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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H09-0885-23	Date of Decision:	18th January 2024
Applicant:	Mr M Clayton Park View Station Road Sutterton Boston PE20 2JH		
Location:	Land Adj. To Longlands Washway Road Holbeach Spalding		
Description:	Erection of fence with metal gates and siting of trailer and lean-to (retrospective)		

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

- 1 The metal gates, Heras and wooden fencing, lean-to and trailer, introduce inappropriate and urbanising features into the countryside, adversely affecting the rural landscape character of the area and its setting, resulting in visual harm to the countryside. In addition, no economic, community or environmental evidence has been submitted to justify that the proposal is necessary to the agricultural (horticultural) business in this location. As such the proposal is contrary to Policy 1 of the South East Lincolnshire Local Plan, 2019 which states that proposals within the countryside will be permitted where they are necessary to such a location and where it can be demonstrated that the sustainable development needs of the area in terms of economic, community or environmental benefits have been met.
- 2 The proposals due to their size, height, scale, colour, materials, siting and design quality, are overly dominant, out of keeping and discordant within the immediate locality, significantly detracting from the rural and open landscape setting, adversely affecting and compromising the character of the area resulting in visual intrusion. As such the proposals

are contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework (December 2023) which require developments meet sustainable development standards in terms of size, scale, impact on character and appearance of the area, sit comfortably and add positively to historically designated landscape surroundings, not result in visual intrusion, and achieve well designed and beautiful places which are visually attractive.

- 3 The proposals fail to include information or mitigation in relation to biodiversity net gain which is contrary to Policy 28 of the South East Lincolnshire Local Plan, 2019 which seeks to assess proposals directly or indirectly affecting biodiversity assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats and promoting biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserving or enhancing habitat to adapt to climate change.

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
Site Location Plan
Block Plan with Dimensions
Photographs



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.