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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H09-0679-23 **Date of Decision:** 12th September 2023
Applicant: Ms K Bentley
Holland Lodge
Little Dog Drove
Holbeach St Johns
Spalding
PE12 8RR
Location: Holland Lodge Little Dog Drove Holbeach St Johns Spalding
Description: Change of use of part of paddock and building to landscaping business storage

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

- 1 Policy 1 of the South East Lincolnshire Local Plan, 2019 states that 'in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits'.

The site lies outside of any defined settlement boundaries as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP) and does not demonstrate that it meets the sustainable development needs of the area. The development is therefore not justified or sustainable and should be refused on these grounds.

- 2 Paragraph 130 of the National Planning Policy Framework, 2023 (NPPF) establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework 2023, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The new features are not common for the area, it will impact the area and locality and have visual impact and therefore is inappropriate to the local area and fails to maximise any opportunity to improve the character or quality of the area. It can therefore be considered that the proposal conflicts with Policies 2 and 3 of the SELLP and Section 12 of the NPPF, in terms of visual impact.

- 3 Policy 2 of South East Lincolnshire Local Plan, 2019 states that 'Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to - impact upon neighbouring land uses by reasons of noise and odour'. Policy 3 of the South East Lincolnshire Local Plan, 2019 (SELLP) states that development proposals will demonstrate how an acceptable design of development including residential amenity will be secured. Policy 30 states a similar thing 'Development proposals will not be permitted where they would lead to unacceptable adverse impacts upon health and safety of the public & the amenities of the area by way of air quality (including fumes and odour) and noise (including vibration)'. Paragraph 130 of the National Planning Policy Framework, 2023 (NPPF) states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, are sympathetic to local character and create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The application states that the machines will only be operated during the hours of 09:00-17:00 whilst log splitting would not be carried out more than 3 times a week and no more than 5 bonfires will take place in a year. However, it cannot be considered that these figures are accurate and they have the potential to significantly increase and therefore impact neighbouring properties by way of noise and odour. Accordingly, the proposal would be contrary to Policies 2, 3 & 30 of the South East Lincolnshire Local Plan, 2019 (SELLP) and the guidance within the National Planning Policy Framework, 2023 (NPPF) and is therefore refused.

- 4 Policy 7 of the South East Lincolnshire Local Plan, 2019 dictates the location of commercial development of all scales. The development of new employment opportunities is supported where they can meet the seven criteria laid out within the policy.

The proposal directly conflicts with five of the seven criteria outlined with Policy 7 of the South East Lincolnshire Local Plan, 2019, therefore the principle of the development is not considered acceptable.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance,

planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

The determined plans are:

Application Form

4172-23 01

4172-23 02

Justification Statement



Phil Norman
Head of Planning
South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning-inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR the **timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.