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TOWN AND COUNTRY PLANNING ACT 1990

Reference: H09-0180-22 **Date of Decision:** 23rd June 2022

Applicant: Loosegate Developments Ltd.
Seas End Road
Moulton Seas End
Spalding
PE12 6JX

Location: Land Off Wignals Gate Holbeach Spalding

Description: Modification of 106 Agreement to omit 8 two bed dwellings - relating to H09-0326-17 and H09-1178-19

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

1 Where a scheme has already commenced, the National Planning Policy Guidance is clear that there is no obligation for a viability review and furthermore viability cannot be used as a means of boosting a developer's return in these circumstances. In light of this, the terms of the original S106 agreement (dated 14th August 2018), and the subsequent Deed of Variation (dated 24th Feb 2020) should remain.

The reduction of affordable housing obligations based upon the applicant's submission would not accord with the expectations of the delivery of affordable housing, and would be contrary to Policies 6, 10 and 18 of the South East Lincolnshire Local Plan and the guidance of the National Planning Policy Framework 2021 (NPPF), as explained by the National Planning Policy Guidance (NPPG).

Notes:

The determined plans and documents are:

Application form
Maxey Grounds letter VJM/21107E dated 26th January 2022
HCA Data as at 1/1/2020
Email from agent 24 March 2022 16:45
Additional Viability Information BCIS 24-Mar-2022 15:53 & 14-Aug-2021 00:32
Amended Accommodation Schedule
PD01 P2



Phil Norman
Planning 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.