is therefore considered that that residual cumulative impact of the proposed development upon transportation would be unacceptably severe and that the proposal would fail to provide safe and suitable access for all, in contravention of Policy SG15 of the South Holland District Council Local Plan 2016.

3 Notwithstanding the Council's current lack of a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development enshrined in Paragraph 14 of the National Planning Policy Framework, 2012 does not apply in this instance due to the layout of the development. The internal loop-shape road is uncharacteristic of the adjacent residential settlements (dwellings accessed from Star Lane/ Campling Place and Roman Bank) and the footprint of the development in relation to the given dimensions of the site (1.2 hectares) and the existing boundary constraints might be too large, resulting in such a high density that would have an adverse effect on the character and appearance of the locality. It is therefore considered that the proposal would have an adverse effect on the character and appearance of the locality, in contravention of Policy SG15 of the South Holland District Council Local Plan 2016.

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:

Site Location Plan
Proposed Dwellings (1:500)
2 No. Site Layout Plans (1:500)
2 No. Proposed Dwellings (1:100) - 1 Bed Apartment Design Plans
2 No. Proposed Dwellings (1:100) - 2 bed House Design Plans

Proposed Dwellings - 4 bed House Design Plan (1:100)

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.