COPY

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H09/0267/92

Applicant: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex, CM8 2BX

Agent: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex, CM8 2BX

Description: Formation of vehicular access to housing estate

Location: Marsh Road
Holbeach Hurn
Spalding
Lincs

Type: FULL

Date received: 03-MAR-92

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF NON-DETERMINATION

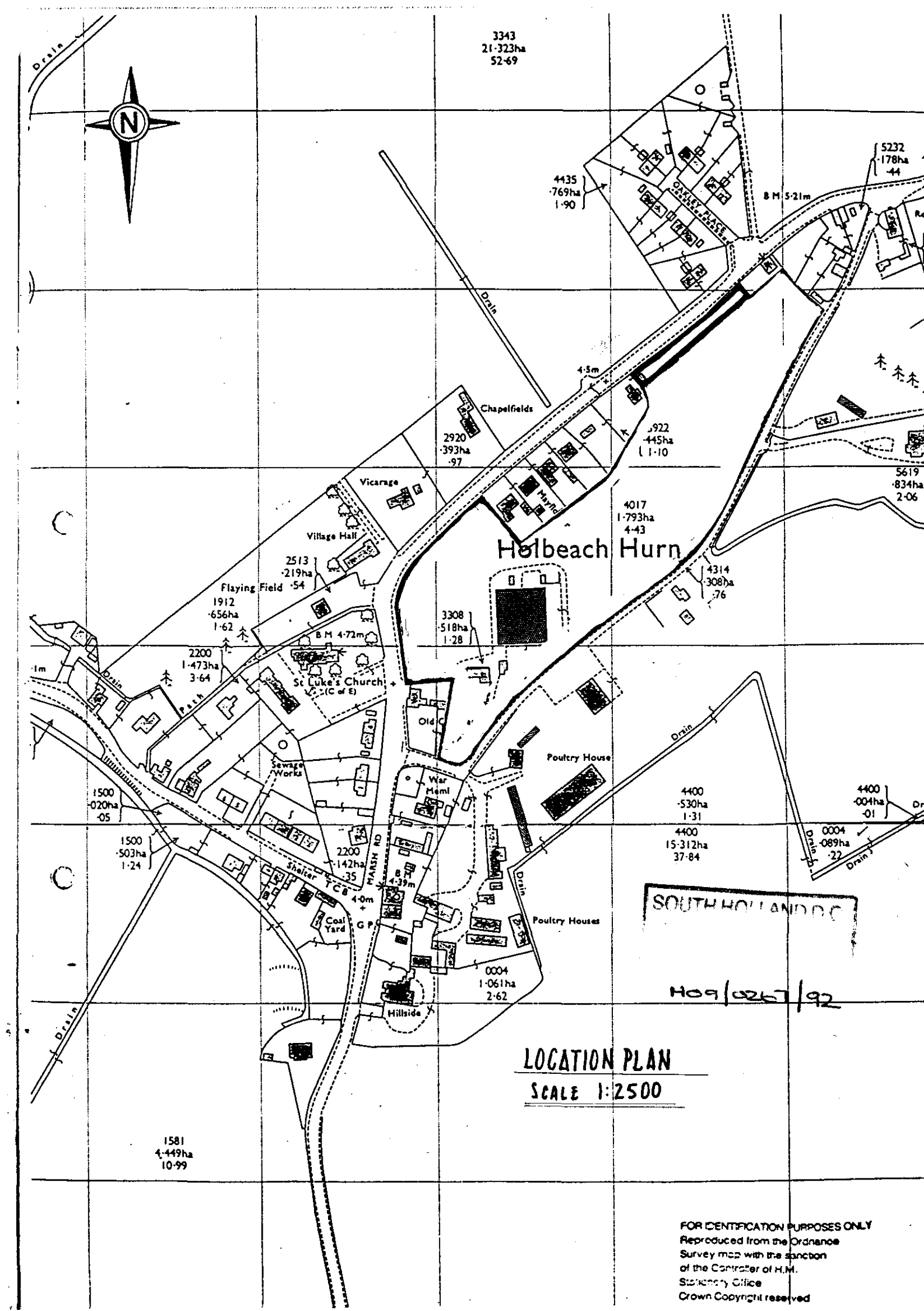
South Holland District Council hereby give notice that no further action will be taken on this application.

Director of Planning and Building Control Services

14-MAY-93

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)



H09/0267/92

LOCATION PLAN

SCALE 1:2500

FOR IDENTIFICATION PURPOSES ONLY
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PLANNING APPLICATION

For office use only

Application No. H09/0267/92

Date Registered 03 MAR 1992

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham, Essex CM8 2BX

Tel. No. 0376 513084

NAME AND ADDRESS OF AGENT
(if form completed by agent)

OFFICE COPY

Tel. No.
(Personal contact name)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

Marsh Road, Holbeach Hurn, Spalding, Lincs

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

Formation of Vehicular Access to Housing Estate

Please complete

Signed .....

Date 3.3.92

I attach * Four copies of all plans
*an ownership certificate (see back page)
*a fee of £110.00 If you consider no fee is payable include a written explanation instead.

Previous application No:

Please tick **one** box and answer the extra questions under that section.

2. **TYPE OF APPLICATION**

(✓)

This is a **full** application for change of use and/or new building works [✓] → **Now complete Parts 3, 4 and 5 and an Ownership Certificate**

or This is an **outline** application [ ]

Please state Site Area (Hectares)

Please tick **any** box where you are including details which you wish to be considered as part of this application.

Siting [ ] Design [ ] External Appearance [ ]

Means of Access [ ] Landscaping [ ]

Now complete Parts 3 and 5 and an Ownership Certificate.

or This is a **reserved matters** application. [ ]

A. Please state Reference Number of outline permission.
B. Please state which reserved matters are dealt with in this application.

Now complete Part 4 only

or This is an application for **renewal** of temporary permission or **continuation** without complying with planning condition. [ ]

A. Please state Reference Number of previous permission
B. Please state Condition Number referred to

Now complete an Ownership Certificate

or This is an application for **modification** of a condition on a planning permission which has not yet been implemented. [ ]

A. Please state Reference Number of previous permission
B. Please state Condition Number referred to
C. Please state variation required

Now complete an Ownership Certificate

TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:- (Tick one or more boxes)

(i) New building(s) [ ]

(ii) Alterations or extension [ ]

(iii) Change of use [✓]

B. If new dwellings are proposed, please state how many: [ ]

4. A. If building works are proposed, other than residential, please state extra floorspace to be created: sq. metres

B. Please state size of any new structure:- (a) max. height: metres

(b) max. length: metres

(c) max. width: metres

C. Please state type and colour of materials for facing external walls:

D. Please state type and colour of roofing materials.

E. Has a survey of the site been undertaken? State Yes or No [Yes]

5. GENERAL INFORMATION Please complete each section

EXISTING USES
Please state existing or, if vacant, the last use(s) of site.

Garden

ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN) Please tick **one** box

A. There will be **no** new access to a public road and **no** alteration to any existing access to a public road [ ]

or

B. There will be a new or altered access to a public road [✓] → If so, name of road:
Will there be –
Individual access(es) [ ]
New estate road [✓]

C. What provision will be made for garages or parking within the site?

Adjacent site has garages & parking

TREES Please tick **one** box

A. The proposal does **not** involve the felling of any trees [✓]

B. The proposal does involve the felling of one of more trees [ ] → If so, please show details on plans

DRAINAGE Please complete

A. Please state how surface water will be disposed of

To S.W. Drain

B. For estate developments, please state how highway surface water will be disposed of

C. Please state whether a land drain will be affected

D. Foul sewerage will be disposed of to:

Mains sewer [✓] Cesspool [ ] Septic tank [ ]

OTHER MATTERS Please complete

	State Yes or No	
The proposal is in connection with agriculture	No	→ If so, **please give details in Part 6**
The proposal affects a listed building	No	
The proposal affects a public footpath	No	
The proposal is known to affect contaminated or filled land	No	
The proposal is for industrial, warehousing, offices or shopping purposes	No	→ If so, **please complete Part 7**
In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.	[ ]	→ Date: Consultee(s):
Is this application related to a previous submission	[ ]	→ Application No.:

6. ANY OTHER INFORMATION Please add any details you wish in support of your application.

Continue on separate sheet if necessary.

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE SECTIONS.

Use the notice at the bottom of the page only when necessary.

1. **APPLICANT'S INTEREST** Please state interest in site (e.g. owner, prosp. purchaser) (Please remember to indicate on the location plan any other land under your control).	Owner

2. OWNERSHIP OF THE SITE

This certificate is to make sure that the owners of land are aware of applications made on it.

If the applicant is the **sole owner of the whole site**, complete **Certificate A**.
In **any other case** (i.e. if the applicant is a prospective purchaser, or a tenant, or a joint owner, or the sole owner of only part of the site) then you must give notice to all other owners, and complete **Certificate B**. You can use the notice at the bottom of the form to send to the owner. (An "owner" is a person having a freehold interest, or having a leasehold interest where seven years or more remains unexpired). If you are unable to trace the owner, please contact the Planning Office as a different certificate will be required.

Certificate A Nobody except the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

Signed ..... (Applicant/~~Agent~~) Date 3.3.92

Certificate B The applicant has given the required notice to everyone else who were owners of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

State Name and address of owner: State Date notice served:

Signed ..... (Applicant/Agent) Date .....

3. AGRICULTURAL HOLDINGS CERTIFICATE

If the land is not in agricultural use, complete Certificate 1.
If the land is agricultural, but there is no agricultural tenant, complete Certificate 1.
If the site does relate to an agricultural holding, you must give notice to any tenant, and complete Certificate 2. (You can use the notice at the bottom of the form to send to the tenant). If you are the sole agricultural tenant yourself, sign certificate 2 but insert 'not applicable' in the tenant details.

Certificate 1 None of the land to which the application relates is or is part of any agricultural holding.

Signed ..... Applicant/~~Agent~~) Date 3.3.92

Certificate 2 The applicant has given the required notice to every other person who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates.

State Name and address of tenant: State Date notice served:

Signed ..... (Applicant/Agent) Date .....

NOTICE UNDER SECTION 27 OF TOWN AND COUNTRY PLANNING ACT 1971

TO BE COMPLETED BY APPLICANT OR HIS AGENT

Proposed development at

Take notice that application is being made to South Holland District Council by

for planning permission for

If you should wish to make representations about the application, you should make them in writing within 21 days from the date of service of this notice, to Chief Executive, South Holland District Council, Priory Road, Spalding, Lincolnshire.

Signed ..... Date ~~3.3.92~~

ADMIN RECORD SHEET

INITIAL

Submitted Fee £ ..110.

Receipt Issued ..... No. P773

Date First Received 03 MAR 1992

REGISTRATION

REFERENCE H09/0267/92

Cross-Ref .....

Date 4/3/92

VALIDATION Date 4/3/92

Type ..... Earliest permission date (Cert B) .....

Site area ..... No. of dwellings ..... Floorspace .....

New build/site enlargement/redevelopment/change of use/extension/alteration

Earlier permission ref .....

EM:-	Siting	Design	Ext app	Access	Lands
Previous					
Current					

Description

Technical:
- Certificate ☐
- Site plans ☐
- Description ☐
- Accuracy ☐
- Incomplete form ☐
- Site advert required ☐ Expiry date .....

Fees:
- Nil fee – previous app ☐ Ref .....
- – type ☐
- Discounted fee ☐ Reason .....
- Correct fee £ ..... Additional £ ..... Receipt no. .....
- Refund £ ..... Issued .....

CONSTRAINTS Date 3.4.

Index Sheets 119. OS Nos ..... Grid Ref E 394800 N 137370

Part ..S.... Parish ..HORNCHURCH

Inside CBD YES Inside CP area ..NO

GB Rural	☐	C1	☐
GB Bypass	☐	C3	☐
Level crossing	☐	CPO	☐
Footpath	☐	Other:	

Grade ☐

Linked to site.....Ref...450. Linked to property.....Ref.....

Planning Records:
Earlier apps

3 Day Records:
Already submitted Ref.....
Requested .....

Inputs completed.....

APPLICATION ASSESSMENT

Notes for Case Officer

Site Notes: Accuracy Neighbours Other

Boundaries Site Features

Inspected by:
date:

Case Officer Conclusions (issues)

Case Officer Recommendations (summary)
(details overleaf) GRANT / REFUSE

Recommended approvals -

Departure from policy — Yes .... / No ....

Ward member request — Yes .... / No ....

Recommend approval against material objection — Any objection received? No / If yes, is any obj. material? Yes / No — Yes .... / No ....

[Reason:

Other circumstances needing Committee decision — Yes .... Flagged by Senior Officer Signed ..... / No ....

ALL OF ABOVE

Recommended refusals -

Refusal on adopted policy grounds on first Applic. — No .... Nil fees (not first Submission) / Yes ....

ANY ONE OF ABOVE — Other info. viz: Signed .....

Committee report
Sub-Committee:
SV recommended .....
Est/Ind. recommended.....

Delegation confirmed by Senior Officer
.....

Recommendation/draft report produced.....

F U R T H E R I N F O R M A T I O N / C O N S U L T A T I O N S

APPLICATION REF:

DIRECTIONS

		Siting	Design	Ext App	Access	Lands
Art 7 (Outlines)						
RM Checklist:	Previous					
	Current					
	Required					

Reg 4 Scale drawing ..... Highway S/W ..... Agric appraisal .....

[Indicate if other Regs]

Precise details, for non-standard direction:

CONSULTATION/PUBLICITY REQUIRED DMG 7/4

Publici

Dave.

Did you want this one since you are dealing with the others?

Consults

Other :

R E V A L I D A T I O N A F T E R D I R E C T I O N

Information satisfactory/unsatisfactory Signed .....

Further direction: Precise details

Amended description:

Reconsultations required -
- Parish Council
- Ward Members
- Residents
- Advertise
- Other

New valid date ..... Re-Registered .....
Ack/Reception .....

AS RECOMMENDED AGENDA ITEM NO. 11. JB

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: THE PLANNING COMMITTEE 12TH MAY 1993

BY: THE DIRECTOR OF PLANNING AND BUILDING CONTROL SERVICES

1.0 SUBJECT: APPEALS BY MESSRS HEY AND CROFT IN RESPECT OF APPLICATIONS:- H09/0773/91, H09/1109/91, H09/0267/92 AND H09/0563/92, RELATING TO THE RESIDENTIAL DEVELOPMENT OF LAND AT MARSH LANE, HOLBEACH HURN, SPALDING.

PURPOSE: **To advise the Committee of the appeal decisions and to recommend further action in the light of those decisions.**

1.1 On 23rd March 1993 a Public Inquiry was held into appeals lodged by Messrs Hey and Croft against the refusal of this Authority to grant outline planning permission (Application Ref: H09/0773/91); approval of reserved matters (H09/1109/91); and full planning permission (H09/0563/92) for residential development on land at Marsh Road, Holbeach Hurn. A further application (H09/0267/92) for full permission for an access servicing the proposed development was also the subject of appeal.

1.2 During the course of the Inquiry, 3 of the applications were withdrawn, H09/0773/91, H09/0267/92 and H09/1109/91. The decision of the Inspector, therefore, was concerned solely with the appeal relating to application H09/0563/92.

1.3 :: In dismissing the appeal,(copy of the decision letter attached) the Inspector identified the main issues as being the effect of the development on the character and appearance of Holbeach Hurn and issues of highway safety in Marsh Road and Low Road. Whilst according the Council's statement of planning policies "significant weight", he accepted that a density broadly in line with that of the existing village was desirable, but that provided there was phasing and an appropriate mix of dwelling types, then a development of between 25 and 35 dwellings would not be inappropriate. He considered that the layout proposed (and the types of dwellings envisaged) failed to achieve sufficient coherence to the tracts of open space in that layout, to maintain the close relationship with the countryside by retaining views through the development. especially in respect of the southern part of the appeal site where he recognised that the views out into the open countryside formed the essence of the appraised character of the village. Indeed, he considered that the absence of a clear view through the southern end of the

proposed development would be harmful to the character and appearance of Holbeach Hurn and, therefore, also contrary to the Development Plan and the Council's Development Brief. However, he concluded that the reason for rejecting the appeal did not mean that an acceptable development need be of a significantly different scale.

1.4 Arising from this decision, the following issues need to be addressed:-

a) A need to determine that in view of the withdrawal of the appeals relating to applications H09/1109/91 and H09/0267/92, these applications should remain undetermined.

b) A need to clarify the Authority's position with regard to application H09/0773/91. In the Inspector's decision, the option was left open for the Authority to determine this application following assurances from this Authority that it was prepared to issue a determination if deemed necessary.

The Committee will recall that at its meeting on 18th November 1992 it was resolved this application would have been refused if there had been no intervening appeal. The agreed terms of that refusal are as follows:-

"*In the opinion of the Local Planning Authority the widening and other necessary works to Low Road required to accommodate the proposed development would be detrimental to the rural character of Holbeach Hurn and would frustrate the aim of the approved Development Brief for Holbeach Hurn which seeks to effectively integrate new development into this rural locality.*"

The view is taken that there is no advantage to the Authority in negotiating further on this outline and certainly none with respect to any suggested amendment or revision providing for the removal of the Low Road widening element and a determination based on an unspecified number of dwellings or a specific number of dwellings unrelated to any agreed layout plan.

c) The need to ensure that any further negotiations with Messrs Hey and Croft (or their successors in title) relating to the development of this site proceed along the basis of a clearly defined scale of development and a formulated layout plan.

In this respect, it is considered no further outline application should be entertained without the

requisite degree of detail relating to the number, siting and layout of dwellings.

d) The need to incorporate into the Brief for Holbeach Hurn the implications of the Inspector's comments concerning the necessary elements of an acceptable layout for the appeal site. These may be summarised as:-

(i) In terms of the requirements of the Structure Plan, the impact of any development on the character, density and physical extent of existing development is of crucial importance.

(ii) In terms of scale, providing there is an acceptable phasing programme and an appropriate mix of dwelling types, including terraced and semi-detached units, then a development of between 25 - 35 dwellings would be appropriate.

(iii) Any development must consolidate the form of the settlement.

(iv) Any development should contain a mix of house types - detached, semi-detached and even terraced - and a suitable density mix.

(v) Any development should contain tracts of open land of sufficient coherence to maintain a close relationship with the countryside by retaining views through or across them of that countryside. This is a necessary requirement in respect of both the northern and southern portions of the site.

(vi) Any development must ensure, in the portion of the site closest to the Parish Church, that the close visual interrelationship of the village centre and the surrounding countryside is retained.

(vii) Accesses to the site should be at the optimum point along the Marsh Road frontage.

(viii) Vehicular access to Low Road should be minimised and limited at most to an access for two new dwellings.

1.5 RECOMMENDATIONS

a) Applications H09/1109/91 and H09/0267/92 should be treated as non-determined.

b) Application H09/0773/91 should be refused for the reasons detailed above.

c) That any future applications for outline permission for the residential development of the site should be accepted only on the basis that the number of dwellings is clearly specified and their positioning on the site is shown as an integral part (siting) of the application.

d) That any future applications for the residential development of the site should be assessed in terms of the criteria identified above and as complementary to the Authority's existing policies.

Background papers: H09/0773/91, H09/1109/91, H09/0267/92 and H09/0563/92

Local Government (Access to Information) Act 1985

The Officer to whom reference should be made concerning inspection of the background papers is the Director of Planning and Building Control Services, Council Offices, Priory Road, Spalding, Lincs. Tel: (0775) 761161

APPLICATION REFERENCE: H09/0773/91 DATE RECEIVED: 20.8.91

APPLICANT: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex

AGENT:

TYPE: Outline

DESCRIPTION: Proposed residential development (renewal of outline planning permission H09/0764/88)

LOCATION: Marsh Road, Holbeach Hurn

APPLICATION REFERENCE: H09/1109/91 DATE RECEIVED: 20.12.91

APPLICANT: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex

AGENT:

TYPE: Reserved Matters

DESCRIPTION: Residential development Phases I, II & III comprising 35 detached dwellings with garages

LOCATION: Land between Marsh Road/Low Road, Holbeach Hurn

APPLICATION REFERENCE: H09/0267/92 DATE RECEIVED: 3.3.92

APPLICANT: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex

AGENT:

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
18 NOV 1992
Date

TYPE: Full

DESCRIPTION: Formation of vehicular access to housing estate

LOCATION: Marsh Road, Holbeach Hurn

APPLICATION REFERENCE: H09/0563/92 DATE RECEIVED: 22.5.92

APPLICANT: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex

AGENT:

TYPE: Full

DESCRIPTION: Residential development - 35 dwellings

LOCATION: Marsh Road, Holbeach Hurn

Parish Council:

H09/0773/91 - Supported.

H09/1109/91 - Supported subject to improvement to Low Road and satisfactory mains drainage.

H09/0267/92 - Not enough information to comment.

H09/0563/92 - Supported.

Ward Member:

H09/1109/91 - As the planning brief for Holbeach Hurn has not been completed, this should go to Committee (Councillor J R Pearl).

H09/0563/92 - Wishes application to go to Committee as it does not appear to conform with the development brief (Councillor J R Pearl).

County Highways:

H09/0773/91 - Approval subject to conditions.

H09/1109/91 - Recommends refusal:-

The proposals as shown would allow vehicular access from and to the estate along Low Road. This lane either side of the development is inadequate in width and construction to serve this extra traffic as vehicles could not pass in safety. Also the visibility at the eastern junction of Low Road with Marsh Road is inadequate and to increase the number of vehicles using this junction would be detrimental to highway safety.

H09/0267/92 - To be reported.

H09/0563/92 - Recommends refusal:-

The visibility splays shown at the proposed access points are well below the standards set out in PPG13. If permitted, the proposal would lead to vehicles from the estate having to emerge onto the Class III County Road, Marsh Road, with inadequate sight of oncoming traffic to the detriment of highway safety. Also the internal site layout does not meet the Highway Authority standards in terms of footway provision, turning facilities or road alignment. If permitted the submitted layout could lead to safety problems for the residents and visitors to this site. There have been no satisfactory means of surface water outfall included with this application. This is likely to result in the flooding of any roads and properties constructed on the site.

Holbeach & District Civic Society

- Contrary to Structure Plan: Holbeach Hurn is suitable only for small scale development.
- Does not accord with DoE Inspector's decision on previous appeal.
- Previous outline planning permission of only limited significance.
- Number of buildings should be reduced to 'low 20's'.
- Pressures of developer should not be acceded to.
- Proposed development lacks adequate open space.
- Proposed development bears poor relationship to Low Road.
- Lack of adequate infrastructure - roads and drainage.

Local Member of Parliament:

Sir Richard Body comments as follows on the development covered by the applications:-

Anyone visiting the site would surely believe that such a development would be completely out of scale for such a small community. As I am sure you know, several other similarly sized communities have, in the last two decades, been swamped by a similar kind of housing estate. I expect there are members of your Planning Committee who will understand how it is very difficult for a large number of incoming residents to be assimilated into a small rural community; too often the village becomes divided with a sad loss of community feeling. Holbeach Hurn is one of the very few small rural settlements we have where there is a strong sense of community and mutual help.

South Holland I.D.B.

H09/0773/92 - Insufficient information received to show surface water can be

accommodated without improvements off site. There is a risk additional run off could cause flood/waterlogging on site and on land to south.

H09/1109/91 - Insufficient information to show that surface water can be accommodated without improvements being carried out beyond the application site. There is a risk that additional run-off could cause flooding and/or waterlogging on the site and land to the south.

H09/0267/92 - Expresses concern that no progress has been made regarding site drainage details.

H09/0563/92 - Pleased to see project anticipates provision of a piped rising main to nearby sewage treatment plant in respect of which a formal consent is still being negotiated.

With regard to surface water disposal from estate roads and footways, it is understood the applicant wishes to finance future off-site works on a contribution basis.

Anglian Water Services:

H09/0773/91 - Existing water distribution system unable to supply the proposed development; substantial off-site works may need to be undertaken at developers expense.

H09/0563/92 - There is no public sewer in Holbeach Hurn. However, discussions apparently took place in 1989 between your Technical Services Department as our sewerage agents and the developers with a view to providing a joint scheme. As the sewerage agency has lapsed the developer is advised to contact Anglian Water Services to discuss the disposal of foul drainage.

There are no surface water sewerage facilities in the vicinity of the proposed development.

An alternative method of surface water disposal therefore be considered.

The existing water distribution system is unable to supply the proposed development and substantial off-site works may need to be undertaken at the expense of the developer.

National Rivers Authority:

H09/0773/91 - No objections provided foul drainage is commenced to main foul sewer.

H09/1109/91 - Standard requirements such as connection to foul sewer and surface water to

a piped system.

Heritage Lincolnshire: (Trust for Lincs. Archaeology)

H09/0563/92 - Particularly concerned about the archaeological implications of H09/0563/92 (site in Marsh Road, Holbeach Hurn) which lies in an area of medieval salterns. This ancient industry plays an important part in the history of South Holland and it is important that proposed development works make adequate provision for the recording or preservation of earthworks and buried archaeological remains.

You will be aware that the DoE policy guidance note number 16 suggests that developers should provide planning authorities with a written scheme of works outlining their strategy concerning archaeological remains in order that a suitable condition may be included in any planning agreement. You may wish to consider making such a request in this case.

Public Objections:

H09/0773/91 - From 5 local householders:-

- Restriction necessary to ensure any a phased development.
- Would entail too excessive a growth.
- Detrimental to appearance of village.
- Authority should ensure parity of treatment with others who may wish to develop land in Holbeach Hurn.
- Exceeds number provided for in IBD document.

H09/0267/92 - Holbeach Hurn Community Care Association comments:-

- Application premature until whole question of development in Holbeach Hurn reviewed by Committee and details of the building estate in question approved.

From Local Resident:-

- Plans for the building of a housing estate have not yet been passed and in any event, a housing estate would be out of character.

H09/0563/92 - From 6 local householders:-

- Increase of over 50% in population of village unacceptable.
- Too sudden a growth and increase.
- Development too dense and suburban in character.
- Development brief not adhered to.
- Detrimental to rural character and charm of the village.
- Detrimental to social fabric of the village.
- Loss of privacy and open views.
- Increase in noise and disturbance.
- Local road system inadequate to cater for

proposed development.
- Marsh Lane itself is inadequate to cater for further substantial traffic: it is an 'acceptable blackspot'.
- Lack of infrastructure to support growth.
- Lack of employment opportunities for 'imported' population.
- Inadequacy of existing sewage disposal and surface water drainage systems.
- Commercial insensitivity of the developer.

PLANNING POLICIES/DOE ADVICE

Structure Plan Policy 3A - Provision will be made for new residential development in the period 1983-2001 for about dwellings - South Hollands share being about 6,000 dwellings.

Structure Plan Policy 5A - Provision for new residential development will normally be made in and around most existing settlements.

Within IBD.
Planning Policy Guidance Note No. 3 'Housing'.
Planning Policy Guidance Note No. 7 'The Countryside and the Rural Economy'.

Draft Development Brief for future development of Holbeach Hurn - Approved by Planning Committee on 25.3.92.

PREVIOUS DECISIONS

H09/1362/87 - Outline planning permission for residential development - Refused on 13.4.88 due to inadequacy of Low Road.

H09/0764/88 - Outline planning permission for residential development - Granted on 14.9.88.

This planning permission was granted subject to usual standard conditions together with a requirement for a phasing scheme, and whilst it did not relate to any particular number or plot layout of dwellings (a layout plan showing 21 plots accompanied that application but was specifically excluded from the permission granted), it did require that a scheme for the phased development of the site (each phase being of no more than 10-12 dwellings) shall be submitted to and approved by the Council before any development commences. The reason for phasing was to ensure that the design and rate of development was in keeping with the character and appearance of the village.

H09/0963/89 - Full planning permission refused on 20.9.89 for the erection of 25 terraced houses and 33 detached bungalows - Grounds of refusal are:-

"The layout and density of the proposed development is out of keeping with the character and environment of Holbeach Hurn, which is a small rural village, particularly having regard to that part of the estate on which it is proposed to erect 25 terraced houses".

H09/1408/89 - Full planning permission refused on 11.1.90 for construction of 12 terraced houses, 10 chalet bungalows, 10 detached bungalows and 23 detached houses - Grounds of refusal are:-

1 The proposed development would, if permitted, be contrary in terms of scale, impact, density and type of development to the aims of both Structure Plan Policy 3 and the Council's own

policy for appropriate residential development in the smaller village such as Holbeach Hurn.

2 Having regard to the advice contained in Circular 15/84 "Land for Housing", and to the existence of land with the benefit of planning permission for approximately 800 residential building plots in the town of Holbeach, the Local Planning Authority is satisfied that there is sufficient land available to enable the policies and proposals in the approved Lincolnshire Structure Plan and the adopted village plans to be implemented and that there is therefore no overriding need to grant planning permission for the scale and density of development as proposed.

A subsequent appeal was dismissed in July 1990.

PLANNING ISSUES

1 H09/0773/91

1 The determining issue is whether there are any changes or developments in policy or changes in physical circumstances which would militate against a renewal of planning permission.

H09/1109/91

1 Whether it accords fully with the terms of the outline planning permission.
2 Whether the scale of the proposed development complies with the Structure Plan and the Draft Development Brief.
3 Whether the design and layout of the proposed development is of intrinsic merit and will enhance the character of the village.
4 Whether there are unresolved infrastructure difficulties, including access.

H09/0267/92

1 The determining issue is whether, as a change of use application, a determination can be adequately given in the absence of precise details as to the scale of development which it will serve.
2 Whether, also, there is sufficient land within the site to accommodate the County Surveyors requirements.
3 Whether surface water can be satisfactorily disposed of.

H09/0563/92

1 The same issues arise as those detailed at 2, 3 and 4 above in respect of application H09/1109/91.

2 The application site in its various forms occupies a central location in the village of Holbeach Hurn. There are 64 dwellings within the present IBD and a further 53 dwellings outside the IBD but within 1 kilometre of the centre of the village. 9 dwellings have been granted planning permission within the IBD since 1980.

3 The individual applications may be summarised as follows:-

(a) H09/0773/91 - Relates to the same area as the original outline (2.32 hectares acres) and includes a substantial part of Low Road.

(b) H09/0267/92 - Relates to land 260' in length and 30' wide fronting Marsh Road and to the east of existing residential development fronting that road. No details of access supplied with the application.

(c) H09/1109/91 - As an approval of reserved matters the site is the same as that the subject of the outline permission H09/0773/91. The application provides for the erection of 35 dwellings (30 houses and 5 bungalows) which would be built in 3 phases - all of the dwellings would be detached. The access spine road would incorporate a considerable part of Low Road in an improved form. Three would only be a single point of access onto Marsh Road.

(d) H09/0563/92 - The site incorporates the land the subject of applications H09/1109/91 and H09/0267/92 but excludes the area of Low Road included within the original outline planning permission.

The application provides for the erection of 30 houses and 5 bungalows served off two separate accesses from Marsh Road. An open space or 'village green' would be located at the eastern end of the site adjacent to Marsh Road. There would be three footpath links through open space to Low Road. All the dwellings would be detached.

CONCLUSIONS

1 Protracted discussions have been held with the applicant (who is now in receivership) concerning the development of this site. The length of time involved reflects:-

(a) Changes in Structure Plan Policy - the approval of amendment no. 1 in November 1991.

(b) The implications of the Secretary of State's decision on the appeal - the preeminence given in that decision to the Structure Plan as opposed to the terms of the outline permission H09/0764/88.

(c) The approval of the development brief for Holbeach Hurn in March 1992 - the shift of emphasis implicit in that document to a concern to ensure a development of appropriate scale in respect of this site (Area B in the Brief).

(d) The applicant's recourse to litigation over the payment of fees and interpretation of the planning legislation; the applicant's desire to cover all options in obtaining permission whether it be outline, approval of reserved matters or full planning permission; and the difficulties the applicant faced in adjusting to developments in policy, although it is fair to say the applicants have also been co-operative.

(e) The determination upon the part of the Authority to obtain an appropriate form of development - a consideration of importance given the degree of public interest in the development of the site.

2 Of particular relevance in this latter regard is the interpretation placed upon the Committee's resolution at the 25.3.92 Committee adopting the Development Brief for Holbeach Hurn. It will be recalled that the Committee amended the Director's report on the Brief to provide that in the case of the application site (Area B in the Brief) regard should be had for the need for any development to be 'in character with the existing character of the settlement'.

3 In discussions with the applicant and mindful of the Secretary of State's appeal decision and the primacy now given to conformity with the development (Structure) plan under the terms of Section 54 of the Town and Country

Planning Act 1990, the approach has been taken that the figure of 35 dwellings should be treated with caution. In fact the figure originated with the consultants report and indicative plan on Holbeach Hurn - a report which predates the approval of Amendment No 1 to the Structure Plan and the emphasis in Policy 5A of that document on the need to assess the scale and impact of a development on the character of the settlement.

4 The view is taken - and it is a view which has been impressed upon the applicant - that the issue of scale is the touchstone and not a rigid adherence to a specified number. In practice, this has meant negotiating for a lesser number than 35 as the most realistic means by which the objectives of the Structure Plan and Development Brief could be realised - a development of a scale which did not 'overpower' the settlement; contained elements of a village character in its layout and design of dwellings; and integrated itself effectively into the rural landscape by retaining an appropriate level of open space.

5 The approach, however, has not meant that the applicant was constrained to reduce the number of dwellings proposed: The option has always lain open to provide a scheme of that number of dwellings which complied with the above stated requirements. But as will be seen below, it is not considered these requirements have indeed been met.

6 With regard to the applications the conclusions drawn are as follows:-

(A) H09/0773/91

The original outline permission (H09/0764/88) was subject to a Section 278 Agreement to widen Low Road.

As the Council is committed through its Development Brief for Holbeach Hurn to ensuring that the development of the site (area B in the Brief) is developed in character with the settlement, it is considered such road widening is unacceptable as it would destroy an element of that character and inhibit the achievements of the broader objectives of the Brief in regard to integrating new development into the village.

There is also the issue of compliance with the Brief's commitment to 'a substantial provision of open space' on the site to preserve continuous linked open spaces with the body of the village and the suggestion that 'in all about 35 dwellings might be accommodated on the site'.

Allowing for the fact that the original outline did not specify a number of dwellings, it is considered the requirements of open space and an appropriate number of dwellings could be met within the terms of a further grant of permission subject to a stated limitation in terms of numbers.

However, the impact of the widening of Low Road would remain as a factor militating against renewal.

RECOMMENDATION -

H09/0773/91 - Refuse

1 In the opinion of the Local Planning Authority the widening and other necessary works to Low Road required to accommodate the proposed development would be detrimental to the rural character of Holbeach Hurn and would frustrate the aim of the approved Development Brief for Holbeach Hurn which seeks to effectively integrate new development into this rural locality.

(B) H09/0267/92

There is insufficient land within the application site to enable visibility to be provided for an estate road which would meet the County Surveyor's required standards. Neither are details of S.W. drainage given.

In addition, as the proposed development relates specifically to a 'housing estate' the application should be regarded as premature until the details of that housing development, particularly its scale and intensity, are a known quantity.

RECOMMENDATION -

H09/0267/92 - Refuse

1 In the opinion of the Local Planning Authority, the proposed development is premature until the scale, density and character of residential estate development on the adjoining land to the south has been established to the satisfaction of the Local Planning Authority.

2 Insufficient land has been included within the application site to enable the County Surveyor's requirements with regard to a residential estate road to be met.

3 Moreover, insufficient information has been supplied to establish whether surface water from the proposed road could be satisfactorily disposed of.

(C) H09/1109/91

On the issue of the quality of layout, the proposed development leaves much to be desired. The layout relies heavily upon the incorporation of Low Road in a single spine road around which are located dwellings bearing a standard frontal relationship in unrelieved monotony. Provision is made for open space adjacent to Low Road but this is not effectively interwoven into the development.

These reservations simply reinforce the concern over scale: they show that 35 dwellings laid out in this fashion do not accord with the requirements of the Structure Plan and Development Brief.

Apart from the limitations of vehicular access already referred to in the County Surveyor's comments, the issues of foul and surface water disposal remain unresolved. The

imposition of negative conditions in regard to drainage matters is an expedient which the developer has alluded to but at present there is no clear indication such conditions could be complied with as they involve off-site works on land outside the control of the applicant.

RECOMMENDATION -

H09/1109/91 - Refuse

1 In the opinion of the Local Planning Authority the proposal, if approved, would constitute an unsatisfactory form of development by reason of its scale and detrimental impact upon the character of Holbeach Hurn. The proposed layout is visually monotonous paying insufficient regard to the need for variety and interest in the layout of access, grouping of buildings and their interaction with open space and landscaping. As a consequence, it fails to integrate the proposed development into this rural locality.

2 To this extent, therefore, the proposed development is considered to be contrary to the County Structure Plan and the Local Planning Authority's approved Development Brief for Holbeach Hurn.

3 The proposals as shown would allow vehicles from and to the estate along Low Road. This lane either side of the development is inadequate in width and construction to serve this extra traffic as vehicles could not pass in safety. Also the visibility of the eastern junction of Low Road with Marsh Road is inadequate and to the increase the number of vehicles using this junction would be detrimental to highway safety.

4 In sufficient information has been supplied to establish whether foul and surface water can be satisfactorily disposed of from the site.

(D) H09/0563/92

The above comments regarding drainage matters apply with equal force in the present instance. There are also similar objections in highway terms.

With regard to the proposed layout the applicant has advanced the following arguments:-

(a) Local character was respected - individual dwellings set in their own gardens with hedge and tree cover.
(b) Apparent scale of development reduced location of trees and use of gardens as 'green wedges' to break up massing of buildings.
(c) Layout reflects desire to conserve energy through use of tree and hedge cover - the 'chill' factor in the local climate would this be accommodated.
(d) Design of dwellings sufficiently flexible to meet a variety of housing demands.

However, the layout is deficient in terms of its declared aim: It does not reduce the apparent scale of the development of impact a feeling of rurality. It is essentially suburban in character and tailored to a particular marketing approach -

detached dwellings with their own separate accesses. The use of garden land as a substitute for open space, particularly open space linking the development to adjoining land (a requirement of the Development Brief for Holbeach Hurn) is unlikely to have its intended effect.

Whilst the layout and design of the houses are a distinct improvement on that submitted with the approval of reserved matters application, there are nonetheless shortcomings which render the proposed development unacceptable. They also reinforce as with the approval of reserved matters application, the concern felt at the scale of the development envisaged.

RECOMMENDATION -

H09/0563/92 - Refuse

1 In the opinion of the Local Planning Authority, the proposal, if approved, would constitute an unsatisfactory form of development by reason of its scale and detrimental impact upon the character of Holbeach Hurn. The proposed layout is too suburban in character and fails to integrate the proposed development into this rural locality.

2 To this extent, therefore, the proposed development is considered to be contrary to the County Structure Plan and the Local Planning Authority's approved Development Brief for Holbeach Hurn.

3 (County Highways reasons for refusal).

4 Insufficient information has been supplied to establish whether foul and surface water could be satisfactorily disposed of.

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849. PLANNING APPLICATIONS (Continued)

(f) **Application Approved Subject to Planning Obligation**

Subject to the applicants first entering into a planning obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 (i) restricting the occupation of the existing dwelling on the site to the owner, manager or an employee of the proposed coal yard; and (ii) ensuring cessation of the use of the existing coal yard at Knight Street, the Director of Planning and Building Control Services be authorised to grant planning permission for the undermentioned development in accordance with his recommendation:-

Plan No. and Applicant	Proposal
H14/0788/92 A J Hansard	Change of use from haulage yard to coal storage area (existing use of office, garage and store including delivery and sale) at New House, Dozens Bank, West Pinchbeck.

(g) **Applications Not Determined**

The Director of Planning and Building Control Services reported that appeals had now been received against the non determination of the following applications. In order to formulate the Council's case at appeal the Director of Planning and Building Control Services submitted a report on each application, and it was agreed that, if the applications had been considered, planning permission would have been refused in accordance with the recommendations of the Director of Planning and Building Control Services:-

Plan No. and Applicant		Proposal
H09/0773/91 Hey & Croft Limited	O.A.	Residential development (renewal of outline planning permission H09/0764/88) at Marsh Road, Holbeach Hurn.
H09/1109/91 Hey & Croft Limited		Reserved matters relating to residential development Phases I, II & III comprising 35 detached dwellings with garages on land between Marsh Road/Low Road, Holbeach Hurn.
H09/0267/92 Hey & Croft Limited		Formation of vehicular access to housing estate at Marsh Road, Holbeach Hurn.
H09/0563/92 Hey & Croft Limited		Residential development - 35 dwellings at Marsh Road, Holbeach Hurn.

(It was also agreed that the amended proposals now received should be submitted as a fresh application, the application to be submitted to the Plans Sub-Committee for consideration in detail, following which the application be referred back to this Committee for determination.)

(O.A. denotes outline application.)

(Councillors M D Booth, N I Capes, B Chappell, C F Fisher, B A Paul and G Teale left the meeting at this juncture.)

BR SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H09/0267/92 Type: FULL

Applicant: Hey & Croft Limited
Tel: 0376 513084

Agent: Hey & Croft Limited
0376 513084

Description: Formation of vehicular access to housing estate

Location: Marsh Road
Holbeach Hurn
Spalding
Lincs

Valid date: 03-MAR-92
Target dates:
To case officer 08-MAR-92
Inspected by 13-MAR-92
Extra contacts 18-MAR-92
Report if not clear by 07-APR-92

Terminal date: 28-APR-92
Target Committee: 14-APR-92
Report deadline: 31-MAR-92

Case Officer:
D M GEDNEY

DEVELOPMENT/CONSTRAINTS

Size:
Category: Newbuild
Listed building:
Conservation Area:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
CONSULTS - SEE JOYCE'S NOTE RE: MR HARDY ?		
Mrs J M Worth (SECTION)		
Clerk to Holbeach PC 0406 26739	06-APR-92	20-APR-92
Cllr J R Pearl 0406 32 207	06-APR-92	20-APR-92

L C C - Refuse - inadequate visual for visibility as per committee report
JC 29/4.

SITE DETAILS

Grid ref: 539450 327270
OS Sheets: 118 Parcel:

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Pla & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H09/0267/92

Applicant: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex, CM8 2BX

Agent: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex, CM8 2BX

Description: Formation of vehicular access to housing estate

Location: Marsh Road Holbeach Hurn
Spalding Lincs

Type: FULL

14-MAY-93

Dear Sir/Madam,

PLANNING APPLICATION

You wrote to the Council concerning the above proposal, and I can now advise you that the application has been withdrawn and no further action will therefore be taken on it. Thank you for your interest.

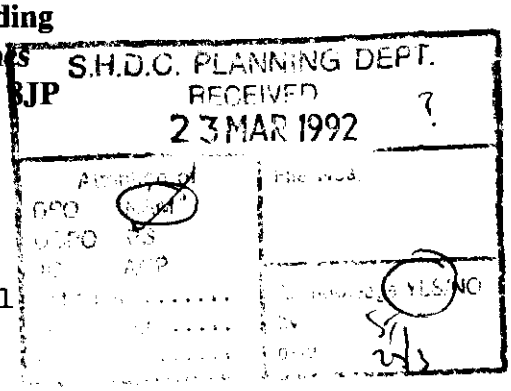
Yours faithfully
B SMITH
Director of Planning and Building Control Services

Mrs J M Worth
Old White House
Holbeach Hurn
Spalding
Lincs. PE12 8JP

Holbeach Hurn Community Care Assoc.
White House Lodge
Holbeach Hurn
Spalding
Lincs.

OBJECT

Old White House
Holbeach Hurn
Spalding
Lincs
PE12 8JP



16 March 1992

Director of Planning
South Holland District Council
Priory Road
SPALDING
Lincs
PE11 2XE

Dear Sir

I write in respect of planning application no. H09/0267/92 which is requesting permission for the 'formation of vehicular access to housing estate'. Plans for the building of a housing estate have not yet been passed and therefore I fail to see how the above application can be approved. For this reason I object to it.

I also feel that if the applicants have a 'housing estate' in mind this would be out of character with the existing housing in the village.

Yours faithfully

Jenny Worth.

Mrs J M Worth

C[illegible]CTION

Holbeach Hurn Community Care Association

WHITE HOUSE LODGE
MARSH ROAD
HOLBEACH HURN
SPALDING
LINCOLNSHIRE PE12 8JR
HOLBEACH (0406) 23009

March 13th 1992

Director of Planning
South Holland District Council
Priory Road
Spalding
Lincolnshire PE11 2XE

Dear Sir

Planning Application No. H09/0267/92

The Association understands that this application is for the "formation of vehicular access to housing estate". No details for the building of a housing estate have been approved by the council, and indeed the whole question of development in Holbeach Hurn is under review by your committee. The precise point of the access cannot reasonably be ascertained until that review has been completed, and detailed plans for the site approved.

This Association therefore objects to the granting of permission, until after the aproval of the developer's plans.

Yours Faithfully,

P H Shepherd

S.H.D.C. PLANNING DEPT.
RECEIVED
17 MAR 1992
SPO
CSPO
JC
ACP

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

PLANNING DEPT.
RECEIVED
21 APR 1993
File Nos.

John Anderson Planning
The Old Stables
Harston
GRANTHAM
Lincolnshire
NG32 1PP

Your Ref:

Our Ref:
A:T/APP/A2525/A/92/214920/P7
B:T/APP/A2525/A/92/214921/P7
C:T/APP/A2525/A/92/214922/P7
D:T/APP/A2525/A/92/214923/P7

Date:
19 APR 93

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY HEY & CROFT LTD (IN ADMINISTRATIVE RECEIVERSHIP)
APPLICATION NOS: A: H09/0563/92; B: H09/0267/92;
C: H09/1109/91; D: H09/0773/91.

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the failure of the South Holland District Council to give within the prescribed periods notices of their decisions in respect of applications for A: residential development; B: formation of a vehicular access to a housing estate; C: approval of matters reserved under outline permission dated 14 September 1988 (reference No H09/0764/88); D: outline permission for residential development on land at Marsh Road, Holbeach Hurn. Spalding, Lincolnshire. I held a local inquiry into the appeals on 23 March 1993 and inspected the sites on 24 March 1993.

2. At the outset of the inquiry, the withdrawal of appeals B and C was indicated on behalf of the appellants. Later in the proceedings, following assurances from the Council that application H09/0773/91 would be determined if so requested, appeal D was also withdrawn. The remainder of this letter is, therefore, concerned solely with appeal A.

3. This appeal application was accompanied by a layout for 35 dwellings. At the time that the appeal against non-determination was lodged, the Council had not agreed to consider a submitted revised layout. This reduces the number of dwellings proposed to 29. However, at the inquiry, it was indicated on behalf of the Council that they were prepared to accept the appeal proceeding on the basis of this revised layout plan (Ref No 228.1D). Since this layout has essentially the same form and access points, and simply involves a decrease in numbers of dwellings and an increase in open space, I agree with the submissions made that this substitution could in no way be prejudicial to interested

100%

persons. I shall, therefore, determine the appeal on the basis of the amended layout for 29 dwellings.

4. From the evidence put to me at the inquiry, the written representations and my inspection of the site and its surroundings, I consider that the main issues in this appeal are the effect of the development on the character and appearance of Holbeach Hurn and the effect of the proposed access arrangement on highway safety in Marsh Road and Low Road.

5. The Lincolnshire Structure Plan Alteration No 1 1991 is the relevant Development Plan for Holbeach Hurn. Policy 5A, which replaces Policy 3 of the 1982 Structure Plan (which was current at the time of a 1990 appeal), requires residential development, other than at named towns, normally to be made in or around existing settlements. Proposals are to be assessed in relation to their scale and impact on the character, density and physical extent of existing development and, in an addition since the earlier plan, a need to retain an appropriate level of open space is referred to.

6. The District Council has drawn-up an Interim Boundary of Development (IBD) for Holbeach Hurn and this was amended in 1990. The appeal site falls wholly within the IBD boundary and all but 0.1 ha of the total appeal site area of about 2.3 ha was granted outline planning permission for residential development in 1988. Although this permission has since expired, the Council accept that it remains a material consideration since the basic planning policy framework is substantially unchanged.

7. However, in 1990 an appeal was dismissed in relation to a detailed application which sought to locate 55 dwellings on the current appeal site. It was considered that the addition of such a large estate to a village described as rambling, and with under 70 dwellings within it, would be unsympathetic and harmful to its character. As a consequence, the Council commissioned a village appraisal from a consultant planner. This study was subject to consultation with local residents, who had expressed concern at the substantial additional numbers of dwellings in prospect within the IBD. Consultation with the appellants followed and a further modification to the IBD was approved by the Council in March 1992.

8. The appraisal suggested that the visual character of Holbeach Hurn owes a great deal to the close relationship of village street spaces to the open countryside, large trees in proximity to domestic scale buildings and the overall low density of the village. It recommended acceptance of estate development on the appeal site. Despite suggested broad tracts of open space linking through from both undeveloped frontages of Marsh Road to Low Road, in order to maintain views along and across the site out into the surrounding countryside, it suggested a capacity for 35 dwellings. In broadly endorsing the appraisal, the Council added the caveat

that development of the appeal site needed to be in character with that of the existing settlement. Although the current statement of planning policies for Holbeach Hurn has only the status of Supplementary Planning Guidance, I consider that it should be accorded significant weight since it was approved after a process of public consultation.

9. For my part I accept the descriptions of the visual character of Holbeach Hurn set out in the village appraisal and also the previous inspector's description of the village as being rambling. Since the appeal site lies within the centre of the village, its development must inevitably consolidate the form of the settlement and to that extent alter its appearance. Moreover, to add 29 dwellings to the village must affect its character. Nevertheless, I accept the arguments advanced on behalf of the appellants that it would not be realistic to consider a density significantly below that now proposed, which is broadly that of the existing village. It was generally agreed between the parties that, provided there is a phasing scheme, then a development of between 25 and 35 dwellings would not be inappropriate.

10. For the Council, it was stressed that the reason that a further reduction by 3 or so dwellings had been sought, was not to pursue any arbitrary density concept, but rather to seek to retain the visual character of the settlement. It seems clear to me that the reason why it has not proved possible to agree on a layout for as many as 35 dwellings, despite the suggestions in the village appraisal, is because the appellants have chosen to seek a layout solely consisting of detached dwellings, rather than including any higher density terraced or semi-detached properties. The latter are by no means uncommon in Holbeach Hurn. The Council, nevertheless, do not object to the dwelling mix nor to the house designs. The point at issue appears solely whether there is sufficient coherence to the tracts of open space in the proposed layout, to maintain the close relationship with the countryside by retaining views through the development.

11. As far as the northern frontage to Marsh Road is concerned, in my judgement, at present the views across the site, whether from Marsh Road or Low Road, are somewhat limited as a result of the double hedge line to Marsh Road. While mature trees along the west side of Marsh Road can be seen in views from Low Road and those around the Old Vicarage in the reverse direction, there would still be glimpses of these trees over and between the proposed houses. Moreover, the new estate road could open up clearer views and the two pedestrian links would offer access not currently available. I can see no reason ,therefore, to withhold permission for the northern part of the proposed development in respect of its effect on the character or appearance of the village.

12. However, it was acknowledged that the large trees around the Parish Church are very much the visual focus of the village. Equally the views out into open countryside from the

general vicinity of the church, village hall and entrance to the recreation ground seem of the essence of the appraised character of the village. While the revised layout does provide, in effect, a village green at this point, I do not consider that simply to provide a further pedestrian link to Low Road, flanked by a modest extent of open space, is sufficient to retain the close interrelationship of the village centre and the surrounding countryside. The visual relationship would be essentially lost, but would be retained if the dwellings proposed on plots 3, 8 and 9 were to be omitted. I am not convinced that a gap broad enough to retain a vista of the countryside need be a particular problem in relation to wind funnelling, nor that a utilitarian barn need be placed in view in order to form such a visual link.

13. As it stands, I consider that the absence of a clear view through the southern end of the proposed development would be harmful to the character and appearance of Holbeach Hurn and, therefore, also contrary to the Development Plan and the development brief. I do not think that the imposition of conditions could simply overcome this concern. Inevitably there would be other consequential adjustment necessary to the scheme and indeed, given that it is accepted that there is some flexibility in the total numbers possible on the site, adjustments elsewhere might allow total numbers on the overall site to be maintained.

14. Turning to the highway concerns, I share the judgement of both parties that it is best to minimise vehicular access to Low Road, both to safeguard its unspoilt rural character and from a highway safety point of view, given its limited width and the restricted visibility at its northern end. I do not dissent, however, from the acceptance of 2 dwellings with access to Low Road adjoining the Old Chequers.

15. With regard to the 2 proposed new junctions to Marsh Road, the Highway Authority clearly demonstrated that the visibility as proposed at both, and particularly that nearest the church, would be significantly substandard in relation to the guidance of Planning Policy Guidance PPG13. Given the traffic flow recorded on Marsh Road, the Highway Authority were prepared to accept a minor road distance of only 2.4 m for up to 20 dwellings served off each access. If moved to the optimum locations on the two frontages, the northern access would have major road visibilities of 78 m (to the north) and 102 m (to the south) and the southern access, 82 m and 270 m respectively. In the interests of securing the development of the site, I accept that such distances can be considered acceptable, despite the deficiencies in visibility to the north which would remain, as compared to the 90 m recommended for a road subject to a 30 mph limit in PPG13.

16. Nevertheless, to achieve even these visibilities would require relocation of the access points from the positions shown on the layout drawing. The change in position of the southern access to the apex of the bend would require movement

by about 10 m and there might need to be some modest adjustments in the positions of buildings. It was conceded for the Council that traffic calming measures within the development could justify the absence of footways, which would help keep a rural character. Nevertheless, in order to provide margins for statutory services and useable turning heads, further adjustments in the layout and position of buildings were suggested. It was argued for the appellants that all these highway concerns could be dealt with by conditions. I do not consider that this would have been a very satisfactory way to seek to proceed, given that the appeal application is a fully detailed proposal. However, in view of my finding of material harm in relation to the effect on the character and appearance of the settlement sufficient to justify refusing permission, this aspect does not need to be considered further.

17. The evidence at the inquiry was that agreement in principle had been reached to deal with foul sewage by upgrading the local authority's private disposal works in the village and that the Internal Drainage Board would use their statutory powers should there be any difficulty with riparian owners in respect of upgrading watercourses to take surface water run-off. These matters could, therefore, reasonably have been dealt with by a Grampian-style condition. The offer on behalf of the appellants of a unilateral undertaking under Section 106, to meet the costs of such works, does not add significantly to a Grampian condition, since it would be expected that such costs would be borne by the developer. Even though drainage matters appear capable of resolution, this does not outweigh the harm identified in relation to the character and appearance of the village.

18. I have considered all other matters raised in evidence or in representations, including the advantage to Holbeach Hurn of further development to safeguard retention of facilities in the village. The appellants were supported at the inquiry in this argument by a local businessman. However, my reason for rejecting the appeal proposal does not mean that an acceptable development need be of a significantly different scale. In none of these matters do I find anything to lead me to depart from the conclusions reached in relation to the main issues.

19. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss appeal A, and refuse planning permission for the development described in paragraphs 1 and 3 above.

I am Sir
Your obedient Servant

PETER G ROBOTTOM MA(OXON) DipTP MRTPI MIMgt
Inspector

Ref Nos: A:T/APP/A2525/A/92/214920/P7
B:T/APP/A2525/A/92/214921/P7
C:T/APP/A2525/A/92/214922/P7
D:T/APP/A2525/A/92/214923/P7

APPEARANCES

FOR THE APPELLANTS

Mr A P Ledden	- Solicitor, Nabarro Nathanson, 50 Stratton Street, London W1X 5FL.
He Called:	- Mr K C Clement, former commercial director, Hey & Croft Ltd.
	- Mr J S Anderson TD BA MSc PPRTPI ARIBA FRSA, Consultant Planner and Architect.

FOR THE LOCAL PLANNING AUTHORITY

Mr G Stephenson	- of Counsel, instructed by Maples and Son, 23 New Road, Spalding, Lincs. PE11 1DH.
He Called:	- Mr B Smith DipTP MRTPI, Director of Planning and Building Control Services, South Holland District Council.
	- Mr C Briggs IENG AMICE FIHIE, Highways Development Officer, Lincolnshire County Council.

INTERESTED PERSON

Mr J Sharpe	- Rose & Crown, Holbeach Hurn, Spalding, Lincs.

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D:T/APP/A2525/A/92/214923/P7

DOCUMENTS

Document 1	-	List of persons present at the Inquiry.
Document 2	-	Letter of notification of the Inquiry.
Document 3	-	Responses to that letter.
Document 4	-	Confirmation of withdrawal of appeals B, C and D.
Document 5	-	Statement of case by appellants.
Document 6	-	Statement of case by the Council.
Document 7	-	Extract from Lincolnshire Structure Plan 1982.
Document 8	-	Extract from Lincolnshire Structure Plan Alteration No 1 1991.
Document 9	-	Decision Letter in respect of previous appeal dated 12 July 1990.
Documents 10/1-2	-	Village appraisal by K R Mehmed on behalf of South Holland DC and committee decisions thereon.
Document 11	-	Notes of meetings submitted by the Council.
Document 12	-	Committee consideration of the appeal applications.
Documents 13/1-8	-	Bundles of supporting correspondence and information submitted by the Council.
Document 14/1-12	-	Appendices to evidence on behalf of the Highway Authority.
Document 15	-	Correspondence submitted by Mr Anderson.
Documents 16/1-3	-	Correspondence submitted by Mr Clement.
Document 17	-	Schedule of suggested conditions.
Documemt 18	-	Unilateral undertaking put forward on behalf of the appellants.

Ref Nos: A:T/APP/A2525/A/92/214920/P7
B:T/APP/A2525/A/92/214921/P7
C:T/APP/A2525/A/92/214922/P7
D:T/APP/A2525/A/92/214923/P7

PLANS

Plans A/1-12 - Original application drawings for Appeal A.

Plan B - Revised layout drawing Ref No 228.1D for 29 dwellings for Appeal A.

Plan C - Location plan.

Plans D/1-5 - Plans showing the Interim Development Boundary for Holbeach Hurn, the 1990 amendment, the current situation following the village appraisal and the layouts for 35 and 29 dwellings related to the IBD.

Plans E/1-3 - Highway Authority plans of required modifications to access points (See Documents 14/9 and 14/11) and actual visibility at proposed southern access point (see Document 14/10).

PHOTOGRAPHS

Photographs 1-5 - Photographs provided by the Highway Authority of Marsh Road, Low Road and the access points (See Documents 14/4, 14/6, 14/9, 14/10 and 14/11).

J Blacklock

JB/SAH H09/0563/92

Mr J Anderson
John Anderson Planning
The Old Stables
Horston
Grantham
Lincs

9 December 1992

Dear Sir

Proposed Planning Amendment - Residential Development - Messrs Hey and Croft, Land adjacent to Marsh Lane, Holbeach Hurn

With reference to the above, I write to advise you that at its meeting on 30 November 1992, the Plans Sub-Committee gave consideration to your amended layout.

There was considerable and varied debate concerning the details submitted but essentially, the Committee came to the view the rationale of the layout was one which it was prepared to recommend should be supported.

Nevertheless, it was a view conditional upon a reduction in density sufficient to ensure the objectives of the Development Brief regarding the safeguarding of views across the site to neighbouring agricultural land could be met and whilst the Committee was mindful that a further unproductive debate concerning numbers should be avoided, it was firmly of the view a marginal reduction in density - possibly three dwellings - was necessary to enable that objective to be achieved.

I would invite you to consider, therefore, that in current circumstances, there could be an advantage to your client in pursuing an application for outline planning permission along the lines indicated above.

Cont/....

Cont....

I trust you will appreciate, however, that while the Planning Committee has since endorsed the approach of the Sub-Committee, I cannot prejudice or pre-empt or decision by the Planning Committee on any application which your client may now choose to submit.

Yours faithfully

N R Midlen
Principal Planning Officer (Development Control)

VA Registration Number 365 1703 59

The Old Stables
Haraton
Grantham
NG32 1PP

Telephone:
(0476) 870424
Fax:
(0476) 870816

LATE OBS: Offr..... Date.....
Salient points highlighted

JOHN ANDERSON PLANNING

Consultancy in Architecture Town Planning Conservation and Urban Design

12 November 1992

F A X
11.30

B. Smith, Esq. MRTPI
District Planning Officer
South Holland District Council
Council Offices
Priory Road
Spalding Lincs.
PE11 2XE

For the attention of Mr. Blacklock

Dear Mr. Smith

LAND AT MARSH ROAD, HOLBEACH HURN (Hey & Croft)
Application nos: HO9/0773/91: Renewal of Outline
HO9/1109/91: Reserved Matters
HO9/0563/92: New Full Application
HO9/0267/92: Formation of Access

I write to confirm my telephone conversation with Mr. Blacklock in that my clients have instructed me to lodge four appeals, all against non-determination of the above planning applications.

You will be receiving a copy of the Grounds of Appeal and the necessary documentation in the course of the next few days. I also advise you that my client is asking for a public inquiry as he feels this is the only way the problems of density can be properly discussed by way of cross-examination.

Yours sincerely

John S. Anderson

18/11 dtee

SOUTH HOLLAND DISTRICT COUNCIL
13 NOV 1992 SS

DPO
Date 12/11

John S Anderson TD BA MSc ARIBA PPRTPI FRSA Alice B Anderson

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: SOUTH HOLLAND District Council

Application Reference H09/0267/92.

Form of notification by the County Director of Highways and Planning for DEVELOPMENT AFFECTING HIGHWAYS

With reference to the application dated
relating to the following proposed development:

1. National Grid Reference of a central point on site

	horizontal			vertical		
	3	9	4	2	7	2

2. Address or location

MARSH ROAD, HORBEACH HURN.

3. Name, classification and number of road

4. Date application referred 29-10-92

5. State whether outline, detailed application etc.

FULL

6. Description of proposed development/change of use including access details

FORMATION OF VEHICULAR ACCESS TO HOUSING ESTATE

7. Delete as appropriate

Notice is hereby given under the provisions of article 15 of the Town and Country Planning General Development Order, 1988, that the County Council as local highway authority:—

a. ~~Does not wish to restrict the grant of~~ permission.

b. Requests that any permission given by the local planning authority shall ~~include the conditions~~ shown overleaf.

c. Requests that the local planning authority refuse the application (reason overleaf).

d. Requests ~~the local planning~~ authority to complete Form T.R. 108 para 10b as ~~shown overleaf.~~

Date: 29-10-92. Signed: [signature]
Director of Highways and Planning

S.H.D.C. PLANNING DEPT.
- 6 APR 1992
Action by .....
Discuss with .....
Copy to .....
Acknowledge YES/NO
by
date

DPS

SOUTH HOLLAND Internal Drainage Board

Marsh Reeves,
Foxes Lowe Road,
Holbeach,
Spalding, Lincs.
PE12 7PA.

Please contact: Mr. Staines

Tel. Holbeach (0406) 24933
Fax: (0406) 26501

Our Ref. RS/PA-M/267/92/JAM **Your Ref.** KMC/SEH **Date** 27 March 1992

Dear Sirs,

FULL PLANNING APPLICATION - VEHICULAR ACCESS
MARSH ROAD, HOLBEACH HURN

I write to acknowledge receipt of your letter dated the 19th inst., and would be glad to receive a copy of the details submitted to the Planning Authority as requested in my letter of the 13th inst..

Your comments regarding future liaison with my Board concerning drainage matters are noted but I trust you will appreciate my Board's concern over the fact that whilst planning matters would seem to be proceeding, no progress seems to be being made regarding site drainage details.

I am sending a copy of this letter to the Director of Planning so that he is aware details are awaited.

Yours faithfully,

J J Ebey

ENGINEER TO THE BOARD

Hey & Croft Ltd.,
White Horse Lane,
Chipping Hill,
Witham, Essex. CM8 2BX

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning and Building Control Services

REF: REA/LST/PL.1

YOUR REF: JB/LAB/H09/0773/91
H09/1109/91
H09/0237/92

Date: 6th April, 1993

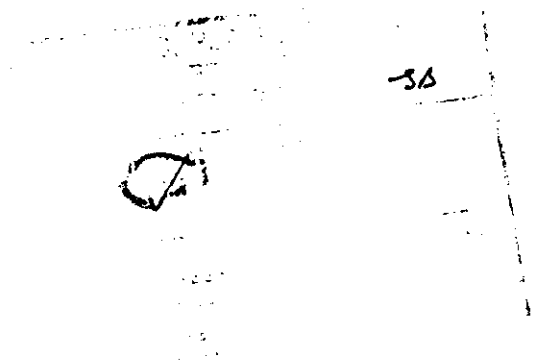
SUBJECT: HEY AND CROFT APPEALS

Referring to your memorandum dated 29th March 1993 I have been unable to find any legal authority to confirm whether or not the authority can determine applications which have been the subject of appeals which have subsequently been withdrawn. However, it seems to me that once the appeals have been withdrawn, there are still three planning applications which have not been determined and the only body which can determine them is the local planning authority. Whilst the eight week period for a decision has expired it has been held that a decision made by an authority after the statutory period is not ineffective particularly if accepted and acted upon by the applicant. Clearly, however, there must be some doubt about their validity if the decisions are refusals but, contrary to the contents of the third paragraph of your letter, I see no reason why there should not be further appeals against such decisions. However, in such circumstances, it would be for the Department of the Environment to determine the validity of the decisions and to decide if the appeals can be accepted.

I therefore see no reason why the Council cannot determine the applications but in the knowledge that there is some doubt about the matter and that any appeals might not be accepted by the Secretary of State.

On the other hand, I do not feel that the Council could be criticised if it decided not to determine these applications in view of the uncertainty in the law.

Director of Administration



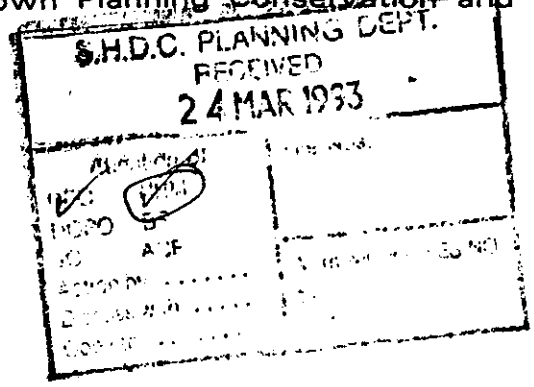
VAT Registration Number 365 1703 59

The Old Stables
Harston
Grantham
NG32 1PP

Telephone:
(0476) 870424
Fax:
(0476) 870816

JOHN ANDERSON PLANNING

Consultancy in Architecture Town Planning Conservation and Urban Design



23 March 1993

The Planning Inspectorate
Department of the Environment
Tollgate House
Houlton Street
BRISTOL
BS2 9D

For the attention of
MRS. A. ANGLIN : Case Officer

Dear Sirs

Doe Refs: APP/A2525/A/92/214920, 214921, 214922, and 214923
HOUSING DEVELOPMENT, Marsh Road, Holbeach Hurn, Spalding.
Appellants: Hey & Croft Ltd. (In Administrative Receivership)
Site: Marsh Road, Holbeach Hurn, Spalding, Lincs.
Planning Authority: South Holland District Council

I write to confirm that at the Public Inquiry held at Spalding on 23 March 93 I was instructed to withdraw Appeals Nos; APP/A2525/A/92/214921 (application for additional access to the site), APP/A2525/A/92/214922 (details under the original outline approval) and APP/A2525/A/92/214923 (new outline application). The only appeal that is being considered is that referenced APP/A2525/A/92/213920 (a full planning application).

Please take this letter as formal confirmation of these instructions.

Yours faithfully

John S. Anderson

(Handed to the Inspector during site inspection 24.03.93: cc Sth Holland DC)

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: **HEY & CROFT**
Application No: **H09/0267/92**
DoE Appeal Reference: **APP/A2525/A/92/214921**

An appeal has been made to the Department of the Environment against non-determination of planning permission by the South Holland District Council for

Formation of vehicular access to housing estate at Marsh Road, Holbeach Hurn, Spalding, Lincs

The appeal will be determined by the **Department of the Environment** following a **Local Inquiry** which will be held at the **Council Chamber, Council Offices, Priory Road, Spalding, Lincs** on **Tuesday 23rd March 1993** at **10.00 am**. It is open to the Secretary of State to grant planning permission.

This notice is to inform you that as the occupier of property in the proximity of the appeal site, or as a person or body who was notified or consulted about the original application and/or has made representations about that application you may attend the inquiry and at the Inspectors discretion give your views on the possible grant of planning permission. If you cannot or do not wish to attend or have someone attend on your behalf, you may, if you wish, make written representations on the matter.

The statement of the appellant may be inspected at the address below, and the Council's statement will also be available for inspection after **28th December 1992** (Please telephone if possible to ensure that it is ready for inspection. Do not delay submitting your own representations if the statement is not available).

Any comments already made to the authority in connection with the original application will be forwarded to the Inspector who will take them into account when deciding the appeal. Any further representations or elaboration or modification of earlier views should be sent direct to the **The Planning Inspectorate** at **Room 12/02 East Tollgate House, Houlton Street, Bristol BS2 9DJ** quoting the above appeal reference.

If possible views submitted in writing should be sent to the Department of the Environment no later than 2 weeks before the date of the inquiry.

Any comments received can only be taken into account provided they are made known to all parties and copies will therefore be sent to the appellant, and are liable to be read out at the inquiry. (It would be of assistance to the Department of the Environment if two additional copies of your comments could be sent, in order that they can forward them to both parties).

The Department of the Environment will circulate the decision on the appeal only to those who specifically request a copy.

B SMITH
Director of Planning & Building Control Services
South Holland District Council
Council Offices, Priory Road, Spalding, Lincs. PE11 2XE
Telephone Spalding (0775) 761161

16 December 1992

DOE Ref: APP/A2525/A/92/214921

LPA Ref: H09/0267/92

TOWN AND COUNTRY PLANNING (APPEALS)
LOCAL INQUIRY

APPEAL BY HEY AND CROFT LTD

STATEMENT OF CASE BY DISTRICT COUNCIL

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

STATEMENT

1. The site lies within the Interim Boundary of Development for Holbeach Hurn, which was revised in February 1990.

2. The Lincolnshire Structure Plan was approved in September 1982. In November 1991, the Secretary of State approved an amendment - Amendment No 1 to the Structure Plan.

3. In March 1992, the Local Planning Authority adopted as Policy and after appropriate public consultation a Development Brief for Holbeach Hurn - a Brief which took account of the grant of outline planning permission for residential development on land to the south of the appeal site in September 1988 (Ref: H09/0764/88) and which sought, inter alia, to integrate areas of new development into the surrounding open countryside whilst contributing to the essential character of the village.

4. In September 1992, the Local Planning Authority approved design guidelines to assist in the preparation of Village Appraisals for the Control and Guidance of Development in the Villages and for the assessment of applications for planning permission.

5. In November 1992, the Local Planning Authority approved a policy for assessing the acceptability of residential estate development in the villages.

6. In the opinion of the Local Planning Authority the appeal raises no issues pertinent to the above mentioned policies but rather those relating to the practicalities of determining the application.

7. Insufficient land has been included within the application site to enable visibility to be provided for an estate road which would meet the required standards of the Director of Highways and Planning (Lincolnshire County Council) and those of Planning Policy Guidance Note No 13 'Highway Considerations and Development Control'. Neither are details of surface water drainage given.

8. In addition, as the proposed development, relates specifically to a 'Housing Estate' the application should be regarded as premature until the details of that housing development, particularly its scale and intensity, are a known quantity. Moreover, in the absence of such details, there is no possibility of those standards being applied flexibly if, indeed, the Director of Highways and Planning was minded to take that approach.

Documents to be referred to

1. Lincolnshire Structure Plan - Amendment No 1
2. Holbeach Hurn IBD
3. Development Brief for Holbeach Hurn
4. Design Guidelines and Village Appraisals Policy
5. Residential Estate Development in Villages Policy
6. Planning Policy Guidance Note No 13 "Highway Considerations in Development Control'
7. Planning applications:-
   H09/0714/88
   H09/0963/89
   H09/1408/89 and subsequent appeal Ref: APP/A2525/A/90/148807
   H09/0773/91
   H09/1109/91
   H09/0563/92

DOE Ref: APP/A2525/A/92/214921

LPA Ref: H09/0267/92

TOWN AND COUNTRY PLANNING (APPEALS)
LOCAL INQUIRY

APPEAL BY HEY & CROFT

Questionnaire and Supporting Documentation from Local Planning Authority

: Questionnaire

PART ONE: BACKGROUND PAPERS

: Copy of Lincolnshire County Council Highway observations
: Copy of Holbeach Parish Council observations
: Copy of letters from interested parties
: Copy of letters from objectors

PART TWO: MISCELLANEOUS

: Copy of Policies and Planning Committee reports
: List of Conditions if the Appeal were to be allowed

PLAN `A' Appeal Site (not to scale)

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

APPEAL QUESTIONNAIRE
(revised July 1992)

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT APPEAL

DOE APPEAL REF: APP/A2525/A/92/214921

APPEAL BY: Hey & Croft GRID REF: _____

SITE: Marsh Road, Holbeach Hurn, Spalding, Lincs

PLEASE SEND THE COMPLETED QUESTIONNAIRE (TOGETHER WITH ANY ENCLOSURES) TO THE INSPECTORATE AND TO THE APPELLANT OR AGENT WITHIN 14 DAYS OF THE DATE YOU RECEIVED THE APPEAL FORM.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to the Inspectorate within 28 days of the date you received the appeal form.

1.	Do the Council agree to the written representations procedure? OR Do the Council wish to appear before and be heard by an Inspector? (a local inquiry or hearing)	[redacted] YES / [redacted]
2.	If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land?	[redacted]
3.	Does the appeal relate to an application for approval of reserved matters?	[redacted] / NO
4.	Was an Article 12 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES / [redacted]
5.	Was it necessary for the Council to advertise the proposals under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	[redacted] / NO
6.	Is the appeal site within an approved Green Belt?	[redacted] / NO
7.	Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, attach details).	[redacted] / NO
8.	Are there any other appeals or matters relating to the same site or neighbourhood still before the Secretary of State for consideration; or does the development directly affect the line of a footpath, bridleway or highway? (If YES, attach details and, where necessary, give the Department's reference numbers.)	[redacted] / NO
9.	Is the site within a Conservation Area/ If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	[redacted] / NO
10.	Does the appeal relate to an application for conservation area consent?	[redacted] / NO
11a.	Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building/ (Delete as appropriate)	[redacted] / NO
b.	Would the proposed development affect the setting of a listed building?	[redacted] / NO
	If the answer to questions 11a or b is YES, please attach a copy of the relevant listing description from the list of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13)	
12.	Has a grant been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	[redacted] / NO
13.	Would the proposals affect an Ancient Monument (whether scheduled or not)?	[redacted] / NO

14. Copies of the following documents must, if appropriate, be enclosed with this questionnaire

		the number of documents enclosed	not applicable
a)	any comments or directions received from the secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDO;	1	–
b)	any representations received as a result of an Article 12 (or Regulation 6) notice;	–	–
c)	a copy of any notice published under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and / or Regulation 5;	–	–
d)	any representations received as a result of a notice published under Section 67 and/or Section 73 of the Planning(Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);	–	–
e)	details of any other applications or matters currently before the Council relating to the same site;	OTHER APPEALS	–
f)	In the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision;	13	-
g)	a list of any conditions or limitations the Council would favour if the appeal were to be allowed;	1	–
h)	any other relevant information or correspondence the Council consider the Inspectorate should be aware of.	3	–

FOR APPEALS BEING DECIDED BY THE WRITTEN REPRESENTATIONS PROCEDURE

15. If you have not already done so, please notify, in accordance with Regulation 5(1), details of the appeal to authorities and other persons who made representations to you about the application. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

		the number of documents enclosed	not applicable
a)	representations received from interested parties about the original application;		
b)	the planning officer's report to committee;		
c)	any relevant committee minute;		

16. Relevant plans and policies;
Please enclose extracts of relevant policies and plans and explanations of these. Each extract should include the front page, showing the title of the plan and date of approval or adoption. Where plans and policies have not been approved or adopted, the stage and status of the plan should be given

17. Do the documents listed above comprise the Council's full statement of case? [redacted] / NO

Council's reference: Appeal No. 39/92

I certify that a copy of this appeal questionnaire and any enclosures have on this say day been sent to the appellant or agent.

Signature B Smith on behalf of S.H.D.C. Council

Date of despatch 10 DEC 1992

NB: Please alert the Inspectorate to any changes in circumstances occurring after the return of this questionnaire.

HMSO Bristol DTP101731

DOE Ref: APP/A2525/A/92/214921

LPA Ref: H09/0267/92

TOWN AND COUNTRY PLANNING (APPEALS) LOCAL INQUIRY

APPEAL BY HEY & CROFT

PART ONE: BACKGROUND PAPERS

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: SOUTH HOLLAND District Council Application Reference H09/0267/92.

Form of notification by the County Director of Highways and Planning for DEVELOPMENT AFFECTING HIGHWAYS

With reference to the application dated
relating to the following proposed development:

1. National Grid Reference of a central point on site

	horizontal			vertical		
	3	9	4	2	7	2.

2. Address or location

MARSH ROAD, HORBEACH HURN.

3. Name, classification and number of road

4. Date application referred 29-10-92

5. State whether outline, detailed application etc.

FULL

6. Description of proposed development/change of use including access details

FORMATION OF VEHICULAR ACCESS TO HOUSING ESTATE

7. Notice is hereby given under the provisions of article 15 of the Town and Country Planning General Development Order, 1988, that the County Council as local highway authority:–

Delete as appropriate

a. ~~Does not wish to restrict the grant of~~ permission.

b. Requests that any permission given by the local planning authority shall include the conditions shown overleaf.

c. Requests that the local planning authority refuse the application (reason overleaf).

d. Requests the local planning authority to complete Form T.R. 108 para 10b as shown overleaf.

Date: 29-10-92. Signed: [signature]
Director of Highways and Planning

housed SHDC

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
y Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H09/0267/92

Applicant: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex, CM8 2BX

Agent: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex, CM8 2BX

Description: Formation of vehicular access to housing estate

Location: Marsh Road Holbeach Hurn
Spalding Lincs

Type: FULL

Date received: 03-MAR-92

06-APR-92

Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 21-APR-92. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with this application is D M GEDNEY

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Holbeach PC
Parish Council Office
2 Spalding Road, Holbeach
Spalding, Lincs

FOR PARISH COUNCIL USE ONLY

Comments: NOT ENOUGH INFORMATION TO COMMENT

S.H.D.C. PLANNING DEPT.
RECEIVED
28 APR 1992

Signed: M Copus
25/4/92

S.H.D.C. PLANNING DEPT.
RECEIVED
- 6 APR 1992
Action by .....
Discuss with .....
Copy to .....
Acknowledge YES/NO
by
date

DPO Hg C.

SOUTH HOLLAND Internal Drainage Board

Marsh Reeves,
Foxes Lowe Road,
Holbeach,
Spalding, Lincs.
PE12 7PA.

Please contact: Mr. Staines

Tel. Holbeach (0406) 24933
Fax: (0406) 26501

Our Ref. RS/PA-M/267/92/JAM Your Ref. KMC/SEH Date 27 March 1992

Dear Sirs,

FULL PLANNING APPLICATION - VEHICULAR ACCESS
MARSH ROAD, HOLBEACH HURN

I write to acknowledge receipt of your letter dated the 19th inst., and would be glad to receive a copy of the details submitted to the Planning Authority as requested in my letter of the 13th inst..

Your comments regarding future liaison with my Board concerning drainage matters are noted but I trust you will appreciate my Board's concern over the fact that whilst planning matters would seem to be proceeding, no progress seems to be being made regarding site drainage details.

I am sending a copy of this letter to the Director of Planning so that he is aware details are awaited.

Yours faithfully,

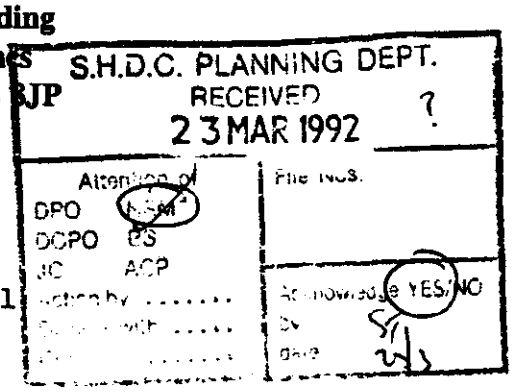
JJ Ebey

ENGINEER TO THE BOARD

Hey & Croft Ltd.,
White Horse Lane,
Chipping Hill,
Witham, Essex. CM8 2BX

OBJECTION

Old White House
Holbeach Hurn
Spalding
Lincs
PE12 8JP



16 March 1992

Director of Planning
South Holland District Council
Priory Road
SPALDING
Lincs
PE11 2XE

Dear Sir

I write in respect of planning application no. H09/0267/92 which is requesting permission for the 'formation of vehicular access to housing estate'. Plans for the building of a housing estate have not yet been passed and therefore I fail to see how the above application can be approved. For this reason I object to it.

I also feel that if the applicants have a 'housing estate' in mind this would be out of character with the existing housing in the village.

Yours faithfully

Jenny Worth.

Mrs J M Worth

C[illegible]LECTION

Holbeach Hurn Community Care Association

WHITE HOUSE LODGE
MARSH ROAD
HOLBEACH HURN
SPALDING
LINCOLNSHIRE PE12 8JR
HOLBEACH (0406) 23009

March 13th 1992

Director of Planning
South Holland District Council
Priory Road
Spalding
Lincolnshire PE11 2XE

Dear Sir

Planning Application No. H09/0267/92

The Association understands that this application is for the "formation of vehicular access to housing estate". No details for the building of a housing estate have been approved by the council, and indeed the whole question of development in Holbeach Hurn is under review by your committee. The precise point of the access cannot reasonably be ascertained until that review has been completed, and detailed plans for the site approved.

This Association therefore objects to the granting of permission, until after the aproval of the developer's plans.

Yours Faithfully,

P H Shepherd

S.H.D.C. PLANNING DEPT.
RECEIVED
17 MAR 1992
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DOE Ref: APP/A2525/A/92/214921

LPA Ref: H09/0267/92

TOWN AND COUNTRY PLANNING (APPEALS) LOCAL INQUIRY

APPEAL BY HEY & CROFT

PART TWO: MISCELLANEOUS

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

849. PLANNING APPLICATIONS (Continued)

(f) **Application Approved Subject to Planning Obligation**

Subject to the applicants first entering into a planning obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 (i) restricting the occupation of the existing dwelling on the site to the owner, manager or an employee of the proposed coal yard; and (ii) ensuring cessation of the use of the existing coal yard at Knight Street, the Director of Planning and Building Control Services be authorised to grant planning permission for the undermentioned development in accordance with his recommendation:-

Plan No. and Applicant	Proposal
H14/0788/92 A J Hansard	Change of use from haulage yard to coal storage area (existing use of office, garage and store including delivery and sale) at New House, Dozens Bank, West Pinchbeck.

(g) **Applications Not Determined**

The Director of Planning and Building Control Services reported that appeals had now been received against the non determination of the following applications. In order to formulate the Council's case at appeal the Director of Planning and Building Control Services submitted a report on each application, and it was agreed that, if the applications had been considered, planning permission would have been refused in accordance with the recommendations of the Director of Planning and Building Control Services:-

Plan No. and Applicant		Proposal
H09/0773/91 Hey & Croft Limited	O.A.	Residential development (renewal of outline planning permission H09/0764/88) at Marsh Road, Holbeach Hurn.
H09/1109/91 Hey & Croft Limited		Reserved matters relating to residential development Phases I, II & III comprising 35 detached dwellings with garages on land between Marsh Road/Low Road, Holbeach Hurn.
H09/0267/92 Hey & Croft Limited		Formation of vehicular access to housing estate at Marsh Road, Holbeach Hurn.
H09/0563/92 Hey & Croft Limited		Residential development - 35 dwellings at Marsh Road, Holbeach Hurn.

(It was also agreed that the amended proposals now received should be submitted as a fresh application, the application to be submitted to the Plans Sub-Committee for consideration in detail, following which the application be referred back to this Committee for determination.)

(O.A. denotes outline application.)

(Councillors M D Booth, N I Capes, B Chappell, C F Fisher, B A Paul and G Teale left the meeting at this juncture.)

APPLICATION REFERENCE: H09/0773/91 DATE RECEIVED: 20.8.91

APPLICANT: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex

AGENT:

TYPE: Outline

DESCRIPTION: Proposed residential development (renewal of outline planning permission H09/0764/88)

LOCATION: Marsh Road, Holbeach Hurn

APPLICATION REFERENCE: H09/1109/91 DATE RECEIVED: 20.12.91

APPLICANT: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex

AGENT:

TYPE: Reserved Matters

DESCRIPTION: Residential development Phases I, II & III comprising 35 detached dwellings with garages

LOCATION: Land between Marsh Road/Low Road, Holbeach Hurn

APPLICATION REFERENCE: H09/0267/92 DATE RECEIVED: 3.3.92

APPLICANT: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex

AGENT:

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
18 NOV 1992
Date

TYPE: Full

DESCRIPTION: Formation of vehicular access to housing estate

LOCATION: Marsh Road, Holbeach Hurn

APPLICATION REFERENCE: H09/0563/92 **DATE RECEIVED:** 22.5.92

APPLICANT: Hey & Croft Limited
White Horse Lane
Chipping Hill
Witham
Essex

AGENT:

TYPE: Full

DESCRIPTION: Residential development - 35 dwellings

LOCATION: Marsh Road, Holbeach Hurn

Parish Council:

H09/0773/91 - Supported.

H09/1109/91 - Supported subject to improvement to Low Road and satisfactory mains drainage.

H09/0267/92 - Not enough information to comment.

H09/0563/92 - Supported.

Ward Member:

H09/1109/91 - As the planning brief for Holbeach Hurn has not been completed, this should go to Committee (Councillor J R Pearl).

H09/0563/92 - Wishes application to go to Committee as it does not appear to conform with the development brief (Councillor J R Pearl).

County Highways:

H09/0773/91 - Approval subject to conditions.

H09/1109/91 - Recommends refusal:-

The proposals as shown would allow vehicular access from and to the estate along Low Road. This lane either side of the development is inadequate in width and construction to serve this extra traffic as vehicles could not pass in safety. Also the visibility at the eastern junction of Low Road with Marsh Road is inadequate and to increase the number of vehicles using this junction would be detrimental to highway safety.

H09/0267/92 - To be reported.

H09/0563/92 - Recommends refusal:-

The visibility splays shown at the proposed access points are well below the standards set out in PPG13. If permitted, the proposal would lead to vehicles from the estate having to emerge onto the Class III County Road, Marsh Road, with inadequate sight of oncoming traffic to the detriment of highway safety. Also the internal site layout does not meet the Highway Authority standards in terms of footway provision, turning facilities or road alignment. If permitted the submitted layout could lead to safety problems for the residents and visitors to this site. There have been no satisfactory means of surface water outfall included with this application. This is likely to result in the flooding of any roads and properties constructed on the site.

Holbeach & District Civic Society

- Contrary to Structure Plan: Holbeach Hurn is suitable only for small scale development.
- Does not accord with DoE Inspector's decision on previous appeal.
- Previous outline planning permission of only limited significance.
- Number of buildings should be reduced to 'low 20's'.
- Pressures of developer should not be acceded to.
- Proposed development lacks adequate open space.
- Proposed development bears poor relationship to Low Road.
- Lack of adequate infrastructure - roads and drainage.

Local Member of Parliament:

Sir Richard Body comments as follows on the development covered by the applications:-

Anyone visiting the site would surely believe that such a development would be completely out of scale for such a small community. As I am sure you know, several other similarly sized communities have, in the last two decades, been swamped by a similar kind of housing estate. I expect there are members of your Planning Committee who will understand how it is very difficult for a large number of incoming residents to be assimilated into a small rural community; too often the village becomes divided with a sad loss of community feeling. Holbeach Hurn is one of the very few small rural settlements we have where there is a strong sense of community and mutual help.

South Holland I.D.B.

H09/0773/92 - Insufficient information received to show surface water can be

accommodated without improvements off site. There is a risk additional run off could cause flood/waterlogging on site and on land to south.

H09/1109/91 - Insufficient information to show that surface water can be accommodated without improvements being carried out beyond the application site. There is a risk that additional run-off could cause flooding and/or waterlogging on the site and land to the south.

H09/0267/92 - Expresses concern that no progress has been made regarding site drainage details.

H09/0563/92 - Pleased to see project anticipates provision of a piped rising main to nearby sewage treatment plant in respect of which a formal consent is still being negotiated.

With regard to surface water disposal from estate roads and footways, it is understood the applicant wishes to finance future off-site works on a contribution basis.

Anglian Water Services:

H09/0773/91 - Existing water distribution system unable to supply the proposed development; substantial off-site works may need to be undertaken at developers expense.

H09/0563/92 - There is no public sewer in Holbeach Hurn. However, discussions apparently took place in 1989 between your Technical Services Department as our sewerage agents and the developers with a view to providing a joint scheme. As the sewerage agency has lapsed the developer is advised to contact Anglian Water Services to discuss the disposal of foul drainage.

There are no surface water sewerage facilities in the vicinity of the proposed development.

An alternative method of surface water disposal therefore be considered.

The existing water distribution system is unable to supply the proposed development and substantial off-site works may need to be undertaken at the expense of the developer.

National Rivers Authority:

H09/0773/91 - No objections provided foul drainage is commenced to main foul sewer.

H09/1109/91 - Standard requirements such as connection to foul sewer and surface water to

a piped system.

H[illegible]tage Lincolnshire: (Trust for Lincs. Archaeology)

H09/0563/92 - Particularly concerned about the archaeological implications of H09/0563/92 (site in Marsh Road, Holbeach Hurn) which lies in an area of medieval salterns. This ancient industry plays an important part in the history of South Holland and it is important that proposed development works make adequate provision for the recording or preservation of earthworks and buried archaeological remains.

You will be aware that the DoE policy guidance note number 16 suggests that developers should provide planning authorities with a written scheme of works outlining their strategy concerning archaeological remains in order that a suitable condition may be included in any planning agreement. You may wish to consider making such a request in this case.

Public Objections:

H09/0773/91 - From 5 local householders:-

- Restriction necessary to ensure any a phased development.
- Would entail too excessive a growth.
- Detrimental to appearance of village.
- Authority should ensure parity of treatment with others who may wish to develop land in Holbeach Hurn.
- Exceeds number provided for in IBD document.

H09/0267/92 - Holbeach Hurn Community Care Association comments:-

- Application premature until whole question of development in Holbeach Hurn reviewed by Committee and details of the building estate in question approved.

From Local Resident:-

- Plans for the building of a housing estate have not yet been passed and in any event, a housing estate would be out of character.

H09/0563/92 - From 6 local householders:-

- Increase of over 50% in population of village unacceptable.
- Too sudden a growth and increase.
- Development too dense and suburban in character.
- Development brief not adhered to.
- Detrimental to rural character and charm of the village.
- Detrimental to social fabric of the village.
- Loss of privacy and open views.
- Increase in noise and disturbance.
- Local road system inadequate to cater for

proposed development.
- Marsh Lane itself is inadequate to cater for further substantial traffic: it is an 'acceptable blackspot'.
- Lack of infrastructure to support growth.
- Lack of employment opportunities for 'imported' population.
- Inadequacy of existing sewage disposal and surface water drainage systems.
- Commercial insensitivity of the developer.

PLANNING POLICIES/DOE ADVICE

Structure Plan Policy 3A - Provision will be made for new residential development in the period 1983-2001 for about dwellings - South Hollands share being about 6,000 dwellings.

Structure Plan Policy 5A - Provision for new residential development will normally be made in and around most existing settlements.

Within IBD.
Planning Policy Guidance Note No. 3 'Housing'.
Planning Policy Guidance Note No. 7 'The Countryside and the Rural Economy'.

Draft Development Brief for future development of Holbeach Hurn - Approved by Planning Committee on 25.3.92.

PREVIOUS DECISIONS

H09/1362/87 - Outline planning permission for residential development - Refused on 13.4.88 due to inadequacy of Low Road.

H09/0764/88 - Outline planning permission for residential development - Granted on 14.9.88.

This planning permission was granted subject to usual standard conditions together with a requirement for a phasing scheme, and whilst it did not relate to any particular number or plot layout of dwellings (a layout plan showing 21 plots accompanied that application but was specifically excluded from the permission granted), it did require that a scheme for the phased development of the site (each phase being of no more than 10-12 dwellings) shall be submitted to and approved by the Council before any development commences. The reason for phasing was to ensure that the design and rate of development was in keeping with the character and appearance of the village.

H09/0963/89 - Full planning permission refused on 20.9.89 for the erection of 25 terraced houses and 33 detached bungalows - Grounds of refusal are:-

"The layout and density of the proposed development is out of keeping with the character and environment of Holbeach Hurn, which is a small rural village, particularly having regard to that part of the estate on which it is proposed to erect 25 terraced houses".

H09/1408/89 - Full planning permission refused on 11.1.90 for construction of 12 terraced houses, 10 chalet bungalows, 10 detached bungalows and 23 detached houses - Grounds of refusal are:-

1 The proposed development would, if permitted, be contrary in terms of scale, impact, density and type of development to the aims of both Structure Plan Policy 3 and the Council's own

policy for appropriate residential development in the smaller village such as Holbeach Hurn.

2 Having regard to the advice contained in Circular 15/84 "Land for Housing", and to the existence of land with the benefit of planning permission for approximately 800 residential building plots in the town of Holbeach, the Local Planning Authority is satisfied that there is sufficient land available to enable the policies and proposals in the approved Lincolnshire Structure Plan and the adopted village plans to be implemented and that there is therefore no overriding need to grant planning permission for the scale and density of development as proposed.

A subsequent appeal was dismissed in July 1990.

PLANNING ISSUES

1 H09/0773/91

1 The determining issue is whether there are any changes or developments in policy or changes in physical circumstances which would militate against a renewal of planning permission.

H09/1109/91

1 Whether it accords fully with the terms of the outline planning permission.
2 Whether the scale of the proposed development complies with the Structure Plan and the Draft Development Brief.
3 Whether the design and layout of the proposed development is of intrinsic merit and will enhance the character of the village.
4 Whether there are unresolved infrastructure difficulties, including access.

H09/0267/92

1 The determining issue is whether, as a change of use application, a determination can be adequately given in the absence of precise details as to the scale of development which it will serve.
2 Whether, also, there is sufficient land within the site to accommodate the County Surveyors requirements.
3 Whether surface water can be satisfactorily disposed of.

H09/0563/92

1 The same issues arise as those detailed at 2, 3 and 4 above in respect of application H09/1109/91.

2 The application site in its various forms occupies a central location in the village of Holbeach Hurn. There are 64 dwellings within the present IBD and a further 53 dwellings outside the IBD but within 1 kilometre of the centre of the village. 9 dwellings have been granted planning permission within the IBD since 1980.

3 The individual applications may be summarised as follows:-

(a) H09/0773/91 - Relates to the same area as the original outline (2.32 hectares acres) and includes a substantial part of Low Road.
(b) H09/0267/92 - Relates to land 260' in length and 30' wide fronting Marsh Road and to the east of existing residential development fronting that road. No details of access supplied with the application.

(c) H09/1109/91 - As an approval of reserved matters the site is the same as that the subject of the outline permission H09/0773/91. The application provides for the erection of 35 dwellings (30 houses and 5 bungalows) which would be built in 3 phases - all of the dwellings would be detached. The access spine road would incorporate a considerable part of Low Road in an improved form. Three would only be a single point of access onto Marsh Road.

(d) H09/0563/92 - The site incorporates the land the subject of applications H09/1109/91 and H09/0267/92 but excludes the area of Low Road included within the original outline planning permission.

The application provides for the erection of 30 houses and 5 bungalows served off two separate accesses from Marsh Road. An open space or 'village green' would be located at the eastern end of the site adjacent to Marsh Road. There would be three footpath links through open space to Low Road. All the dwellings would be detached.

CONCLUSIONS

1 Protracted discussions have been held with the applicant (who is now in receivership) concerning the development of this site. The length of time involved reflects:-

(a) Changes in Structure Plan Policy - the approval of amendment no. 1 in November 1991.

(b) The implications of the Secretary of State's decision on the appeal - the preeminence given in that decision to the Structure Plan as opposed to the terms of the outline permission H09/0764/88.

(c) The approval of the development brief for Holbeach Hurn in March 1992 - the shift of emphasis implicit in that document to a concern to ensure a development of appropriate scale in respect of this site (Area B in the Brief).

(d) The applicant's recourse to litigation over the payment of fees and interpretation of the planning legislation; the applicant's desire to cover all options in obtaining permission whether it be outline, approval of reserved matters or full planning permission; and the difficulties the applicant faced in adjusting to developments in policy, although it is fair to say the applicants have also been co-operative.

(e) The determination upon the part of the Authority to obtain an appropriate form of development - a consideration of importance given the degree of public interest in the development of the site.

2 Of particular relevance in this latter regard is the interpretation placed upon the Committee's resolution at the 25.3.92 Committee adopting the Development Brief for Holbeach Hurn. It will be recalled that the Committee amended the Director's report on the Brief to provide that in the case of the application site (Area B in the Brief) regard should be had for the need for any development to be 'in character with the existing character of the settlement'.

3 In discussions with the applicant and mindful of the Secretary of State's appeal decision and the primacy now given to conformity with the development (Structure) plan under the terms of Section 54 of the Town and Country

Planning Act 1990, the approach has been taken that the figure of 35 dwellings should be treated with caution. In fact the figure originated with the consultants report and indicative plan on Holbeach Hurn - a report which predates the approval of Amendment No 1 to the Structure Plan and the emphasis in Policy 5A of that document on the need to assess the scale and impact of a development on the character of the settlement.

4 The view is taken - and it is a view which has been impressed upon the applicant - that the issue of scale is the touchstone and not a rigid adherence to a specified number. In practice, this has meant negotiating for a lesser number than 35 as the most realistic means by which the objectives of the Structure Plan and Development Brief could be realised - a development of a scale which did not 'overpower' the settlement; contained elements of a village character in its layout and design of dwellings; and integrated itself effectively into the rural landscape by retaining an appropriate level of open space.

5 The approach, however, has not meant that the applicant was constrained to reduce the number of dwellings proposed. The option has always lain open to provide a scheme of that number of dwellings which complied with the above stated requirements. But as will be seen below, it is not considered these requirements have indeed been met.

6 With regard to the applications the conclusions drawn are as follows:-

(A) H09/0773/91

The original outline permission (H09/0764/88) was subject to a Section 278 Agreement to widen Low Road.

As the Council is committed through its Development Brief for Holbeach Hurn to ensuring that the development of the site (area B in the Brief) is developed in character with the settlement, it is considered such road widening is unacceptable as it would destroy an element of that character and inhibit the achievements of the broader objectives of the Brief in regard to integrating new development into the village.

There is also the issue of compliance with the Brief's commitment to 'a substantial provision of open space' on the site to preserve continuous linked open spaces with the body of the village and the suggestion that 'in all about 35 dwellings might be accommodated on the site'.

Allowing for the fact that the original outline did not specify a number of dwellings, it is considered the requirements of open space and an appropriate number of dwellings could be met within the terms of a further grant of permission subject to a stated limitation in terms of numbers.

However, the impact of the widening of Low Road would remain as a factor militating against renewal.

RECOMMENDATION -

H09/0773/91 - Refuse

1 In the opinion of the Local Planning Authority the widening and other necessary works to Low Road required to accommodate the proposed development would be detrimental to the rural character of Holbeach Hurn and would frustrate the aim of the approved Development Brief for Holbeach Hurn which seeks to effectively integrate new development into this rural locality.

(B) H09/0267/92

There is insufficient land within the application site to enable visibility to be provided for an estate road which would meet the County Surveyor's required standards. Neither are details of S.W. drainage given.

In addition, as the proposed development relates specifically to a 'housing estate' the application should be regarded as premature until the details of that housing development, particularly its scale and intensity, are a known quantity.

RECOMMENDATION -

H09/0267/92 - Refuse

1 In the opinion of the Local Planning Authority, the proposed development is premature until the scale, density and character of residential estate development on the adjoining land to the south has been established to the satisfaction of the Local Planning Authority.

2 Insufficient land has been included within the application site to enable the County Surveyor's requirements with regard to a residential estate road to be met.

3 Moreover, insufficient information has been supplied to establish whether surface water from the proposed road could be satisfactorily disposed of.

(C) H09/1109/91

On the issue of the quality of layout, the proposed development leaves much to be desired. The layout relies heavily upon the incorporation of Low Road in a single spine road around which are located dwellings bearing a standard frontal relationship in unrelieved monotony. Provision is made for open space adjacent to Low Road but this is not effectively interwoven into the development.

These reservations simply reinforce the concern over scale: they show that 35 dwellings laid out in this fashion do not accord with the requirements of the Structure Plan and Development Brief.

Apart from the limitations of vehicular access already referred to in the County Surveyor's comments, the issues of foul and surface water disposal remain unresolved. The

imposition of negative conditions in regard to drainage matters is an expedient which the developer has alluded to but at present there is no clear indication such conditions could be complied with as they involve off-site works on land outside the control of the applicant.

RECOMMENDATION -

H09/1109/91 - Refuse

1 In the opinion of the Local Planning Authority the proposal, if approved, would constitute an unsatisfactory form of development by reason of its scale and detrimental impact upon the character of Holbeach Hurn. The proposed layout is visually monotonous paying insufficient regard to the need for variety and interest in the layout of access, grouping of buildings and their interaction with open space and landscaping. As a consequence, it fails to integrate the proposed development into this rural locality.

2 To this extent, therefore, the proposed development is considered to be contrary to the County Structure Plan and the Local Planning Authority's approved Development Brief for Holbeach Hurn.

3 The proposals as shown would allow vehicles from and to the estate along Low Road. This lane either side of the development is inadequate in width and construction to serve this extra traffic as vehicles could not pass in safety. Also the visibility of the eastern junction of Low Road with Marsh Road is inadequate and to the increase the number of vehicles using this junction would be detrimental to highway safety.

4 In sufficient information has been supplied to establish whether foul and surface water can be satisfactorily disposed of from the site.

(D) H09/0563/92

The above comments regarding drainage matters apply with equal force in the present instance. There are also similar objections in highway terms.

With regard to the proposed layout the applicant has advanced the following arguments:-

(a) Local character was respected - individual dwellings set in their own gardens with hedge and tree cover.
(b) Apparent scale of development reduced location of trees and use of gardens as 'green wedges' to break up massing of buildings.
(c) Layout reflects desire to conserve energy through use of tree and hedge cover - the 'chill' factor in the local climate would this be accommodated.
(d) Design of dwellings sufficiently flexible to meet a variety of housing demands.

However, the layout is deficient in terms of its declared aim: It does not reduce the apparent scale of the development of impact a feeling of rurality. It is essentially suburban in character and tailored to a particular marketing approach -

detached dwellings with their own separate accesses. The use of garden land as a substitute for open space, particularly open space linking the development to adjoining land (a requirement of the Development Brief for Holbeach Hurn) is unlikely to have its intended effect.

Whilst the layout and design of the houses are a distinct improvement on that submitted with the approval of reserved matters application, there are nonetheless shortcomings which render the proposed development unacceptable. They also reinforce as with the approval of reserved matters application, the concern felt at the scale of the development envisaged.

RECOMMENDATION -

H09/0563/92 - Refuse

1 In the opinion of the Local Planning Authority, the proposal, if approved, would constitute an unsatisfactory form of development by reason of its scale and detrimental impact upon the character of Holbeach Hurn. The proposed layout is too suburban in character and fails to integrate the proposed development into this rural locality.

2 To this extent, therefore, the proposed development is considered to be contrary to the County Structure Plan and the Local Planning Authority's approved Development Brief for Holbeach Hurn.

3 (County Highways reasons for refusal).

4 Insufficient information has been supplied to establish whether foul and surface water could be satisfactorily disposed of.

CONDITIONS IF APPEAL WERE TO BE ALLOWED

Should the Secretary of State be minded to allow the Appeal, the Local Planning Authority would wish to see the following conditions imposed: -

1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91of the Town and Country Planning Act 1990.

2 Before any development is commenced the approval of the Local Planning Authority is required to:

(i) a *specification of the type of construction proposed for roads and/or footways;

(ii) a programme for the making up of the roads and/or footways;

(iii) details of the method and means of disposal of surface water;

(iv) details plans to a scale of 1:500 showing the layout of the roads and footways, together with longitudinal sections to a scale of 1:500 horizontal and not less than 1:100 vertical showing the gradients of carriageways and full details of surface water drainage proposals. (Cross-sections taken at not more than 30 metres intervals normal to the proposed carriageway plotted to a scale of 1:100 natural will also be required where the adjoining ground levels will vary 0.5 metres plus from the proposed finished footway levels of the estate road);

(v) details of all proposed services showing location within the highway in accordance with the Report of the Joint Committee on the location of underground services published by the Institution of Civil Engineers in 1963.

*This specification shall be such as to enable the Local Highway Authority in due course to take over the roads and/or footways as highways maintainable at the public expense.

Reason: To ensure an adequate standard of access to the estate in the interests of local amenity and convenience.

DOE Ref: APP/A2525/A/92/214921

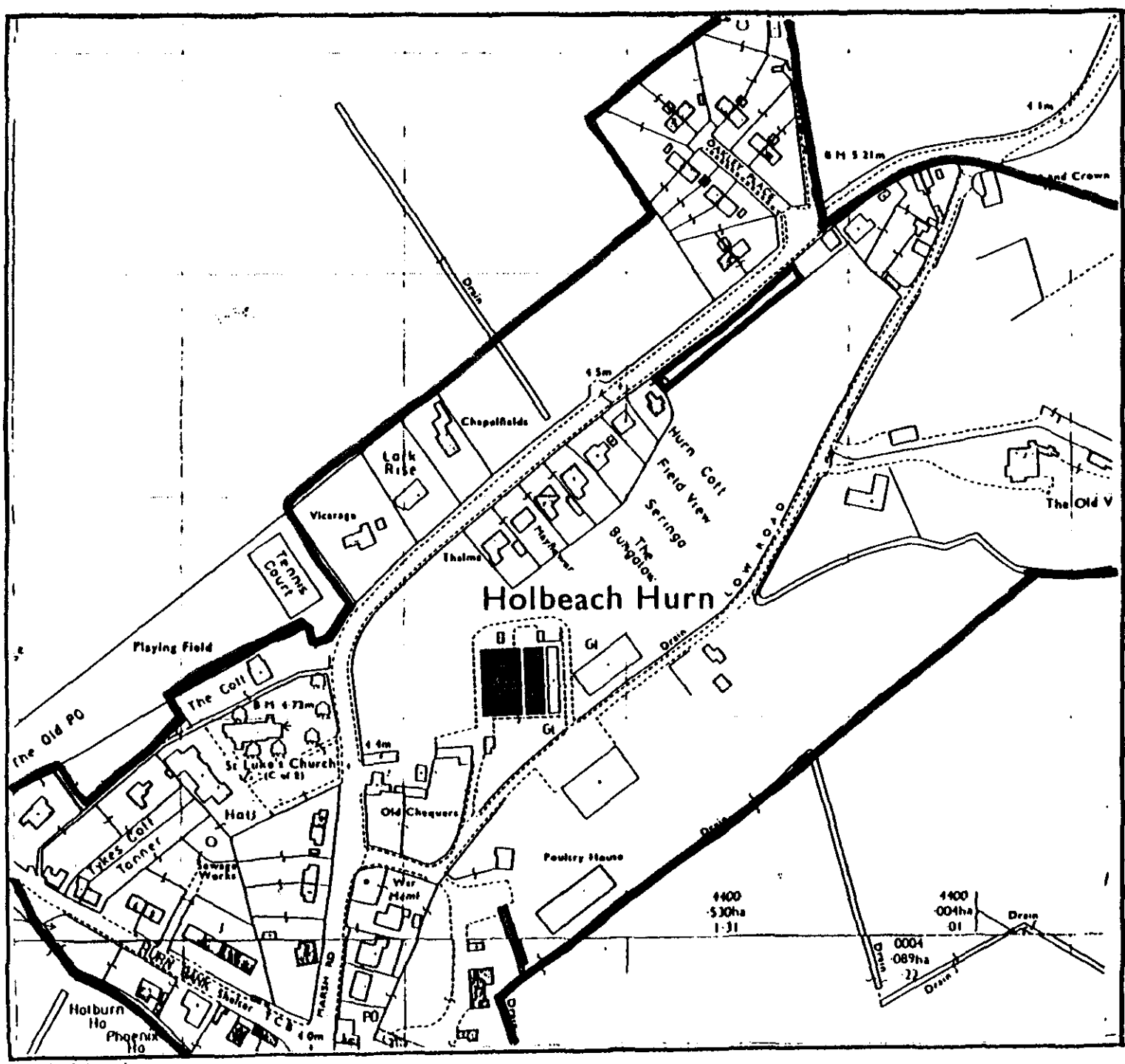
LPA Ref: H09/0267/92

TOWN AND COUNTRY PLANNING (APPEALS)
LOCAL INQUIRY

APPEAL BY HEY & CROFT

PLAN 'A'

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs



SOUTH HOLLAND
DISTRICT COUNCIL
PLANNING DEPARTMENT

APPEAL BY

HEY AND CROFT LTD

H09/0267/92

Appeal Site

Development Boundary

B.SMITH M.R.T.P.I.
DISTRICT PLANNING OFFICER
PRIORY ROAD, SPALDING.

SCALE 1:2500 | DATE DEC. '92

PLAN 'A' | N

ADMEL P/1/504

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218656
Switchboard 0272-218811
Fax No 0272-218406
GTN 1374

South Holland District Council
Planning Department
Council Offices
Priory Road
214921
Spalding
Lincolnshire
PE11 2XE

S.H.D.C. PLANNING DEPT.
RECEIVED
21 DEC 1992
Acknowledge (ES/NO
by
date

Your Ref:HO9/0563/0267/92
HO9/1109/0773/91
Our Ref:
APP/A2525/A/92/214920 &

A2525/A/92/214922 & 214923

Date: 18 December 1992

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY HEY & CROFT LTD.
SITE AT MARSH RD. & LAND BETWEEN MARSH RD./LOW RD., HOLBEACH HURN,

1. I enclose a copy of a notice giving details of the arrangements for the local inquiry into the above appeal.

2. Please immediately inform those owners and occupiers of property near the site, and others you consider to be affected by or interested in the proposed development, including any persons or bodies who made representations at application stage, of the inquiry details. The letter to be sent to them should include the following details:

a. the location of the site and a description of the appeal proposals;

b. details of the arrangements made for the inquiry;

c. where the Council's and appellant's statements, proofs of evidence and summaries can be inspected;

d. that they may attend the inquiry, and at the Inspector's discretion give their views;

e. that if they do not wish to attend the inquiry, they may submit views on the proposals in writing. Any such written comments should be submitted to the Inspectorate, at the above address, as soon as possible but not later than 28 days before the start of the inquiry. They should be told that any views submitted in this way will be disclosed to the appellant and the local planning authority, and may be read out at the inquiry;

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218627
Switchboard 0272-218811
Fax No 0272-218406
GTN 1374

South Holland DC
Planning Department
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

Your Ref:
PC/LST/PL 649
Our Ref:
APP/A2525/A/92/214920-3

Date: 17 December 1992

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY HEY & CROFT LIMITED
SITE AT MARSH ROAD, HOLBEACH HURN, SPALDING

I refer to your letter of 15 December concerning the arrangements for the inquiry in respect of the above appeal.

The Inspectorate has a duty to determine appeals as speedily and efficiently as possible and postponements of inquiries are only agreed in exceptional circumstances. It is considered that an alternative representative should be able to familiarise themselves with the details of the case within a short time and that the unavailability of your preferred counsel is not sufficient justification for a postponement of the inquiry. In any event, the appellants agent have indicated that they wish for the inquiry to take place as soon as possible and we would not be prepared to agree to a postponement without the agreement of both parties. In the circumstances, your request for a postponement is refused and the inquiry will proceed as arranged on Tuesday 23 March 1993.

The Inspectorate is however prepared to agree to an extension of time of 2 weeks for the submission of your rule 6 statement. The agents are also to be allowed a similar extension.

A copy of this letter has been sent to the appellants agents.

Yours faithfully

P James

Date for Submission is now 11th Jan 93

S.H.D.C. PLANNING DEPT.
RECEIVED
21 DEC 1992

P JAMES
Planning Inspectorate
(Administration)

Faxed to Mayes & Fleet & Admin
21/12

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 12/02 EAST
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218461
Switchboard 0272-218811
Fax No 0272-218804
GTN 1374

South Holland District Council
Planning Department
H09/1109/91 H09/0773/91
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
H09/0563/92 H09/0267/92

Our Ref:
APP/A2525/A/92/214920-3

Date: 16 December 1992

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY HEY & CROFT LTD
SITE AT MARSH ROAD, HOLBEACH HURN, SPALDING, LINCS.

1. I am writing in connection with previous correspondence about the arrangement of a date for the Public Inquiry into the above appeal.

2. In exercise of the powers conferred by the TOWN AND COUNTRY PLANNING APPEALS (Determination by Inspectors) (Inquiries Procedure) RULES 1992 - SI 1992 No. 2039, it has been decided that the Local Inquiry into this appeal will be held at 10.00 am on TUESDAY 23RD MARCH 1993 at COUNCIL CHAMBER, COUNCIL OFFICES, PRIORY ROAD.. The venue should be reserved for TWO DAY'S.

3. Formal notices will be sent in due course.

4. A letter in similar terms has been sent to JOHN ANDERSON PLANNING.

Yours faithfully

T HUGHES

FORC/92

DPBCS: for information

SOUTH HOLLAND DISTRICT COUNCIL

DIRECTOR OF ADMINISTRATION

R COLE DMA

copies faxed to:
DoE
Maples
15/12/92

Mrs A Anglin
The Planning Inspectorate
Department of the Environment
Room 12/02 East
Tollgate House
Houlton Street
Bristol
BS2 9DS

Your Contact: P Cleghorn

Our Ref: PC/LST/PL 649

Your Ref: APP/A2525/A/92/214920-3

Date: 15th December, 1992

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY HEY & CROFT LTD
SITE AT MARSH ROAD, HOLBEACH HURN

I refer to your letter of 24th November 1992 and subsequent telephone conversations with Mr Cleghorn of my Department.

With regard to the original suggested dates for the local inquiry, Counsel has been instructed in this matter and they are not available on 23rd-24th February. I am advised that the only time our Counsel will be available will be between 12th April and 18th May 1993 and I would therefore request that the inquiry be held at some time between those dates.

I have received a telephone call from John Anderson Planning and Mr Anderson has suggested that these dates are unacceptable and that the District Council should instruct another Counsel if our original is not available. However Mr Lamming, our Counsel, has devoted a considerable amount of time to preparing for the inquiry and to instruct another Counsel at this late stage would involve the District Council in considerable additional expenditure, to say nothing of the time involved. In any case the Developers and the Council's Director of Planning and Building Control Services are involved in discussions in respect of amended plans and it is quite possible that the inquiry may not ultimately be necessary. In my view therefore the further suggested dates of 20th-21st April 1993 should be confirmed and I do not agree that the dates should be brought forward to March.

With regard to the rule 6 statement, the Director of Planning and Building Control Services wishes to involve Mr Lamming in its preparation and cannot therefore produce it in time for the target date of 28th December. I would therefore request that you allow this to be submitted as soon as possible after that date.

I look forward to hearing from you as soon as possible on the various points referred to above.

Yours faithfully

R. Cole

Director of Administration

S.H.D.C. PLANNING DEPT.
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Director of Administration
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161
Fax: (0775) 711253

The Planning Inspectorate

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South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
H09/0563/92 H09/0267/92
H09/1109/91 H09/0273/91
Our Ref:
APP/A2525/A/92/214920-3

Date: 24 November 1992

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cc Cust-Sec ✓
Acknowledge YES/NO
by
date

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY HEY & CROFT LTD
SITE AT MARSH ROAD, HOLBEACH HURN, SPALDING, LINCS.

1. I refer to our previous communication. I am writing to tell you that subject to agreement with the LPA it is proposed to hold the local inquiry into the above appeal at 10 am on TUESDAY 23rd FEBUARY 1993 at COUNCIL CHAMBER, COUNCIL OFFICES, PRIORY ROAD.

On confirmation of the date the venue should be reserved for TWO days.

2. Unless I hear to the contrary within 7 days of the date of this letter I will assume that the proposed arrangements are acceptable to you and that you consider our estimated duration for the inquiry to be reasonable. (If in doubt about the latter, you will probably find it useful to confer with any other parties concerned).

3. As announced in DOE Circular 18/86, each main party to an appeal (ie. the appellant and the local planning authority) is allowed only one refusal of an inquiry date before the power in the Inquiries Procedure Rules to fix the date, time and place of the inquiry will be exercised. In normal circumstances, the period allowed for negotiation of inquiry dates is one month. **For this appeal that period starts from the date of this letter.** However, if one or more parties refuse the first date offered, and it becomes clear that they are unable to agree a date between them, the Inspectorate may act before the period allowed for negotiation has expired, and fix the date of the inquiry.

4. The Inspectorate prefers not to have to impose inquiry dates. Therefore, should we be notified that the parties have agreed a date, we will do all we can to make an Inspector available. Should it become possible to bring the inquiry

date forward, because of the cancellation of another inquiry, I will contact you without delay.

5. We will of course let you know, as soon as possible, the da ctually set for the inquiry.

Yours faithfully

Phil Phillips

PD PHILLIPS

NB. Only correspondence concerning the inquiry date should be sent to the above room.
CR4/92

The Planning Inspectorate

Department of the Environment

FOR OFFICIAL USE ONLY
Date received

Planning Appeal to the Secretary of State

Town and Country Planning Act 1990
Town and Country Planning General Development Order

Please complete this form clearly and send one copy to the Inspectorate and one copy to the local planning authority.

A. Information about the appellant(s)

Full Name(s) HEY & CROFT LTD. (In Administrative Receivership)

Address WHITE HORSE LANE, CHIPPING HILL, WITHAM HILL, WITHAM, ESSEX Postcode CM8 2BX

Daytime Telephone Number _____ Reference _____

Agent's name (if any) JOHN ANDERSON PLANNING

Agent's address THE OLD STABLES, HARSTON, GRANTHAM, LINCS.

Postcode NG32 1PP

Daytime Telephone Number 0476 870424 Reference _____

B. Details of the appeal

Name of local planning authority (LPA)

SOUTH HOLLAND DISTRICT COUNCIL

Description of the development

FORMATION OF VEHICULAR ACCESS TO HOUSING ESTATE

Address of the site MARSH ROAD, HOLBEACH HURN, SPALDING, LINCS.

National Grid Reference (see key on Ordnance Survey Map for instructions). Grid letters: Grid Numbers e.g. TQ

539450 : 327720

Date and reference no. of application in respect of which you are appealing. HO9/0267/92 : L.A. recd. 03 MARCH 92

Date of LPA decision (if any).

(✓ tick appropriate boxes on this page)

C. Procedure

Do you agree to the written procedure ? (i.e. an exchange of written statements with the LPA plus a visit to the site by a Planning Inspector.) ☐ ✓

OR

Do you wish to appear before and be heard by an Inspector? (i.e. a local inquiry or hearing). ☑

If you agree to the written procedure, could the Inspector see the whole site clearly from the road or other public land? YES ☐ NO ☐

D. Supporting Documents

- You must enclose a copy of each of the following with the appeal form sent to the Inspectorate.

✓

☑ the application made to the LPA;

☑ any Article12A certificate submitted to the LPA;

☑ the appropriate Article12A certificate for this appeal (look at the Notes then tick a box to show which certificate you have enclosed) NB. you should also enclose a copy of the Notice if you have completed Certificate B, C or D;

A ☑ B ☐ C ☐ D ☐ Notice ☐

☑ each of the plans, drawings and documents sent to the LPA as part of the application they considered;

☐ the LPA's decision (if any);

☑ all other relevant correspondence with the LPA;

☑ a plan showing the site, marked in RED, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS Map).

- You should also enclose copies of the following, if appropriate;

☐ if the appeal concerns reserved matters, the relevant outline application, plans submitted and the permission;

☐ any other plans, drawings and documents sent to the LPA but which did not form part of the application (e.g. drawings for illustrative purposes);

☐ any additional plans or drawings relating to the application but not previously seen by the LPA. Number them clearly and note the numbers here: _____

_____

E. The Appeal

THIS APPEAL IS AGAINST

✓ the decision of the LPA.

☐ 1. *refusing / granting subject to conditions, planning permission for the devlopment described above;

☐ 2. * refusing / granting subject to conditions, approval of the matters reserved under an outline planning permission;

☐ 3. refusing to approve any matter (other than those mentioned in 2 above) required by a condition on a planning permission.

OR

☑ 4. the failure of the LPA to give notice of their decision within the appropriate period on an application for permission or approval.

*Strike out the words that do not apply in your case

F. Grounds of Appeal

If you have agreed to the written procedure you **MUST** make your FULL STATEMENT OF CASE here; if you do not your appeal may be invalid. If you have not agreed to the written procedure, you should give a brief outline of your case.

SEE SEPARATE STATEMENT

continue overleaf, if necessary

continue on a separate sheet, if necessary

COMPLETE AND SIGN THE DECLARATION BELOW

I confirm that a copy of each of the supporting documents indicated above is enclosed and that the relevant plans have been clearly marked.
I also confirm that a copy of this appeal form and any supporting documents not previously seen by the LPA has been sent to them.

Signed _____ (on behalf of) HEY & CROFT (in Administrative Receivership)

Name (in capitals) JOHN S. ANDERSON Date 13 NOVEMBER 92

Now check that you have:

- completed the form;
- enclosed all the supporting documents;
- set out above your grounds of appeal.

Send one copy of the appeal form with all the supporting documents to:

The Planning Inspectorate
Tollgate House
Houlton Street
Bristol BS2 9DJ

The second copy of the appeal form must be sent to the LPA at the address from which you received the decision on your application (or any acknowledgements, etc) enclosing only copies of those documents not previously seen by the LPA.

HMSO Bristol DTP060063

HOUSING DEVELOPMENT, Marsh Road, Holbeach Hurn, Spalding, for HEY & CROFT LTD.

Four Applications:

01 Renew Outline	HO9/0773/91	12 August 91
02 Reserved Matters under original Outline	HO9/1109/91 HO9/0764/88	12 September 91 14 September 88
03 Details of Access	HO9/0267/92	03 March 92
04 New Full Application	HO9/0563/92	21 May 92

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File Nos.
Acknowledge YES/NO
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STATEMENT OF GROUNDS OF APPEAL

The Inspector is invited to consider these four appeals against non-determination by the local planning authority together as they all relate to the same site.

Case History

01.01 Hey & Croft purchased the site with the benefit of outline permission, and within the time scale made an application for details, later converted to a full application, for 55 houses on the site. This was refused and lost on appeal: reference T/APP/A2523/A/90/148807/P3, dated 12 July 1990. The decision letter is attached at Annexe 'A' together with the Outline Permission.

01.02 Following negotiations with the local planning authority and the preparation by the latter of a brief, Hey & Croft put in a detailed application for 35 units. At the same time, as the time limit was imminent, they applied to renew the outline. (Letters dated 03, 12 and 13 September, 1991 refer). There was a delay in acknowledging this application due to a query on fees.

01.03 The layout proved to be unacceptable to the local authority as it was 'too urban', and Hey & Croft were asked to revise their proposals, although the number of houses (35) was agreed at a meeting between themselves and elected members on January 06 and confirmed in a report to the Planning Committee on January 21.

01.04 A new layout was prepared by John Anderson Planning and submitted informally to the local planning authority who again agreed in principle the form and content of the layout. (Ref: Hey & Croft's letter dated 28 January 92, confirmed by the local authority letter dated 30 January 1992). Hey & Croft agreed to a slight delay while the strategy for the area was put through the local planning committee procedure following the informal Local Plan procedure started in August 91.

/ continued

01.05 In March 92, the formal application to revise the reserved matters was submitted to the local planning authority, who refused to accept it and asked for a full application. Hey & Croft took legal advice (Ref: their letter dated 11 March 92 enclosing an extract from a House of Lords decision - Inverclyde District Council v Secretary of State for Scotland).

01.06 To avoid delay, a further full application was made without prejudice.

01.07 As a result of consultations with the local authority, who were looking for a further access to the site, and useful land negotiations, a small area of land was purchased by Hey & Croft to provide a second access on to Marsh Road. This was originally to be included in the variation of reserved matters, but because of legal complexities a further application for access only was made on 03 March 92.

01.08 The local planning authority approved a strategy for Holbeach Hurn which allocated the site in question for housing development (Ref: Planning Subcommittee minutes of 16 March 92 and Planning Committee minutes of 25th March 92). It was stated that the the development of the area should be "in character with the existing character of the settlement".

01.09 The local planning authority then reassessed their initial approach to the site and stated that the figure of 35 dwellings had been put forward merely as a basis for negotiation. They now felt that more open space was required and produced a layout of 33 units in sketch form for comment (see their letter of 20 July 92).

01.10 At a meeting on 31 July 92 the issue of numbers was again raised, and the planning authority then suggested that a reduction to a figure of 30 dwellings would "dispose the department to be more accommodating". It was also suggested that "the planning committee might view (sic) concern itself with less than 30". The figure of 30 was later referred to as "a threshold": (Ref: Planning Authority letter of 20 July 92 and summary of discussions dated 31 July 92)

01.11 Hey & Croft considered the advice offered and decided to revise the layout to increase the proportion of open space along the lines suggested, but to leave the total at 33 dwellings. At the same time, in their letter dated 10 August 92, they agreed to an extension of time for the applications to 31 August 92.

01.12 Hey & Croft went into administrative receivership in August 92, and as a result of further discussions between the Receiver, John Anderson Planning and the local authority the suggested revision up to 33 units was not formally submitted, but a new revision was made to achieve a scheme with a greater use of open space and having 29 units. This was submitted on 31 October 92. The planning authority refused to accept it as an amendment, and rather than make a fresh application and incur further

/ continued

delays, Hey & Croft (in administrative receivership), decided to make the necessary appeals with a view to asking the Inspector to consider the last variation indicating 29 units as the substantive layout.

Expansion of Grounds of Appeal

02.01 Evidence will be produced showing how the layout reflects the character of Holbeach Hurn and how Hey & Croft have worked closely with the officials of the planning department: a) in agreeing a number of 35 units; b.) in agreeing the form and content of the layout; and c) in taking note of the exercise held in the Spring of this year and revising their proposals downward to 29 units.

02.02 A detailed study has been made of the previous Inspector's Report, and it is believed that the ultimate layout accurately reflects his recommendations. Expert evidence will be submitted on why the type of houses were selected and the design principles governing the form of development. This layout follows an existing Outline Permission and the revisions apply only to reserved matters. In esence the majority of house types remain unchanged.

02.03 Annexe 'A' of Circular 22/88 states: 'It may be sensible and time-saving to allow applications to amend applications for approval of reserved matters or small details of full applications if this will avoid the need for a fresh application so long as the amendments do not materially change the character of the development'. Attention is drawn to the difference between the type of amendment being allowed for reserved matters and that for full application. If, however, the Inspector will not consider this view, he is asked to consider the full application for 35 dwellings as reduced to 29 where the basic form and character remains unchanged, but this to be judged against the existing development policy for Holbeach Hurn and the views of the officers on numbers.

02.04 The application for the access is applicable to the original application for reserved matters if the Inspector accepts that it may be amended. If, however, he accepts the full application, dated 22 May 92, as amended to 29 units then it need not be determined

02.05 Finally, the existing outline application has been applied for again on the basis that existing outlines should be renewed unless there has been a substantial policy change, and in this case, the policy for this land in Holbeach has been confirmed it as an area for development.

Enclosures: Annexe 'A': Inspector's Report and Outline Permission
Schedule of Correspondence

November 1992

ANNEXE 'A'

INSPECTOR'S REPORT

App Ref: T/APP/A2523/A /90/148807/P3

OUTLINE PLANNING PERMISSION

App No: HO9/0764/88

(not included in Local Authority copy)

Appli[illegible]on No: HO9/0267/92

Application for Access : Date of Application : 03 March 92

SCHEDULE OF CORRESPONDENCE

1991

07 August	To K.C. Clement, Hey & Croft from B. Smith, Director of Planning, South Holland District Council.
August	Consultation Draft issued by South Holland D.C.

1992

06 January	Notes of a meeting at offices of Sth Holland D.C.
08 January	To B. Smith, Director of Planning, from K.M. Clement, Hey & Croft.
21 January	Report to the Planning Committee, Sth. Holland D.C., by the Director of Planning.
28 January	To B. Smith, Director of Planning from K.M. Clement, Hey & Croft.
30 January	To K. Clement, Hey & Croft from B. Smith Director of Planning.
02 March	To B. Smith, Director of Planning, from K.M. Clement, Hey & Croft.
11 March	To B. Smith, Director of Planning, from K.M. Clement, Hey & Croft.
25 March	Minutes of Meeting of Sth. Holland Planning Committee
06 May	To B. Smith, Director of Planning from K.M. Clement, Hey & Croft.
20 July	To K.M. Clement, Hey & Croft, from N.R. Midlen, Principal Planning Officer (Development Control), Sth. Holland D.C. **ENCLOSURE: sketch plan.**
31 July	'Summary of Discussions' relating to meeting at Council Offices: Smith, Blacklock (Sth. Holland D.C.), K. Clement (Hey & Croft), J.S. Anderson (Consultant)
10 August	To B. Smith, Director of Planning, from K.M. Clement, Hey & Croft.
31 October	To B. Smith, Director of Planning, from J. S. Anderson, Planning Consultant for Hey & Croft.
03 November	To J. S. Anderson, Planning Consultant, from N.R. Midlen, Principal Planning Officer, Development Control, Sth. Holland D.C.

354. APPEALS BY HEY & CROFT LIMITED - RESIDENTIAL DEVELOPMENT OF LAND AT MARSH LANE, HOLBEACH HURN

The Director of Planning and Building Control Services submitted a report on the Local Public Inquiry held on the 23rd March 1993 into appeals by Messrs Hey & Croft Limited in respect of their proposed residential development on land at Marsh Road, Holbeach Hurn, and the Inspector's decision thereupon. During the course of the Inquiry, the appeals in respect of applications H09/0773/91, **H09/0267/92** and H09/1109/91 had been withdrawn and it was therefore necessary to determine these applications. In respect of application H09/0773/91, the Inspector had left it to this Authority to determine the application, following assurances at the Inquiry that a determination notice would be issued if considered necessary. In view of previous Committee decisions and the fact that there was no advantage to the Authority in further negotiations, it was recommended that the application should now be refused, in accordance with the decision under Minute 849(g)/92.

As a result of the Inspector's decision, a number of issues detailed in the report needed to be addressed and it would also be necessary to incorporate into the development brief for Holbeach Hurn the implications of the Inspector's comments concerning the necessary elements of an acceptable layout for the appeal site.

RESOLVED:

a) Applications H09/1101/91 and H09/0267/92 be treated as non-determined;

b) Application H09/0773/91 be refused for the reasons detailed in paragraph 1.4(b) of the report;

c) Any future development applications for outline planning permission for the residential development of the site be accepted only on the basis that the number of dwellings is clearly specified and their positioning on the site is shown as an integral part (siting) of the application; and

d) That future applications for the residential development of the site be assessed in accordance with the criteria identified in the Director of Planning and Building Control Services' report which it is hereby agreed should be treated as complementary to the Authority's existing policies.

355. RESIDENTIAL DEVELOPMENT AT KINGSGATE, GEDNEY - KINGS QUALITY HOMES (903/92)

Further to the above Minute, the Director of Planning and Building Control Services advised the Committee that two further discrepancies had come to light on this development, granted under planning application H06/0442/92, between the approved plans and the development as built, the plots concerned being numbers 7 & 8. A further planning application had been received in order to regularise the position, but in view of the history of the site it was

RESOLVED: That a decision on the proposed amendments be deferred and the Plans Sub-Committee inspect the site.

(Councillor A.E. Naylor left the meeting during consideration of this item and Councillor J.T. Davis left the meting following consideration of this item.)

AGENDA ITEM NO.

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: THE PLANNING COMMITTEE 12TH MAY 1993

BY: THE DIRECTOR OF PLANNING AND BUILDING CONTROL SERVICES

1.0 SUBJECT: APPEALS BY MESSRS HEY AND CROFT IN RESPECT OF APPLICATIONS:- H09/0773/91, H09/1109/91, H09/0267/92 AND H09/0563/92, RELATING TO THE RESIDENTIAL DEVELOPMENT OF LAND AT MARSH LANE, HOLBEACH HURN, SPALDING.

PURPOSE: **To advise the Committee of the appeal decisions and to recommend further action in the light of those decisions.**

1.1 On 23rd March 1993 a Public Inquiry was held into appeals lodged by Messrs Hey and Croft against the refusal of this Authority to grant outline planning permission (Application Ref: H09/0773/91); approval of reserved matters (H09/1109/91); and full planning permission (H09/0563/92) for residential development on land at Marsh Road, Holbeach Hurn. A further application (H09/0267/92) for full permission for an access servicing the proposed development was also the subject of appeal.

1.2 During the course of the Inquiry, 3 of the applications were withdrawn, H09/0773/91, H09/0267/92 and H09/1109/91. The decision of the Inspector, therefore, was concerned solely with the appeal relating to application H09/0563/92.

1.3 In dismissing the appeal,(copy of the decision letter attached) the Inspector identified the main issues as being the effect of the development on the character and appearance of Holbeach Hurn and issues of highway safety in Marsh Road and Low Road. Whilst according the Council's statement of planning policies "significant weight", he accepted that a density broadly in line with that of the existing village was desirable, but that provided there was phasing and an appropriate mix of dwelling types, then a development of between 25 and 35 dwellings would not be inappropriate. He considered that the layout proposed (and the types of dwellings envisaged) failed to achieve sufficient coherence to the tracts of open space in that layout, to maintain the close relationship with the countryside by retaining views through the development, especially in respect of the southern part of the appeal site where he recognised that the views out into the open countryside formed the essence of the appraised character of the village. Indeed, he considered that the absence of a clear view through the southern end of the

proposed development would be harmful to the character and appearance of Holbeach Hurn and, therefore, also contrary to the Development Plan and the Council's Development Brief. However, he concluded that the reason for rejecting the appeal did not mean that an acceptable development need be of a significantly different scale.

1.4 Arising from this decision, the following issues need to be addressed:-

a) A need to determine that in view of the withdrawal of the appeals relating to applications H09/1109/91 and H09/0267/92, these applications should remain undetermined.

b) A need to clarify the Authority's position with regard to application H09/0773/91. In the Inspector's decision, the option was left open for the Authority to determine this application following assurances from this Authority that it was prepared to issue a determination if deemed necessary.

The Committee will recall that at its meeting on 18th November 1992 it was resolved this application would have been refused if there had been no intervening appeal. The agreed terms of that refusal are as follows:-

"*In the opinion of the Local Planning Authority the widening and other necessary works to Low Road required to accommodate the proposed development would be detrimental to the rural character of Holbeach Hurn and would frustrate the aim of the approved Development Brief for Holbeach Hurn which seeks to effectively integrate new development into this rural locality.*"

The view is taken that there is no advantage to the Authority in negotiating further on this outline and certainly none with respect to any suggested amendment or revision providing for the removal of the Low Road widening element and a determination based on an unspecified number of dwellings or a specific number of dwellings unrelated to any agreed layout plan.

c) The need to ensure that any further negotiations with Messrs Hey and Croft (or their successors in title) relating to the development of this site proceed along the basis of a clearly defined scale of development and a formulated layout plan.

In this respect, it is considered no further outline application should be entertained without the

requisite degree of detail relating to the number, siting and layout of dwellings.

d) The need to incorporate into the Brief for Holbeach Hurn the implications of the Inspector's comments concerning the necessary elements of an acceptable layout for the appeal site. These may be summarised as:-

(i) In terms of the requirements of the Structure Plan, the impact of any development on the character, density and physical extent of existing development is of crucial importance.

(ii) In terms of scale, providing there is an acceptable phasing programme and an appropriate mix of dwelling types, including terraced and semi-detached units, then a development of between 25 - 35 dwellings would be appropriate.

(iii) Any development must consolidate the form of the settlement.

(iv) Any development should contain a mix of house types - detached, semi-detached and even terraced - and a suitable density mix.

(v) Any development should contain tracts of open land of sufficient coherence to maintain a close relationship with the countryside by retaining views through or across them of that countryside. This is a necessary requirement in respect of both the northern and southern portions of the site.

(vi) Any development must ensure, in the portion of the site closest to the Parish Church, that the close visual interrelationship of the village centre and the surrounding countryside is retained.

(vii) Accesses to the site should be at the optimum point along the Marsh Road frontage.

(viii) Vehicular access to Low Road should be minimised and limited at most to an access for two new dwellings.

1.5 RECOMMENDATIONS

a) Applications H09/1109/91 and H09/0267/92 should be treated as non-determined.

b) Application H09/0773/91 should be refused for the reasons detailed above.

c) That any future applications for outline permission for the residential development of the site should be accepted only on the basis that the number of dwellings is clearly specified and their positioning on the site is shown as an integral part (siting) of the application.

d) That any future applications for the residential development of the site should be assessed in terms of the criteria identified above and as complementary to the Authority's existing policies.

O/R1

Background papers: H09/0773/91, H09/1109/91, H09/0267/92 and H09/0563/92

Local Government (Access to Information) Act 1985

The Officer to whom reference should be made concerning inspection of the background papers is the Director of Planning and Building Control Services, Council Offices, Priory Road, Spalding, Lincs. Tel: (0775) 761161

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

PLANNING DEPT.
RECEIVED
21 APR 1993
File Nos.

John Anderson Planning
The Old Stables
Harston
GRANTHAM
Lincolnshire
NG32 1PP

Your Ref:

Our Ref:
A:T/APP/A2525/A/92/214920/P7
B:T/APP/A2525/A/92/214921/P7
C:T/APP/A2525/A/92/214922/P7
D:T/APP/A2525/A/92/214923/P7

Date:
19 APR 93

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY HEY & CROFT LTD (IN ADMINISTRATIVE RECEIVERSHIP)
APPLICATION NOS: A: H09/0563/92; B: H09/0267/92;
C: H09/1109/91; D: H09/0773/91.

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the failure of the South Holland District Council to give within the prescribed periods notices of their decisions in respect of applications for A: residential development; B: formation of a vehicular access to a housing estate; C: approval of matters reserved under outline permission dated 14 September 1988 (reference No H09/0764/88); D: outline permission for residential development on land at Marsh Road, Holbeach Hurn. Spalding, Lincolnshire. I held a local inquiry into the appeals on 23 March 1993 and inspected the sites on 24 March 1993.

2. At the outset of the inquiry, the withdrawal of appeals B and C was indicated on behalf of the appellants. Later in the proceedings, following assurances from the Council that application H09/0773/91 would be determined if so requested, appeal D was also withdrawn. The remainder of this letter is, therefore, concerned solely with appeal A.

3. This appeal application was accompanied by a layout for 35 dwellings. At the time that the appeal against non-determination was lodged, the Council had not agreed to consider a submitted revised layout. This reduces the number of dwellings proposed to 29. However, at the inquiry, it was indicated on behalf of the Council that they were prepared to accept the appeal proceeding on the basis of this revised layout plan (Ref No 228.1D). Since this layout has essentially the same form and access points, and simply involves a decrease in numbers of dwellings and an increase in open space, I agree with the submissions made that this substitution could in no way be prejudicial to interested

persons. I shall, therefore, determine the appeal on the basis of the amended layout for 29 dwellings.

4. From the evidence put to me at the inquiry, the written representations and my inspection of the site and its surroundings, I consider that the main issues in this appeal are the effect of the development on the character and appearance of Holbeach Hurn and the effect of the proposed access arrangement on highway safety in Marsh Road and Low Road.

5. The Lincolnshire Structure Plan Alteration No 1 1991 is the relevant Development Plan for Holbeach Hurn. Policy 5A, which replaces Policy 3 of the 1982 Structure Plan (which was current at the time of a 1990 appeal), requires residential development, other than at named towns, normally to be made in or around existing settlements. Proposals are to be assessed in relation to their scale and impact on the character, density and physical extent of existing development and, in an addition since the earlier plan, a need to retain an appropriate level of open space is referred to.

6. The District Council has drawn-up an Interim Boundary of Development (IBD) for Holbeach Hurn and this was amended in 1990. The appeal site falls wholly within the IBD boundary and all but 0.1 ha of the total appeal site area of about 2.3 ha was granted outline planning permission for residential development in 1988. Although this permission has since expired, the Council accept that it remains a material consideration since the basic planning policy framework is substantially unchanged.

7. However, in 1990 an appeal was dismissed in relation to a detailed application which sought to locate 55 dwellings on the current appeal site. It was considered that the addition of such a large estate to a village described as rambling, and with under 70 dwellings within it, would be unsympathetic and harmful to its character. As a consequence, the Council commissioned a village appraisal from a consultant planner. This study was subject to consultation with local residents, who had expressed concern at the substantial additional numbers of dwellings in prospect within the IBD. Consultation with the appellants followed and a further modification to the IBD was approved by the Council in March 1992.

8. The appraisal suggested that the visual character of Holbeach Hurn owes a great deal to the close relationship of village street spaces to the open countryside, large trees in proximity to domestic scale buildings and the overall low density of the village. It recommended acceptance of estate development on the appeal site. Despite suggested broad tracts of open space linking through from both undeveloped frontages of Marsh Road to Low Road, in order to maintain views along and across the site out into the surrounding countryside, it suggested a capacity for 35 dwellings. In broadly endorsing the appraisal, the Council added the caveat

that development of the appeal site needed to be in character with that of the existing settlement. Although the current statement of planning policies for Holbeach Hurn has only the status of Supplementary Planning Guidance, I consider that it should be accorded significant weight since it was approved after a process of public consultation.

9. For my part I accept the descriptions of the visual character of Holbeach Hurn set out in the village appraisal and also the previous inspector's description of the village as being rambling. Since the appeal site lies within the centre of the village, its development must inevitably consolidate the form of the settlement and to that extent alter its appearance. Moreover, to add 29 dwellings to the village must affect its character. Nevertheless, I accept the arguments advanced on behalf of the appellants that it would not be realistic to consider a density significantly below that now proposed, which is broadly that of the existing village. It was generally agreed between the parties that, provided there is a phasing scheme, then a development of between 25 and 35 dwellings would not be inappropriate.

10. For the Council, it was stressed that the reason that a further reduction by 3 or so dwellings had been sought, was not to pursue any arbitrary density concept, but rather to seek to retain the visual character of the settlement. It seems clear to me that the reason why it has not proved possible to agree on a layout for as many as 35 dwellings, despite the suggestions in the village appraisal, is because the appellants have chosen to seek a layout solely consisting of detached dwellings, rather than including any higher density terraced or semi-detached properties. The latter are by no means uncommon in Holbeach Hurn. The Council, nevertheless, do not object to the dwelling mix nor to the house designs. The point at issue appears solely whether there is sufficient coherence to the tracts of open space in the proposed layout, to maintain the close relationship with the countryside by retaining views through the development.

11. As far as the northern frontage to Marsh Road is concerned, in my judgement, at present the views across the site, whether from Marsh Road or Low Road, are somewhat limited as a result of the double hedge line to Marsh Road. While mature trees along the west side of Marsh Road can be seen in views from Low Road and those around the Old Vicarage in the reverse direction, there would still be glimpses of these trees over and between the proposed houses. Moreover, the new estate road could open up clearer views and the two pedestrian links would offer access not currently available. I can see no reason ,therefore, to withhold permission for the northern part of the proposed development in respect of its effect on the character or appearance of the village.

12. However, it was acknowledged that the large trees around the Parish Church are very much the visual focus of the village. Equally the views out into open countryside from the

general vicinity of the church, village hall and entrance to the recreation ground seem of the essence of the appraised character of the village. While the revised layout does provide, in effect, a village green at this point, I do not consider that simply to provide a further pedestrian link to Low Road, flanked by a modest extent of open space, is sufficient to retain the close interrelationship of the village centre and the surrounding countryside. The visual relationship would be essentially lost, but would be retained if the dwellings proposed on plots 3, 8 and 9 were to be omitted. I am not convinced that a gap broad enough to retain a vista of the countryside need be a particular problem in relation to wind funnelling, nor that a utilitarian barn need be placed in view in order to form such a visual link.

13. As it stands, I consider that the absence of a clear view through the southern end of the proposed development would be harmful to the character and appearance of Holbeach Hurn and, therefore, also contrary to the Development Plan and the development brief. I do not think that the imposition of conditions could simply overcome this concern. Inevitably there would be other consequential adjustment necessary to the scheme and indeed, given that it is accepted that there is some flexibility in the total numbers possible on the site, adjustments elsewhere might allow total numbers on the overall site to be maintained.

14. Turning to the highway concerns, I share the judgement of both parties that it is best to minimise vehicular access to Low Road, both to safeguard its unspoilt rural character and from a highway safety point of view, given its limited width and the restricted visibility at its northern end. I do not dissent, however, from the acceptance of 2 dwellings with access to Low Road adjoining the Old Chequers.

15. With regard to the 2 proposed new junctions to Marsh Road, the Highway Authority clearly demonstrated that the visibility as proposed at both, and particularly that nearest the church, would be significantly substandard in relation to the guidance of Planning Policy Guidance PPG13. Given the traffic flow recorded on Marsh Road, the Highway Authority were prepared to accept a minor road distance of only 2.4 m for up to 20 dwellings served off each access. If moved to the optimum locations on the two frontages, the northern access would have major road visibilities of 78 m (to the north) and 102 m (to the south) and the southern access, 82 m and 270 m respectively. In the interests of securing the development of the site, I accept that such distances can be considered acceptable, despite the deficiencies in visibility to the north which would remain, as compared to the 90 m recommended for a road subject to a 30 mph limit in PPG13.

16. Nevertheless, to achieve even these visibilities would require relocation of the access points from the positions shown on the layout drawing. The change in position of the southern access to the apex of the bend would require movement

by about 10 m and there might need to be some modest adjustments in the positions of buildings. It was conceded for the Council that traffic calming measures within the development could justify the absence of footways, which would help keep a rural character. Nevertheless, in order to provide margins for statutory services and useable turning heads, further adjustments in the layout and position of buildings were suggested. It was argued for the appellants that all these highway concerns could be dealt with by conditions. I do not consider that this would have been a very satisfactory way to seek to proceed, given that the appeal application is a fully detailed proposal. However, in view of my finding of material harm in relation to the effect on the character and appearance of the settlement sufficient to justify refusing permission, this aspect does not need to be considered further.

17. The evidence at the inquiry was that agreement in principle had been reached to deal with foul sewage by upgrading the local authority's private disposal works in the village and that the Internal Drainage Board would use their statutory powers should there be any difficulty with riparian owners in respect of upgrading watercourses to take surface water run-off. These matters could, therefore, reasonably have been dealt with by a Grampian-style condition. The offer on behalf of the appellants of a unilateral undertaking under Section 106, to meet the costs of such works, does not add significantly to a Grampian condition, since it would be expected that such costs would be borne by the developer. Even though drainage matters appear capable of resolution, this does not outweigh the harm identified in relation to the character and appearance of the village.

18. I have considered all other matters raised in evidence or in representations, including the advantage to Holbeach Hurn of further development to safeguard retention of facilities in the village. The appellants were supported at the inquiry in this argument by a local businessman. However, my reason for rejecting the appeal proposal does not mean that an acceptable development need be of a significantly different scale. In none of these matters do I find anything to lead me to depart from the conclusions reached in relation to the main issues.

19. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss appeal A, and refuse planning permission for the development described in paragraphs 1 and 3 above.

I am Sir
Your obedient Servant

PETER G ROBOTTOM MA(OXON) DipTP MRTPI MIMgt
Inspector

OFFICER	APPELLANT Hey & Croft	WRITTEN REPS / LOCAL INQUIRY / INFORMAL HEARING	APPEAL NO 39/92
	SHDC REFERENCE H09/0287/92	1. PLANNING 2. LISTED BUILDING 3. ADVERT 4. ENFORCEMENT 5. OTHER	REFUSAL CONDITION NON-DETERMINATION
SD	PINS REFERENCE APP/A2525/A/92/214921		RECEIVED Start Date 16 Nov 92 17 Nov 9

DC CHECKS: PC/Residents to be notified

Other statements required

Plans required

Other special requirements

LOCAL INQUIRIES ONLY:

DISTRICT SECRETARY ADVISED AND ARRANGEMENTS MADE:

FORMAL NOTICE RECEIVED:

DATE OF INQUIRY: 23 Mar 93

	Dates required	Dates sent
QUESTIONNAIRE TO DOE	1 Dec 92	10 DEC 1992
NOTICES Rule 6	16 Dec 92	16 Dec 92
PLAN PREPARATION (5 Copies) Via Dist See	29 Dec 92	13 Jan 93
~~STATEMENT TO DOE~~ Proof of Evidence Via Dist		
STATEMENT TO APPELLANT See (Types 1 & 2 only) (5 Copies)	2 Mar 93	

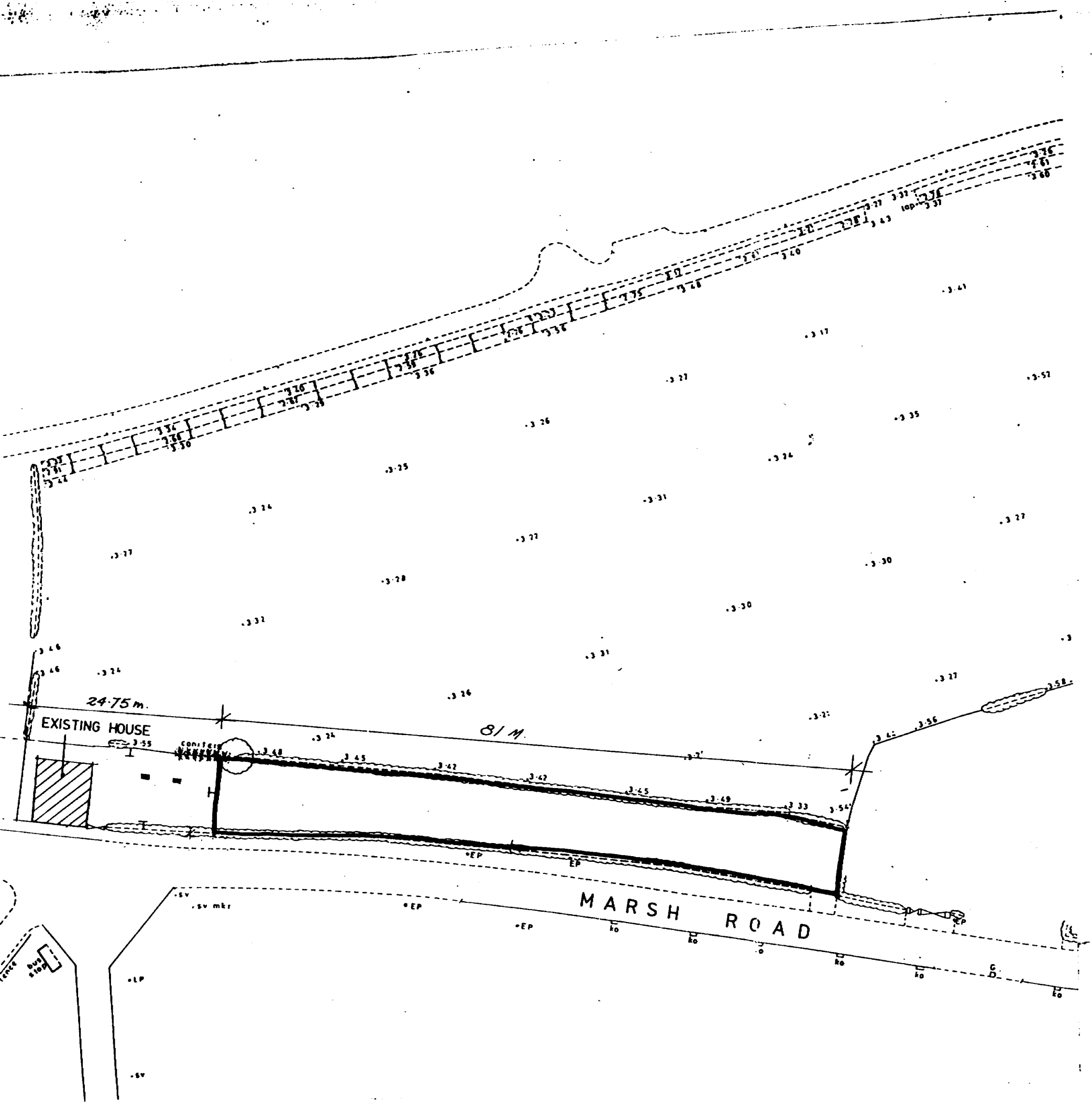
REPORTED TO COMMITTEE:

	DC CHECK	DPO CHECK
PLANS AVAILABLE:		
DRAFT STATEMENT PREPARED:		

SITE VISIT

DECISION RECEIVED

REPORTED TO COMMITTEE


24·75m.
EXISTING HOUSE
conifers
81 M.
MARSH ROAD
bus stop
fence
sv mkr
EP