

TOWN AND COUNTRY PLANNING ACT 1990

WRITTEN REPRESENTATIONS PROCEDURE

MR & MRS STOCK

Questionnaire and Supporting Documentation from Local Planning Authority

: Questionnaire

PART ONE: DECISION NOTICE

: Copy of Decision Notice

PART TWO: BACKGROUND PAPERS

: Copy of representations from Parish Council
: Copy of Site Notice

PART THREE: MISCELLANEOUS

: Copy of Policies H3 and H4 of the adopted South Holland District Local Plan, October 1998
: Copy of Policy 13 of the proposed Lincolnshire Structure Plan, November 2000
: Copy of Policy GEN1 of the South Holland District Council First Deposit Draft Local Plan to 2011, November 2001
: Copy of Appeal Notification Letter
: List of Conditions if Appeal were to be Allowed

PLAN A Appeal Site

Mr S Williams
Head of Planning and Development
South Holland District Council
Council Offices
Priory Road
Spalding, Lincs.

26 January 2004

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF:

APP/ A2525/1/03/1134947

GRID REF:

532327312879

APPEAL BY:

Mr & Mrs Stock

SITE:

Elmhurst, Dog Drove, Holbeach Drove, Lincs.

POSTCODE

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1. Do you agree to the written representations procedure?
(An exchange of written statements, which will be studied by the Inspector, prior to visiting the site).

☒ YES ☐ NO

if NO,

Do you wish to be heard by an Inspector at (a) a local inquiry? or

☐ YES ☐ NO

(b) a hearing?

☐ YES ☐ NO

Note: If the written procedure is agreed the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- 2a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

☒ YES ☐ NO

- b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

☐ YES ☒ NO

If the answer to 2b is YES please explain:

3. Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

Name

Mr S Thorn

Telephone no.

01775 761161

4. Does the appeal relate to an application for approval of reserved matters?

☐ YES ☒ NO

5. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?

☐ YES ☒ NO ☐ NA

6. Did you give publicity to the application? – Article 8 of the GDPO 1995 – Section 67/73 of the Planning (Listed Buildings & Conservation Areas) Act 1990 – Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990	☒ YES ☐ NO
7. Is the appeal site within an approved Green Belt or AONB? Please specify which	☐ YES ☒ NO
8. 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, please attach details.	☐ YES ☒ NO
9. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? If YES, please attach details and, where necessary, give our reference numbers.	☐ YES ☒ NO
b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.	☐ YES ☒ NO
10. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q12.)	☐ YES ☒ NO
11. Does the appeal relate to an application for conservation area consent?	☐ YES ☒ NO
12. a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?	☐ YES ☒ NO Grade I / II* / II ☐ ☐ ☐
b. Would the proposed development affect the setting of a listed building?	☐ YES ☒ NO
If the answer to question 12a 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 Q14.)	Date of listing
13. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	☐ YES ☐ NO
14. a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	☐ YES ☒ NO
b. If YES, was English Heritage consulted? Please attach a copy of any comments.	☐ YES ☐ NO
15. Is any part of the site subject to a Tree Preservation Order? If YES, please enclose a plan showing the extent of the Order and any relevant details.	☐ YES ☒ NO
16. a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of English Nature.	☐ YES ☒ NO
b. Are any protected species likely to be affected by the proposals? If YES, please give details.	☐ YES ☒ NO

17. Copies of the following documents must, if appropriate, be enclosed with this questionnaire: a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule. b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.	☐ YES ☒ NO Sch1 Sch2 col 1 ☐ ☐ ☐ YES ☒ NO ☐ YES ☒ NO				
d. 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 GDPO;	<table border="1"> <tr> <th>Number of Documents Enclosed</th> <th>N/A</th> </tr> <tr> <td>1</td> <td></td> </tr> </table>	Number of Documents Enclosed	N/A	1	
Number of Documents Enclosed	N/A				
1					
e. Any representations received as a result of an Article 7 (or Regulation 6) notice;	<table border="1"> <tr> <td></td> <td>✓</td> </tr> </table>		✓		
	✓				
f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;	<table border="1"> <tr> <td>1</td> <td></td> </tr> </table>	1			
1					
g. Any representations received as a result of a notice published under Article 8 and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);	<table border="1"> <tr> <td></td> <td>✓</td> </tr> </table>		✓		
	✓				
h. Details of any other applications or matters you are currently considering relating to the same site;	<table border="1"> <tr> <td></td> <td>✓</td> </tr> </table>		✓		
	✓				
i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan;	<table border="1"> <tr> <td>3</td> <td></td> </tr> </table>	3			
3					
j. Any supplementary planning guidance, together with its status, that you consider necessary;	<table border="1"> <tr> <td></td> <td>✓</td> </tr> </table>		✓		
	✓				
k. Any other relevant information or correspondence you consider we should be aware of;	<table border="1"> <tr> <td></td> <td>✓</td> </tr> </table>		✓		
	✓				
l. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.	<table border="1"> <tr> <td>Enclosed</td> <td>To be sent within 6 weeks from start date</td> </tr> <tr> <td>1</td> <td></td> </tr> </table>	Enclosed	To be sent within 6 weeks from start date	1	
Enclosed	To be sent within 6 weeks from start date				
1					

18. a. Please include: i) a copy of the letter in which you notified people of the appeal; ii) a list of the people you notified; and iii) the deadline you gave for their comments to be sent to us. b. Copies of the following documents must, if appropriate, be enclosed with the questionnaire. i) representations received from interested parties about the original application; ii) the planning officer's report to committee; iii) any relevant committee minute. 19. For appeals dealt with by written representations only Do you intend to send another statement about this appeal? If NO, please enclose the following information:- a. In non-determination cases: i) what the decision notice would have said; ii) how the relevant development plan policies relate to the issues of this appeal. b. In all cases: i) the relevant planning history; ii) any supplementary reasons for the decision on the application; iii) matters which you want the Inspector to note at the site visit. 20. The Mayor of London cases only a. Was it necessary to notify the Mayor of London about the application? If YES, please attach a copy of that notification. b. Did the Mayor of London issue a direction to refuse planning permission? If YES, please attach a copy of that direction.	19 Feb 2004 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Number of Documents Enclosed</td> <td style="width: 50%; text-align: center;">N/A</td> </tr> <tr> <td style="height: 30px;"></td> <td style="text-align: center;">✓</td> </tr> <tr> <td style="height: 30px;"></td> <td style="text-align: center;">✓</td> </tr> <tr> <td style="height: 30px;"></td> <td style="text-align: center;">✓</td> </tr> </table> ☒ YES ☐ NO ☐ YES ☐ NO ☐ YES ☐ NO	Number of Documents Enclosed	N/A		✓		✓		✓
Number of Documents Enclosed	N/A								
	✓								
	✓								
	✓								

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature on behalf of South Holland Council

Date sent to us and the appellant 26 January 2004

Please tell us of any changes to the information you have given on this form.

This document is printed on a recycled (UK) paper containing 100% post-consumer waste.

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TOWN AND COUNTRY PLANNING ACT 1990

WRITTEN REPRESENTATIONS PROCEDURE

APPEAL BY MR & MRS STOCK

PART ONE: DECISION NOTICE

Mr S Williams
Head of Planning and Development
South Holland District Council
Council Offices
Priory Road
Spalding, Lincs.

FILE COPY



2003-2004
Supporting the Rural Economy



Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Town and Country Planning Act 1990 Refusal of Planning Permission

Reference: H09/0592/03

Received: 27-MAY-03

Type: FULL

Name: Mr & Mrs Stock
Elmhurst
Dog Drove
Holbeach Drove
Spalding Lincs PE12 0FA

Agent: Richard J Diggle
194 Broad Gate
Weston Hills
Spalding
Lincs PE12 6DQ

Description: Conversion of existing single storey outbuilding to family annexe

Location : Elmhurst Dog Drove
Holbeach Drove

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

- 1 In the opinion of the Local Planning Authority, the proposal is tantamount to the creation of 2 self-contained dwellings in the open countryside with no physical link to the principal dwelling. Therefore, it is considered to be contrary to Policy 13 of the Lincolnshire Structure Plan and Policies H3 and H4 of the adopted South Holland District Local Plan. These indicate that new residential development should normally only be allowed in the open countryside under exceptional circumstances, for example, where there is an agricultural need. No special circumstances exist in this case. The proposal is therefore considered to be contrary to the objectives of these policies, which include the prevention of domestication of the countryside and general preservation of its character. The proposal would, if permitted, also encourage further applications of a similar nature which would then be hard to resist.
- 2 In the opinion of the Local Planning Authority the site would not represent a sustainable location for new housing development. The proposal is therefore contrary to Policy GEN1 of the First Deposit Draft of the South Holland District Local Plan. This is in accordance with advice within Planning Policy Guidance Note No.3 "Housing" and Planning Policy Guidance Note No.13 "Transport" which are geared towards concentrating new housing development within sustainable locations.
- 3 The application is contrary to Policy H4 (Conversion of Rural Buildings) of the adopted Local Plan as the Local Planning Authority has not been satisfied that every reasonable attempt has been made to secure an alternative business use for the building.



2003-2004
Supporting the Rural Economy



Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Note(s):

The determined plans are:

1:2500 location plan, 1:500 site plan and dwg nos. 374-01 and 374-02 received 9 May 2003.

Head of Planning & Development

19 SEP 2003

H09/0592/03

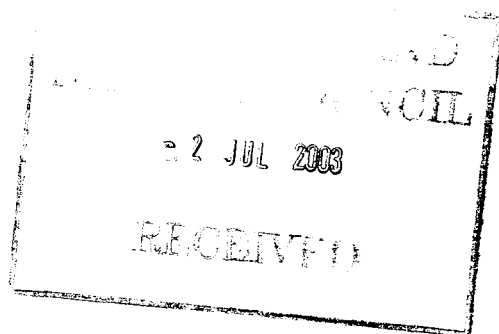
This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

TOWN AND COUNTRY PLANNING ACT 1990
WRITTEN REPRESENTATIONS PROCEDURE

APPEAL BY MR & MRS STOCK

PART TWO: BACKGROUND PAPERS

Mr S Williams
Head of Planning and Development
South Holland District Council
Council Offices
Priory Road
Spalding, Lincs.



Terry Huggins
Acting Chief Executive
Andrew Petcher
Acting Director of Customer Services
Bob Atkins
Director of Corporate Services

PARISH COUNCIL RESPONSE FORM

Application no: H09/0592/03 Applicant: Mr & Mrs Stock
Description: Conversion of existing single storey outbuilding to family annexe
Location: Elmhurst Dog Drove
Holbeach Drove

This Council -

- 1 Supports the application, or ☐
- 2 has no observations to make at this stage, or ☐
- 3 has some concerns about the application at this stage ☒
The reasons are:

*Require further information before
final decision*

**Do you want this application to be dealt with by the
Development Control Committee?**

No, if our concerns are satisfactorily resolved ☐

Yes ☐

Any other comments or information (Continue over if necessary)

Signed: *J. W. Langley*

Date: *28/6/03*

Clerk to Holbeach PC

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Telephone: (01775) 761161
Fax: (01775) 711253
Email: Info@sholland.gov.uk

PLANNING APPLICATION

Mr & Mrs Stock

is applying to the Council for planning permission for the following:

Reference No: H09/0592/03

Description: Conversion of existing single storey outbuilding to family annexe

Location: Elmhurst
Dog Drove
Holbeach Drove

You can inspect copies of the application, plans and any other documents submitted with it at Planning Reception, Council Offices, Priory Road, Spalding and also at Spalding Library.

They are available during normal opening hours for a period of 21 days from the date below. Please send any comments to me within that period quoting the above application reference number .

Head of Planning & Development

Date of Notice:

17th June 2003

S O U T H



H O L L A N D

DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

WRITTEN REPRESENTATIONS PROCEDURE

APPEAL BY MR & MRS STOCK

PART THREE: MISCELLANEOUS

Mr S Williams
Head of Planning and Development
South Holland District Council
Council Offices
Priory Road
Spalding, Lincs.

SOUTH HOLLAND DISTRICT LOCAL PLAN

**ADOPTED
OCTOBER 1998**



**S O U T H
H O L L A N D
DISTRICT COUNCIL**

facilities. In these settlements new housing development is principally seen as meeting local needs, but also in the recognition that there is sometimes a demand for housing in the more isolated locations and in recognition of the need to keep the local community 'alive'.

- 4.26 All these issues are reflected by the boundaries of development of the villages as shown on the proposals map.
- 4.27 In all cases, the District Council will need to be satisfied that proposals for new housing development in the villages respects the local character and is acceptable in terms of traffic movement and impact on the open countryside.

POLICY H2

WITHIN THE VILLAGES, AS DEFINED BY THE BOUNDARIES OF DEVELOPMENT SHOWN ON THE PROPOSALS MAP, NEW HOUSING DEVELOPMENT WILL BE PERMITTED PROVIDED THAT IT IS IN SCALE AND CHARACTER TO ITS SURROUNDINGS AND THE LEVELS OF TRAFFIC MOVEMENT AND INTRUSION INTO THE OPEN COUNTRYSIDE ARE ACCEPTABLE.

Implementation

The District Council will implement this policy through its formal planning procedures.

The implementation of this policy is principally concerned with achieving the following aim:-

- (6) *To maintain the viability of the smaller settlements.*

OPEN COUNTRYSIDE, NEW DWELLINGS, AGRICULTURAL DWELLINGS

- 4.28 New dwellings in the open countryside are only permitted in exceptional circumstances in connection with agriculture. This policy is concerned with protecting the countryside from development, minimising the loss of agricultural land, avoiding the higher than average costs of infrastructure and service provision and helping in the consolidation of new development in the towns and villages, in accordance with the plan's strategies.
- 4.29 Normally, rural workers in agriculture or horticulture will be housed within the existing settlements. However, there is sometimes an essential and proven need for workers to be housed on the holding. In such circumstances, planning permission may be granted for new housing in the open countryside, but with an appropriate occupancy condition

designed to ensure that any dwelling built to serve such a need continues to do so. Proposals for agricultural dwellings must be accompanied by independent expert evidence justifying the need for a dwelling in that location.

- 4.30 In determining such proposals a functional test will be applied in every case to establish whether it is essential for the proper functioning of the enterprise for a worker to be readily available at most times. Where appropriate, but including all proposals to set up a completely new farm business, a financial test will be applied to establish present and future financial soundness of the farming business.

POLICY H3

PROPOSALS FOR NEW DWELLINGS IN THE OPEN COUNTRYSIDE WILL BE PERMITTED WHERE THEY ARE REASONABLY NECESSARY FOR THE PROPER FUNCTIONING OF THE RELEVANT AGRICULTURAL ENTERPRISE.

Implementation

The District Council will implement this policy through its formal planning procedures.

The implementation of this policy is principally concerned with achieving the following aims:-

- (4) *To protect the countryside and minimise the loss of agricultural land.*
- (8) *To sustain the rural economy.*

OPEN COUNTRYSIDE. BARN CONVERSIONS, RURAL BUILDINGS INTO DWELLINGS.

- 4.31 Sometimes farm buildings in the open countryside are no longer required for their original use and owners may wish to seek new uses for them. The District Council is concerned that such structures, representing as they do a valuable resource, should not remain vacant or under-used or become derelict, detracting from the visual character of the countryside. In order to diversify the rural economy, preference will be given to the adaptation of vacant rural buildings to employment uses. This is because it is considered that residential use would have only a minimal economic impact on the rural economy. Applications for conversion to residential use, therefore, will be examined with particular care. The District Council considers the creation of local employment to be a priority in the rural areas of the district and for that reason they propose not to allow residential re-use of rural buildings unless they are satisfied the applicant has made every reasonable attempt to secure a suitable business re-use for the building or that the residential use would be ancillary to a scheme for business re-use. Where it would be ancillary to a business scheme, the District Council would

consider requiring the works necessary for the business enterprise to be completed before residential occupancy began. The District Council is mindful of the fact that residential conversions can often be detrimental to the fabric and character of historic buildings, but other policies in this plan afford special protection to listed buildings and apply to proposals for their alteration or adaptation to new uses. It is recognised, nevertheless, that, occasionally they can have a part to play in meeting identified needs for new market of affordable housing. Regard will also be had to the cumulative effect of residential conversions on the rural character of the countryside.

- 4.32 Proposals, which involve rebuilding, rather than conversion or adaption, will be regarded as new dwellings in the open countryside.

POLICY H4

PROPOSALS FOR THE CONVERSION OF RURAL BUILDINGS IN THE OPEN COUNTRYSIDE TO USE FOR RESIDENTIAL PURPOSES MAY EXCEPTIONALLY BE PERMITTED IN THE FOLLOWING CIRCUMSTANCES:

- 1 THE PROPOSED DEVELOPMENT SHALL NOT HAVE AN ADVERSE IMPACT ON LOCAL ECONOMIC ACTIVITY;**
- 2 CONVERSION WORKS SHALL NOT HARM THE FABRIC AND CHARACTER OF AN HISTORIC BUILDING;**
- 3 THE ORIGINAL BUILDING SHALL BE OF PERMANENT AND SUBSTANTIAL CONSTRUCTION AND BE CAPABLE OF CONVERSION WITHOUT EXTENSIVE ALTERATION, REBUILDING OR EXTENSION TO MAKE IT SUITABLE FOR RESIDENTIAL USE AND THE CHARACTER OF THE BUILDING SHALL BE RETAINED;**
- 4 THE LOCAL RURAL CHARACTER SHALL NOT BE ADVERSELY AFFECTED BY THE CREATION OF A RESIDENTIAL CURTILAGE;**
- 5 THE COUNCIL SHALL BE SATISFIED THAT EVERY REASONABLE ATTEMPT HAS BEEN MADE TO SECURE AN ALTERNATIVE BUSINESS USE OF THE ORIGINAL BUILDING, OR THAT THE RESIDENTIAL CONVERSION IS A SUBORDINATE PART OF A SCHEME FOR BUSINESS ENTERPRISE TO BE SUBSTANTIALLY COMPLETED BEFORE RESIDENTIAL OCCUPANCY MAY COMMENCE OR A PLANNING OBLIGATION MAY BE SOUGHT WHICH WOULD TIE THE OCCUPANCY OF THE DWELLING TO THE BUSINESS CONCERNED;**
- 6 THE CONVERSION TO RESIDENTIAL USE SHALL NOT RESULT IN A PROLIFERATION OF REPLACEMENT FARM BUILDINGS WHICH WOULD ADVERSELY AFFECT THE RURAL CHARACTER OF THE SURROUNDING AREA.**

Implementation

The District Council will implement this policy through its formal planning procedures.

The implementation of this policy is principally concerned with making the best use of resources in a way which:-

- (15) *Promotes the reuse of redundant buildings and the better use of underused buildings.*

OPEN COUNTRYSIDE, INFILL HOUSING

- 4.33 Historically, within the open countryside there are scattered ribbons or isolated pockets of dwellings which cannot be regarded as settlements. Within these areas, there may be small groups of houses where sensitive infilling of small gaps or minor extensions to the group, may be acceptable, although much may depend on the character of the surroundings and the number of such groups in the area.

POLICY H5

PROPOSALS FOR THE INFILLING OF SMALL GAPS IN SMALL GROUPS OF HOUSES OR FOR THE MINOR EXTENSION OF SUCH GROUPS IN THE OPEN COUNTRYSIDE MAY EXCEPTIONALLY BE PERMITTED PROVIDED THAT:

- 1 THE INFILL DEVELOPMENT DOES NOT CONSOLIDATE THE GROUP OF DWELLINGS SO AS TO MATERIALLY CHANGE THE CHARACTER OF THE GROUP OR THE SURROUNDING AREA;**
- 2 SET A PRECEDENT FOR FURTHER INFILL DEVELOPMENT THAT WOULD BE LIKELY MATERIALLY TO CHANGE THE CHARACTER OF THE AREA; AND**
- 3 THE EXISTING ADJACENT DWELLINGS ARE NOT THE SUBJECT OF AGRICULTURAL OCCUPANCY CONDITIONS OR OBLIGATIONS.**

Implementation

The District Council will implement this policy through its formal planning procedures.

The implementation of this policy is principally concerned with achieving the following aim:-

- (4) *To protect the countryside and minimise the loss of high quality agricultural land.*

LINCOLNSHIRE STRUCTURE PLAN

**POLICIES PROPOSED
FOR ADOPTION**

November 2000

Policy 11: Housing Provision at Settlements Not Defined as Towns

THE APPROPRIATENESS, SCALE AND LOCATION OF NEW RESIDENTIAL DEVELOPMENT AT ALL OTHER SETTLEMENTS NOT DEFINED AS TOWNS WILL BE DETERMINED IN LOCAL PLANS, TAKING INTO ACCOUNT:

- THE OVERALL HOUSING PROVISION IN THE DISTRICT
- THE SIZE AND CHARACTER OF THE SETTLEMENT AND THE LIKELY IMPACT OF NEW DEVELOPMENT ON ITS SURROUNDINGS
- THE SETTLEMENT'S LOCATION IN RELATION TO EMPLOYMENT OPPORTUNITIES AND THE NEED TO MINIMISE JOURNEYS TO WORK
- ACCESS TO, AND THE CAPACITY OF, THE HIGHWAY NETWORK AND PUBLIC TRANSPORT LINKS
- THE AVAILABILITY OF SERVICES AND COMMUNITY FACILITIES
- THE EXTENT OF DEVELOPMENT ALREADY COMMITTED BY GRANT OF PLANNING PERMISSION

(unmodified Deposit Draft Policy)

Policy 12: Ribbon and Scattered Development

PERMISSION WILL NOT BE GRANTED FOR HOUSING WHICH WOULD CREATE OR EXTEND RIBBON OR SCATTERED DEVELOPMENT

(unmodified Deposit Draft Policy)

Policy 13: Residential Development in the Open Countryside

NEW RESIDENTIAL DEVELOPMENT WILL NORMALLY ONLY BE PERMITTED IN THE OPEN COUNTRYSIDE WHERE THERE IS AN ESSENTIAL NEED TO HOUSE FARM OR FORESTRY WORKERS NEAR TO THEIR PLACE OF WORK

(unmodified Deposit Draft Policy)

Policy 14: Housing Site Range

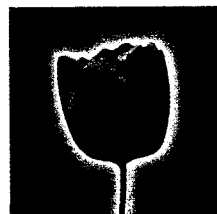
LOCAL PLANS SHOULD ALLOCATE A VARIETY OF SITES FOR RESIDENTIAL DEVELOPMENT THAT ENABLE THE PROVISION OF DIFFERENT SIZES AND TYPES OF DWELLINGS AND HOUSING SCHEMES

(unmodified Deposit Draft Policy)

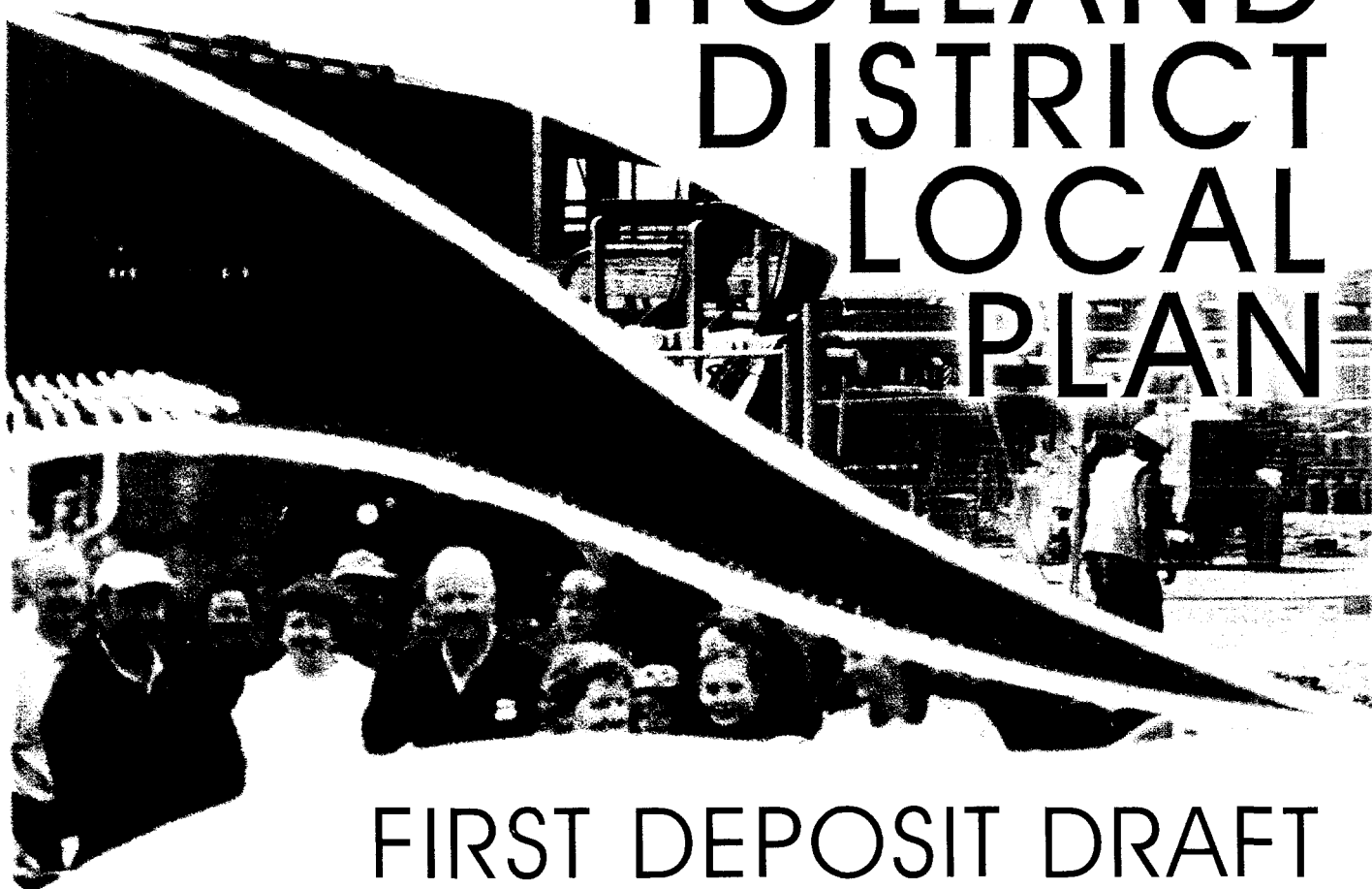
Policy 15: Rural Exception Schemes

PLANNING PERMISSION MAY EXCEPTIONALLY BE GRANTED FOR AFFORDABLE HOUSING ON LAND THAT WOULD NOT NORMALLY BE RELEASED FOR DEVELOPMENT PROVIDED THAT:

- THE SCHEME WOULD MEET A GENUINE LOCAL NEED THAT WOULD NOT OTHERWISE BE MET



SOUTH HOLLAND DISTRICT LOCAL PLAN



FIRST DEPOSIT DRAFT
NOVEMBER 2001

S O U T H



HOLLAND
DISTRICT COUNCIL

PROPOSALS FOR DEVELOPMENT

3.1 Generally speaking, 'development' or 'new development' means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

3.2 The quality of the environment in which we live is affected by the quality of design and construction of development. New development will be expected to make a positive contribution to the conservation and enhancement of its surroundings and thereby to play a significant part in sustaining and improving the quality of life for inhabitants, workers and visitors within our district.

3.3 Proposals for development are judged on their individual merits with reference to all of the policies contained within this local plan document. Policy GEN1 is intended to provide positive guidance to developers on the range of development criteria which we will use, as applicable to the individual proposals, in order to determine planning applications and restrict development where appropriate.

Policy GEN1

Proposals for development will take into account a broad range of assessment criteria in order to be acceptable in planning terms.

Throughout the District planning permission will be granted for development that:

1 is in keeping with the general character of the area in which it is situated through its style, layout, siting, design and materials

2 preserves or enhances conservation areas, preserves the setting of important buildings (including listed buildings and ancient monuments), and maintains prominent views

3 maintains the amenities of the other adjacent land users and residents, existing and future

4 safeguards or where possible enhances the amenity, nature conservation or landscape interests of the site and of the locality

5 in appropriate cases, offers a scheme of landscaping and tree planting in connection with full planning applications and applications for approval of reserved matters

6 does not cause pollution of the surrounding area by noise, light, toxic or offensive odour, airborne or waterborne (ground or surface) pollutants or by the release of waste products

7 is adequately served by a

choice of transport modes and provides safe and convenient access within the site for motor vehicles, cyclists, pedestrians, the less able-bodied and people with disabilities

8 provides parking and servicing arrangements appropriate for the development proposed

9 is acceptable in terms of traffic generation and road safety in the surrounding area

10 maintains the integrity and effectiveness of tidal and fluvial flood defences and flood protection measures

11 maintains or enhances the quality of the water environment in the surrounding area

12 has regard to the need to reduce the potential for crime and/or vandalism and to promote a secure and safe environment for users

13 does not prejudice the comprehensive development or redevelopment of an area

14 provides, as necessary, appropriate treatment of land to clean up pollution and contamination

15 does not result in a demand for water that cannot be adequately met without detriment to existing users and the water environment and demonstrates that every opportunity

has been taken to include water efficiency and conservation measures (including greywater use)

and is consistent with other plan policies.

Implementation

3.4 The implementation of this and other development control policies may involve us consulting with Lincolnshire County Council as the highway authority, public utility providers, conservation and heritage bodies, the Environmental Agency, the Health and Safety Executive, Internal Drainage Boards and other interested parties. We may also, through the granting of planning permission use planning conditions and legal agreements to require developers to provide open space, cycleways, affordable housing and other infrastructure considered necessary as part of the development.

3.5 We have prepared supplementary planning guidance to guide developers on the design and implementation of their schemes and particular attention is drawn to the Lincolnshire Design Guide. From time to time we may produce further supplementary planning guidance on the various issues raised by this and other policies.

3.6 The implementation of this policy is principally concerned with achieving the following objectives:

- *effective protection and*

enhancement of the environment

- *social, community and economic progress*
- *the prudent use of natural resources.*

GENERAL SUSTAINABLE DEVELOPMENT

3.7 Government advice reflects a commitment to sustainable development and makes it clear that environment should be considered throughout the development plan process. Development plans should, therefore, not just consider the familiar issues of landscape, nature conservation and the historic and built environment, but should also be concerned with environmental issues which are long term and irreversible, such as global warming and the consumption of non-renewable resources.

3.8 Policy GEN2 is a general sustainable development policy which reflects the District Council's commitment to these principles.

Policy GEN2

All proposals for development must take full account of the need to protect the environment so that present day demands do not compromise the ability of future generations to meet their own needs or enjoy a high quality environment.

All proposals for development must reflect the need to safeguard and improve the quality of life for residents, conserve energy resources and protect, and where possible enhance, South Holland's essential character and main environmental assets.

Implementation

3.9 We will implement this policy through our formal planning procedures.

3.10 The implementation of this policy is principally concerned with achieving the following objectives:

- *effective protection and enhancement of the environment*
- *the prudent use of natural resources.*

DEVELOPER CONTRIBUTIONS

3.11 It is quite proper for local planning authorities to seek the provision of, or contribution towards the provision of, community benefits deriving directly from development proposals in order to make them acceptable in land use terms. Developers must necessarily accept the financial consequences of their development.

3.12 Section 106 of the Town and Country Planning Act 1990 (as amended) enables local planning authorities to enter into legal agreements, sometimes called



2003-2004
Supporting the Rural Economy



Council Offices
Priory Road
Spalding
Lincolnshire. PE11 2XE

Tel: 01775 761161
Fax: 01775 710772
www.sholland.gov.uk

COPY

Date: 22 January 2004

**TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE) (ENGLAND) REGULATIONS 2000**

Appeal By: **Mr & Mrs Stock**
Application No: **H09/0592/03**
DoE Appeal Reference: **APP/A2525/A/03/1134947**

An appeal has been made to The First Secretary of State against the decision of South Holland District Council to refuse planning permission for:

Conversion of existing single-storey outbuilding to family annexe at Elmhurst, Dog Drove, Holbeach Drove, Spalding, Lincs.

This is the subject of an appeal which was received on **12 December 2003**.

The appeal will be determined by an Inspector appointed by The First Secretary of State on the basis of **Written Statements** submitted by the appellant and the Council, and following a site visit by an Inspector. It is open to the Secretary of State to grant planning permission.

Any written 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.

3 copies of any further representations or elaboration or modification of earlier views should be sent directly to **The Planning Inspectorate at 3/03 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN**, quoting the above appeal reference number, *and must be forward to the Planning Inspectorate before 19 February 2004. (Any representations received after this date will not normally be seen by the Inspector and will be returned).*

The Planning Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeal.

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.

A copy of the Planning Inspectorate's booklet 'Guide to taking part in planning appeals' can be obtained from this department free of charge.

The Planning Inspectorate will circulate the decision on the appeal only to those who write specifically requesting a copy.

Mr S Williams
Head of Planning and Development

Notification Letter Sent To:

Mrs Harrington
Clerk to Holbeach Parish Council
Parish Council Office
Coubro Chambers
11 West End
Holbeach
Lincs
PE12 7LP

Cllr G A Porter – Ward Member
Willowdale
Dowsdale Bank
Shepeau Stow
Whaplode Drove
Spalding
Lincs. PE12 0UA

List of Conditions if Appeal were to be Allowed:

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 91 of the Town and Country Planning Act 1990.

2. The conversion of the outbuilding shall be used and occupied as ancillary accommodation in conjunction with the existing dwelling currently known as "Elmhurst". It shall not be used as a separate unit of living accommodation.

Reason: Use of the building as an independent dwelling would:

a) be contrary to South Holland District Local Plan Policy H3, which indicates that new residential development should only be permitted in the open countryside where there is an essential agricultural need.

b) Constitute a sub-standard unit of living accommodation in terms of shared amenities with "The Willows".

This Condition is imposed in accordance with Policy E1 of the adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality.

3. Before the development hereby permitted is commenced samples of the materials to be used for the external roof shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development harmonises with existing buildings in the area.

This Condition is imposed in accordance with Policy E1 of the adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality.

TOWN AND COUNTRY PLANNING ACT 1990
WRITTEN REPRESENTATIONS PROCEDURE

APPEAL BY MR & MRS STOCK

PLAN 'A'

APPEAL SITE

Mr S Williams
Head of Planning and Development
South Holland District Council
Council Offices
Priory Road
Spalding, Lincs.

**South Holland
District Council
Planning & Development**

Appeal by

Mr & Mrs Stock

 Appeal Site

 Land also in ownership

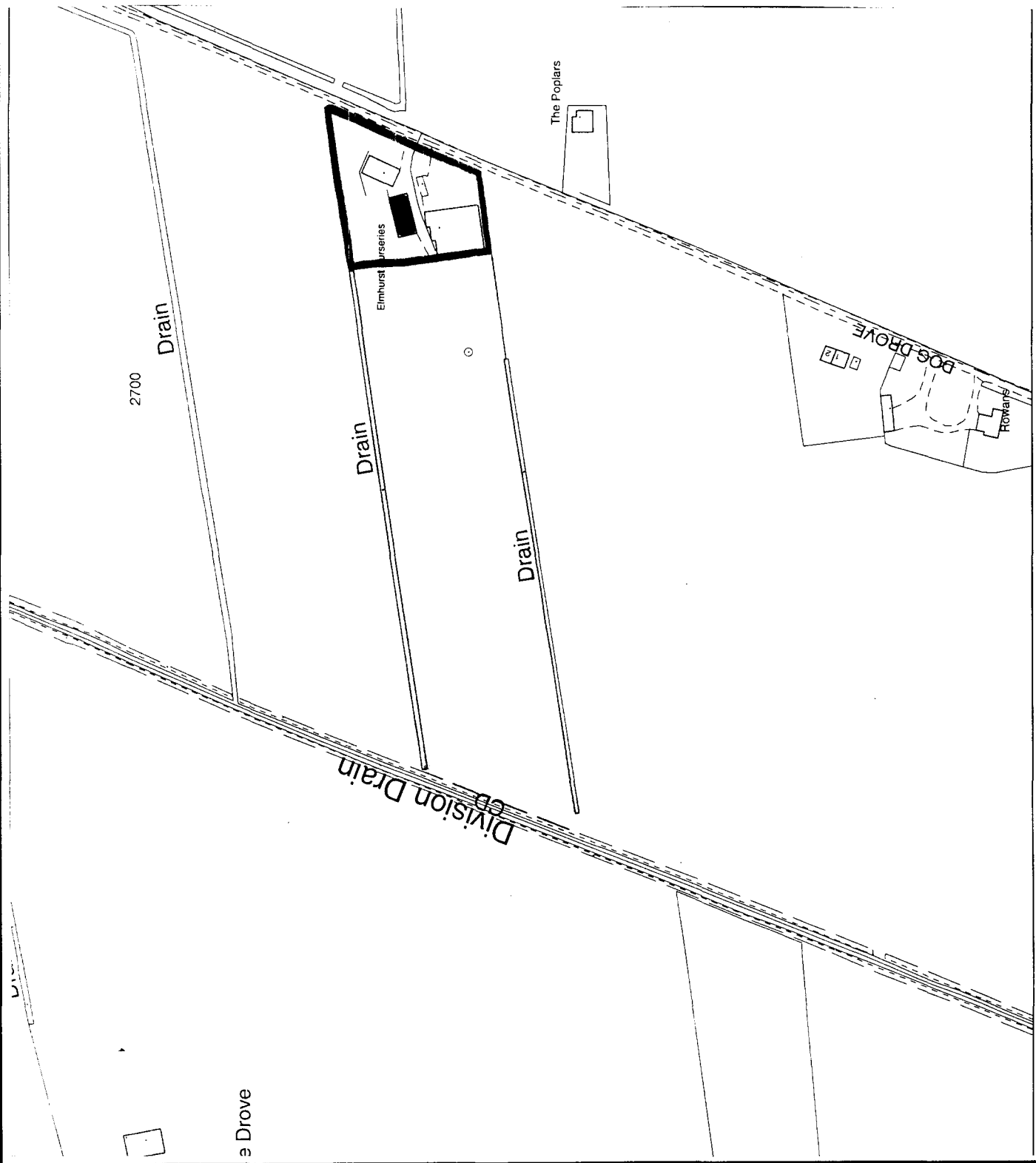
**Steve Williams
Head of Planning &
Development
Council Offices,
Priory Road, Spalding, Lincs
PE11 2XE**

Scale: 1:2500

**Date: Jan
2004**

Plan 'A'

North ↑



The Planning Inspectorate

Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

For official use only
Date Received

PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

Please print clearly in capitals using black ink

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name MR & MRS M. S. TUCK

Address ELMHURST 53, DEC DRIVE NORTH Daytime phone no 01406 370337
HOLBEACH DRIVE, SPALDING, Lincs Fax no 01406 370337

Postcode PE12 0SA E-mail address kmsing@supanet.com

B. AGENT DETAILS FOR THE APPEAL (if any)

Name N/A

Address _____ Your reference _____

Daytime phone no _____

Fax no _____

Postcode _____ E-mail address _____

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA SCOTCH HOLLAND DISTRICT COUNCIL

LPA's application reference no. H07/0592/03

Date of the planning application 27/MAY/03

Date of LPA's decision notice (if issued) 19/JUN/03

D. APPEAL SITE ADDRESS

D

Address

EAST 53 DOG DRIVE NORTH

HERBEACH DRIVE

SPALDING

LINES

Postcode

FE12 0SA

Note: Failure to provide the full postcode may delay the processing of your appeal.

Is the appeal site within a Green Belt?

YES ☐

NO ☒

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site (in hectares)

2.70

Area of floor space of proposed development (in square metres)

138

Has the description of the development changed from that stated on the application form?

YES ☐

NO ☒

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **one** box only



1. Refuse planning permission for the development described on the application form or in Section E. ☒
2. Grant planning permission for the development subject to conditions to which you object. ☐
3. Refuse approval of the matters reserved under an outline planning permission. ☐
4. Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or

6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐

G. CHOICE OF PROCEDURE

G

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views

Please tick ✓

1. WRITTEN REPRESENTATIONS



This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- a). If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

YES



NO



- b). Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

YES



NO



If the answer to 1b is 'yes' please explain

2(a). HEARINGS



This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

(b) INQUIRIES



This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are needed for appeals that:

- are complex and unduly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

H

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help

Please continue on a separate sheet if necessary.

PLEASE SEE ATTACHED

H. GROUNDS OF APPEAL (continued)

H



I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**

Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick **one** box only



CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served

CERTIFICATES C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenants name'.**

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:



OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:



Tenant's name	Address at which the notice was served	Date the notice was served

J. ESSENTIAL SUPPORTING DOCUMENTS

J

The documents listed in 1-6 below, must be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

1. A copy of the original **planning application** sent to the LPA. ☒
2. A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form). ☒
3. A copy of the **LPA's decision notice** (if issued). ☒
4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). ☒
5. A list (stating drawing numbers) and copies of all **plans, drawings and documents** sent to the LPA as part of the application. ☒
6. A list (stating drawing numbers) and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). ☒

Copies of the following must also be sent, if appropriate:

7. **Additional plans, drawings or documents** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: ☐

Additional plans, drawings or documents 112 113 114
Location Map A24 2. Planning Inspectorate Letter A24 3

8. Any relevant **correspondence** with the LPA. ☒
9. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
 - (a) the relevant outline application;
 - (b) all plans sent at outline application stage;
 - (c) the original outline planning permission.
10. If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. ☐
11. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐
12. If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. ☐

PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

K

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).
2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

(on behalf of)

Name (in capitals)

M. J. STOCK M. A. STOCK

Date

25/12/03

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

- **1 COPY to us at:**

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

- **1 COPY to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.

When we receive your appeal form, we will:
1) Tell you if it is valid and who is dealing with it.
2) Tell you and the LPA the procedure for your appeal.
3) Tell you the timetable for sending further information or representations.

- 4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728600
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-8600

Mr S Thorn (Planning Department)
S Holland District Council
Council Offices
Priory Road
Spalding
Lines,
PE11 2XE

Your Ref: H09/0592/03
Our Ref: APP/A2525/A/03/1134947
Date: 29 April 2004

Dear Sir

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS M STOCK
SITE AT "ELMHURST", 58 DOG DROVE NORTH, HOLBEACH SPALDING, LINCOLNSHIRE,
PE12 0SA**

I enclose a copy of our Inspector's decision on the above appeal.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully


Mr Rob Nash

COVERDL1

26 APR 2004