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Mr A Watson
Twitters Bridge
173 Boston Road North
Holbeach
Spalding
PE12 8AG

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H09-0052-21 **Date of Decision:** 26th May 2021

Applicant: Mr A Watson
Twitters Bridge
173 Boston Road North
Holbeach
Spalding
PE12 8AG

Location: Adj. Twitters Bridge 173 Boston Road North Holbeach Spalding

Description: Residential Development of 8 eco-friendly homes comprising 5 bungalows and 3 family homes

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 outside of the settlement boundary of Holbeach as outlined in the South East Lincolnshire Local Plan (March 2019) (SELLP). As per Policy 1 of the SELLP it is classed as being in the 'Countryside' in planning policy terms. Policy 1 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".

It has not been demonstrated that the development of 8 eco-friendly homes is necessary to this location and it is not considered to be a type of housing that requires a countryside location. This is particularly the case in this instance where the Council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply (9.1 years as at 31st March 2020).

Furthermore, although the proposal would make a contribution, albeit relatively small,

towards housing supply and the economy in the district, these factors are outweighed by the harm that the proposal would cause in terms of other social and environmental effects.

The site is poorly related to the existing settlement of Holbeach, being on the opposite side of the A17, and is some distance from existing services and facilities. Future occupiers would have to negotiate the heavily trafficked A17 to access such services on foot or by cycle. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles which, no matter the distance of travel involved, would be contrary to advice within Section 9 (Promoting Sustainable Transport) of the National Planning Policy Framework (NPPF), 2019. Also, the reliance on the motor car would increase carbon emissions, contrary to the requirements of the environmental role of planning.

Moreover, the site is located beyond the northernmost fringe of Holbeach, which is defined by the A17. The site is essentially located within a transition zone between the built up form of the settlement and countryside. Its character is defined by existing development interspersed by more open agricultural land such as the site. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and the countryside. The development would further urbanise this section of Boston Road North and would therefore materially harm the rural character of the locality, contrary to Paragraph 170.

The proposal also does not comply with any of the exceptions for new dwellings in the countryside defined under Policies 19, 20, 22 or 23 of the SELLP.

For the reasons outlined above the proposal is considered to be in conflict with the SELLP, as well as Paragraphs 8 and 12 and Sections 12 and 15 of the NPPF. Paragraph 12 reiterates that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed.

2 The South Holland Strategic Flood Risk Assessment indicates that the site is located within an area identified as mostly "Danger for Some" in terms of flood hazard. There are alternative sites deemed as appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a low risk of flooding. Moreover, the proposal fails the exceptions test because the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal therefore conflicts with Policy 4 of the South East Lincolnshire Local Plan, 2019 and advice within paragraphs 158 to 160 of the National Planning Policy Framework, 2019.

Notes:

The determined plans are:

Block Plan
Site Location Plan

DC_FINAL_DECISION - ODB:14

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



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		

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.