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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H09-0141-23	Date of Decision:	20th July 2023
Applicant:	R Nazan 78 Wignals Gate Holbeach Spalding PE12 7HR		
Location:	Land West Of Cranmore Lane Holbeach Spalding		
Description:	Self build Eco friendly multigenerational dwelling and associated garage		

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

- 1 The proposal is for residential development outside of the settlement boundary. Such forms of development are generally unsustainable by definition and contrary to the provisions of both of the Local Plan and of National Policy, which seek to direct residential development to more sustainable locations and by so doing protecting the countryside from harmful and inappropriate development. No special circumstances have been submitted that are considered to justify the proposal in this location, and given that the Council can demonstrate a housing land supply in excess of the 5 year threshold, there are no grounds on the basis of housing need to support development in this location.

Therefore, the proposal would conflict with Policy 1 of the South East Lincolnshire Local Plan, 2019, which seeks to direct development within settlement boundaries and with Local Plan Policy 2, which requires developments that respect the character and appearance of the area among other things.

Furthermore, Paragraph 80 of the National Planning Policy Framework, 2021 makes provision for isolated homes in the countryside where they are of exceptional or innovative design. However, it is not considered applicable in this case because the site is not

'isolated' taking into account recent appeal decisions. In addition, the design of the dwelling is not considered to be exceptional, in that it is not considered to be truly outstanding or innovative. The proposal therefore, conflicts with Paragraph 80 of the National Planning Policy Framework, 2021.

The proposal is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Paragraph 80 and Paragraph 134 of the National Planning Policy Framework, 2021.

- 2 The proposal by virtue of its scale, siting, and design, would not be in keeping with the character of the area. The proposal would result in a harmful appearance to the character of the streetscene, would be out of character with the surrounding area and would not make a positive contribution or provide an appropriate assimilation with the surrounding rural setting to which it is located.

In light of the above, the proposal would conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 which gives weight to protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. Furthermore, there is conflict with Section 12 of the National Planning Policy Framework, 2021, in that the proposal causes an unacceptable impact upon the character and appearance of the area, comprising an unsuitable incongruous and unsympathetic form of development for its rural setting/context. Paragraph 130 of the National Planning Policy Framework, 2021, states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character, including the surrounding built environment and landscape setting. Paragraph 174 states that planning policies and decisions should protect and enhance the intrinsic character and beauty of the countryside. There is clear conflict in this instance.

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:

Application Form

249 PL-100

249 PL-102

249 PL-104

249 PL-105

249 PL-106

249 PL-107

249 PL-108

249 PL-109

249 PL-110

249 PL-111

249 PL-112

249 PL-113

249 PL-103 REV C

Planning Statement

Design and Access Statement by ADSDF Architects dated February 2023

Flood Risk Assessment by RM Associates dated February 2023

Preliminary Ecological Appraisal dated January 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.