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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H09-0209-20 **Date of Decision:** 28th April 2020

Applicant: Mr & Mrs Swepstone
Stockwell House
Stockwell Gate
Whaplode
Spalding
PE12 8AU

Location: 115-119 Battlefields Lane North Holbeach Spalding

Description: Conversion and change of use of factory and office building to form 8 new dwellings, laying out of private and communal gardens, car parking, cycle and bin storage areas, and ancillary development.

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

1 Whilst the proposal would add to the supply of housing in the area, the Local Planning Authority is able to demonstrate a 5 year supply of housing land, even allowing for the buffer required by the Government's Housing Delivery Test. Consequently, the supply of housing that would result from the proposal can only be given limited weight. It is outweighed by the harm that the proposal would cause in terms of other economic, community and environmental factors.

In terms of the above, it has not been satisfactorily demonstrated that this site cannot continue to be used for some form of business or industrial activity. It is therefore considered that the loss of this business premises may lead to harm to the economy of the area. Further, although the site is within a 2km walking distance of services and facilities in Holbeach, it is physically divorced from the settlement by virtue of being on the northern side of the busy A17, which is a major arterial route through South Lincolnshire. It is not readily accessible to existing local services and facilities other than by a motor vehicle. Moreover, the buildings presently have a commercial appearance not untypical to

other industrial buildings within the area. Although the conversions would be ingenious they would give the site a domestic appearance that would appear incongruous beside the brickwork of nearby houses, to the detriment of the character and appearance of the locality.

It is therefore considered that the proposal fails to meet the sustainable development needs of the area in terms of economic, community and environmental benefits. It conflicts with Policies 1, 2, 3 and 7 of the South East Lincolnshire Local Plan, 2019. These policies are consistent with advice within paragraphs 7, 8 and 11 of the National Planning Policy Framework, 2019, which indicates that the purpose of the planning system is to contribute towards the achievement of sustainable development and building a strong economy.

Furthermore, the proposal is not considered to be in accordance with Policy 23 of the South East Lincolnshire Local Plan, 2019 and advice within paragraph 79 of the National Planning Policy Framework, 2019. The objectives of Policy 23 include the retention of rural buildings such as brick built barns that make a significant contribution to the character of an area. Explanatory text indicates that not all buildings in the countryside are suitable for conversion because they may, for example, be of poor design and not in keeping. This policy is consistent with the general approach taken in respect of conversions in the countryside and is in accordance with advice within paragraph 8 of the Framework relating to sustainability and the need to protect and enhance the historic environment.

The proposal fails to comply with Policy 23 because the buildings are not of architectural or historic merit or make a positive contribution to the character of the landscape to justify conversion to ensure retention. Moreover, the conversion is not wholly sympathetic with the existing industrial character of the site and buildings.

Paragraph 79 of the Framework is not applicable in this case because the site is not isolated. In any case, the existing buildings are not redundant and could be brought back into use for a business or industrial purpose. Moreover the proposal is not considered to an enhancement for the reasons already addressed.

2 The site is within Flood Zone 3 on the Environment Agency Maps and within an area identified as "Danger to Some" within the South East Lincolnshire Strategic Flood Risk Assessment. The sequential test should therefore be applied. In this respect there are reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. Such sites have been identified within the South East Lincolnshire Local Plan, 2019, and the Authority currently has a 5 year supply of housing land. Moreover, the proposal fails the exceptions test because it would not provide wider sustainability benefits that outweigh flood risk due to the economic, social and environmental harm that it would cause. The proposal is not therefore in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and advice within Section 14 of the National Planning Policy Framework, 2019.

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 reasons 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:
185-PL00;
185-PL01;
185-PL02;
185-PL03;
185-PL04;
185-PL05;
185-PL06;
185-PL07;
185-PL08;
185-PL09;
185-PL10;
185-PL11A;
185-PL12A;
185-PL13A;
185-PL14A;
185-PL15A;
185-PL16A;
185-PL17A;
185-PL18A;
185-PL19A;
185-PL20A;
185-PL21A;
185-PL22A;
185-PL23A;
Supporting Planning Statement by Waller Planning dated February 2020;
Flood Risk Assessment by Geoff Beel Consultancy(ref: GCB/Waller) dated February 2020.



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.