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 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-8927

ACTION
Attention of
Please Reply
Copy to
File Ref

Mr A Rulewski
36 Boston Road
Holbeach
SPALDING
Lincolnshire
PE12 7LX

Your Ref:
-
Our Ref:
T/APP/A2525/A/95/250020/P5

Date: 9 AUG 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: HO9/0903/94

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal against the failure of the South Holland District Council to give within the prescribed period notice of their decision in respect of an application for planning permission for the formation of a vehicular access to Pearl Court, on land in the vicinity of 36 Boston Road, Holbeach. I have considered the written representations made by you and by the Council, and also those made by interested persons. I inspected the site and its surroundings on 10 July 1995.

2. Following the submission of the appeal the Council resolved that, had it been in a position to determine the application, it would have refused planning permission because the development would give rise to conditions detrimental to highway safety and it would have an adverse effect on the amenities attaching to the dwellings in Pearl Court.

3. From the representations made and my site inspection, I consider that the main issues are: firstly the effect of the proposed development on local traffic conditions and highway safety; and secondly, whether the scheme would harm the residential character and living conditions enjoyed by residents of the adjoining Pearl Court dwellings.

4. Neither you nor the Council have referred to any development plan policies as being relevant to the proposal. Since the appeal site is within an established residential area within the settlement there appears to be no strategic objection to the development. I therefore determine the application on its merits.

5. The appeal site comprises a private road serving four bungalows which appear from your evidence to be have been built in the late 1950's. The road is about 110m long and 4m wide and has a gravelled surface. It joins Boston Road at a point opposite Boston Tractors. Boston Road is classified as the B1168 and forms an important radial link into the town from the A17. In the vicinity of the appeal site the road is subject to a 30mph speed limit.

6. Boundary walls to the left and right obscure visibility for drivers of vehicles exiting the roadway onto Boston Road. At a point 2m back from the carriageway edge visibility towards oncoming traffic to the right is about 20m, and to the left about 30m. This is

100%
RECYCLED PAPER

seriously short of the standards set out in Planning Policy Guidance Note 13 requir[illegible] visibility of 90m to each side. In correspondence with the Council you point out that [illegible] proximity of the junction to that of Pearl Close leads to confusion when vehicles slow down and signal to enter the private road. You also state that there have been a number of near misses and a personal injury accident since the building of Pearl Court in the late 1980's. In my opinion, these circumstances, and the proximity of the Boston Tractors' access, are such that use of Pearl Court as an alternative access, would reduce the number of turning places and thereby benefit highway safety on Boston Road. The closure of the existing sub-standard access road to vehicular traffic could be secured by means of a condition. Subject to this, I conclude that the proposal would positively assist the free and safe flow of traffic in the area.

7. The Council and residents of Pearl Court are concerned that the formation of an alternative vehicular link from the eastern end of the private road into the turning head at the end of Pearl Court would create hazards for vehicles manoeuvring into the parking spaces flanking the head of the cul-de-sac. However, the County Council as local highway authority has no objection and its Development Road Layout Guide (1990) anticipates that a cul-de-sac like Pearl Court can normally serve up to 50 dwellings. Since the Pearl Court development has some 18 dwellings the road has considerable spare capacity in highway terms.

8. The submitted details show that the first 2.75m of the road link and associated footway would be paved in block paviours. The appearance of these could be controlled by condition so that they match those existing in the cul-de-sac. They would help to denote and alert drivers to the presence of the parking and pedestrian area and prevent the ingress of dust and gravel from the private road into the court. I am satisfied that the modest volume and slow speed of traffic from the four bungalows would not cause material harm to vehicular and pedestrian safety in Pearl Court.

9. Turning to the second main issue, it is clear that the court is an attractive and self-contained residential development comprising a mixture of flats, houses and bungalows constructed and landscaped to a high standard during the last five years or so. The removal of a section of fencing at the end of one of two turning heads, the loss of a tree and shrubs, and the introduction of a modest increase in traffic, would lead to some change in the established character and appearance of the court. However, the four bungalows are not unattractive and are spaced at a lower density than the court dwellings. In my judgement the altered appearance, and the additional activity apparent to existing occupiers, would not cause a significant change in the character of the court such that planning permission should be withheld.

10. In reaching my conclusions I have also considered the objections which some house holders of the private road have made concerning the closure of the private road. The submitted plans show the erection of fences and gates and the landscaping of the existing driveway in the vicinity of No 36. However, the condition necessary to ensure the closure of the road to through vehicular traffic need not prevent its use as a footpath link, even if the land was fenced and gated as shown on the submitted plan. In such circumstances the continued use of the private road is a matter between those with rights over it.

11. I have also considered the Council's suggested alternative of a new link between the road and Pearl Court at a point nearer Boston Road. There is no highways objection to such a suggestion, but the land appears not to lie within the public highway and to be privately owned by the nearest occupier. Such a link would require partial demolition of a wall and excavation of a planted bank; it is not clear whether the owner would welcome or be agreeable to such action.

12. I have considered all of the other matters raised but they do not seem to me to be sufficient to outweigh the considerations that have led me to my decision.

13. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the formation of a vehicular access to Pearl Court, on land in the vicinity of 36 Boston Road, Holbeach in accordance with the terms of the application (No HO9/0903/94) dated 19 September 1995 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. development shall not begin until the following have been submitted to and approved by the local planning authority:

(a) full details of the sealing off of the existing access;

(b) details, including the colour, of the block paviours to be used in accordance with the approved plans;

3. use of the permitted access shall not commence until the existing access between the site and Boston Road has been permanently stopped up in accordance with the approved details.

14. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

15. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

Philip A. Goodman

PHILIP A GOODMAN BA(HONS) DMS MRTPI MIMgt
Inspector

Sp Sucs

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 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-8927

ACTION
Attention of.....
Discuss with.....
Copy to.....
File Ref.....

Mr A Rulewski
36 Boston Road
Holbeach
SPALDING
Lincolnshire
PE12 7LX

Your Ref:
-
Our Ref:
T/APP/A2525/A/95/250020/P5

Date: 9 AUG 1995

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Yours faithfully

Philip A. Goodman

PHILIP A GOODMAN BA(HONS) DMS MRTPI MIMgt
Inspector

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LPA Ref: H09/0903/94

DOE Ref: APP/A2525/A/95/250020

TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY MR A RULEWSKI

PART TWO: BACKGROUND PAPERS

B Smith
Director of Planning and
Building Control Services
South Holland District Council
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 H09/0903/94

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		

2. Address or location

36 Boston Road Horbeach

3. Name, classification and number of road

II

4. Date application referred 6-10-94

5. State whether outline, detailed application etc.

Full.

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

Road Link to Poore Court.

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: 10-10-94. Signed: [signature]
Director of Highways and Planning

CONDITIONS:—

Delete as appropriate

(i) For applications where items are to be reserved for subsequent approval in consultation with the Director of Highways and Planning

(ii) For other applications

(1) The access shall be constructed as shown on the submitted details and shall be completed to the satisfaction of the L.P.A not later than 2 months from their commencement.

2) B20. - - - - - Boston Road.

Delete as appropriate

(i) REASONS FOR a, b, or c overleaf

(ii) COMMENTS FOR FORM T.R. 108 para 10b

(1) BC

(2) B1.

Note/ the applicant should contact the Highways Surveyor, Tel Spalding 769091 before commencing work on site.

Note:— use continuation sheet(s) as necessary.

Form No. H/A/3J

Lincolnshire

DEPARTMENT OF HIGHWAYS AND PLANNING

To J. Blacklock SHDC. Planning Reference H09/0903/94

The following are my observations upon the enquiry under the reference quoted above:—

With regard to your Committee's comments regarding this site I would inform you that I am unable to support a reason for refusal.

The access is onto the end of a turning head (like many more such accesses in the area) I do not consider that vehicles emerging from the private drive would conflict with users of the parking spaces. Such a ~~reason~~ reason for refusal could not I consider be defended on appeal.

Date 21/12/94

Signed C Briggs

Director of Highways and Planning

pp

COUNTY OFFICES
NEWLAND · LINCOLN

LINCOLNSHIRE COUNTY COUNCIL

HIGHWAYS & PLANNING DEPARTMENT

4th Floor, City Hall, Beaumont Fee, Lincoln LN1 1DN
Telephone (01522) 552222 Fax (01522) 553149

Your Ref: JB/JJ H09/0903/94
My Ref: CB/Plan11

Director: J. Emmerson BSc MSc PhD CEng FICE

Principal Planning Officer
Development Control
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

For further information contact

Mr C Briggs

Telephone

Lincoln (0522) 553127

24th February 1995

Dear Sir

VEHICULAR ACCESS - 36 BOSTON ROAD, HOLBEACH

I refer to your letters of 8th and 14th February regarding this current planning application and the subsequent site meeting held on 23rd February between Councillors Tyler, Capes and Venni, your Mr J Blacklock and my assistant Mr Briggs.

I confirm, as agreed at the site meeting, that there are no justifiable highway reasons for refusing this application although I do appreciate your members concerns over the loss of privacy for the residents.

Yours faithfully

C Briggs

Director of Highways and Planning

Printed on Recycled Paper

20th MARCH 1995 PLANNING SUB-COMMITTEE PLANNING APPLICATIONS POST COMMITTEE INSTRUCTIONS

Application Number/ Applicant	Case Offr	Instructions/ Decision
H09/0903/94 A Rulewski	JB	Mindful to Refuse - Non-Det Appeal Received. Appeal statement to contain the following: 1. Not happy with alignment of junction between existing lane and Pearl Court. 2. Conflict between the alignment of junction and approved car parking spaces. 3. Amenity of residents of Pearl Court effected due to additional vehicle traffic and dust from unsurfaced road. 4. Access to Pearl Court would adversely effect the visual amenity of Pearl Court and would spoil the concept of Pearl Court which was designed as an individual entity. Research why it was necessary for fence at Pearl Court and whether breaching fence would negate condition. Alternative access closer to Boston Junction would be more appropriate.
H09/0017/95 Fenbank Builders	DMG	Deferred for further discussions with applicant/agent due to concern that if permitted would create precedent for uniform development along frontage. Request sketch showing proposal for adjoining plots as shown on site location plan accompanying planning application.
PO Report 8 Amenity Area, Vikings Way Spalding	Admin	Original plan should be adhered to.

21 March 1995

Signed: R. J. Smith

R J Smith
Deputy Director of Planning
& Building Control Services

PLANS SUB-COMMITTEE - 20th March 1995

159. APPLICATION PREVIOUSLY THE SUBJECT OF A SITE INSPECTION

Prior to the consideration of the undermentioned application, the Deputy Director of Planning and Building Control Services reported that the applicants had now appealed against the Council's failure to make a decision and a Government Inspector would now determine the application within the statutory period. The Sub-Committee's views on this application were therefore sought in order to prepare for the appeal:-

Plan No. and Applicant	Proposal
H09/0903/94 A Rulewski	Proposed vehicular access at 36 Boston Road, Holbeach.

RESOLVED: That it be recorded that the Sub-Committee is dissatisfied with the advice of the local highway authority and would challenge it if it was to determine the application and is of the opinion that the proposed development should be refused planning permission on highway and loss of amenity grounds.

160. AMENITY AREA, VIKINGS WAY, SPALDING

The Director of Administration reported that at the meeting of the Planning Committee on 7th March, 1995 (Minute 149/95 refers) it had been reported that the Leisure Services Committee had considered a report detailing an encroachment onto the above-mentioned amenity area by a resident of Vikings Way, Spalding. The Leisure Services Committee had resolved not to raise any objections to the whole of the amenity area being incorporated into the adjoining garden(s) and had referred the matter to the Planning Committee for approval to this proposed change to the approved layout of the estate. The Planning Committee had referred the matter to the Sub-Committee for determination following a site inspection to assess the effect of the change to the approved layout of the estate if the amenity area was incorporated into the adjoining garden(s). Having inspected the site the Sub-Committee was satisfied that the amenity area had been properly designated when planning permission had been granted and improved the entrance to the estate and, as there were no changes in circumstances from a planning point of view to warrant a change it was

RESOLVED: That the proposed change to the approved layout of the estate at Vikings Way, Spalding to enable the amenity area to be incorporated into the adjoining garden(s) be not agreed.

(End of Minutes)

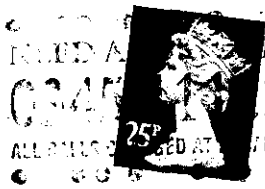
TO MR [redacted] BLACKWOOD

RE PEARL COURT HOLBEACH

First Class.

FROM NEW CASES

SPALDING
5
24 FEB
1995
LINCS



Mrs. E.J. Goodley,
35, Crown Colony,
Sluice Road,
SARACENS HEAD
Spalding,
Lincs.

S.H.D.C. PLANNING DEPT.
RECEIVED
28 FEB 1995
51

OWNERS OF
NO 38 BOSTON ROAD
BUNGALOW NEXT TO
A. RULEWSKI

Calthrops

Solicitors and Commissioners for Oaths

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Kevin Pallister LL.B. (Hons)
James A. Sutton LL.B. (Hons)
~~Consultant~~
~~Ernest Waters~~

Tel: (0406) 22621
Fax: (0406) 25095
DX 29521 Holbeach

Closed 1pm-2pm

61 High Street
Holbeach
Lincs
PE12 7EA

Extract from Conveyance when you purchased plus plan referred to.

With compliments

Regulated by the Law Society in the conduct of investment business

1. In pursuance of the said agreement and in consideration of the sum of twenty nine thousand pounds paid by the Purchasers to the Vendor (the receipt whereof the Vendor hereby acknowledges) the Vendor as Personal Representative of the said Mary Adelaide Hook deceased HEREBY CONVEYS unto the Purchasers ALL THAT plot piece or parcel of land situate off Boston Road Holbeach in Lincolnshire bounded on or towards the north by the roadway hereinafter mentioned (to which it has a frontage of sixty four feet) and with the other abuttals thereof is by way of identification only delineated on the plan annexed to a Conveyance (hereinafter called "the said Conveyance") dated the seventh day of January One thousand nine hundred and fifty nine and made between Alfons Rulewski of the one part and Eric Martin and Margaret Winifred Martin of the other part and thereon coloured pink TOGETHER with the bungalow and premises erected thereon or on some part thereof and known as Number 38 Boston Road Holbeach aforesaid TOGETHER ALSO with full right and liberty for the Purchasers and their successors in title owner or owners for the time being of the property hereby conveyed and all persons authorised by them in common with all other persons entitled to a like right (a) from time to time and at all times hereafter and for all purposes to pass and repass with or without carriages motor cars and other vehicles over and along the roadway and footpath coloured green on the plan annexed to the said Conveyance into and out of the property

hereby conveyed to and from Boston Road Holbeach aforesaid and (b) to lay maintain and use sewers drains gas water and electricity pipes under the said roadway and footpath to and from Boston Road aforesaid into and out of the property hereby conveyed TO HOLD the same unto the Purchasers in fee simple as beneficial joint tenants SUBJECT TO the covenants contained in the said Conveyance so far as the same affect the property hereby conveyed and are still subsisting and capable of being enforced

2. The Purchasers hereby declare that the trustees for the time being of this Deed shall have full power to mortgage charge lease or otherwise dispose of all or any part of the said property with all the powers in that behalf of an absolute owner

3. The Purchasers (with the object of affording to the Vendor a full indemnity in respect of any breach of any of the said covenants but not further or otherwise) hereby jointly and severally covenant with the Vendor that the Purchasers and the persons deriving title under them will at all times hereafter perform and observe the said covenants and keep the Vendor and her estate and effects and the estate and effects of the said Mary Adelaide Hook indemnified against all actions claims and liability in respect of any future breach thereof so far as

COUNTY OFFICES
NEWLAND · LINCOLN

LINCOLNSHIRE COUNTY COUNCIL

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Your Ref: JB/JJ H09/0903/94
My Ref: CB/Plan11

Director: J. Emmerson BSc MSc PhD CEng FICE

Principal Planning Officer
Development Control
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

For further information contact
Mr C Briggs
Telephone
Lincoln (0522) 553127

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Yours faithfully

Director of Highways and Planning

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36 Boston Road,
Holbeach,
Spalding,
Lincolnshire.
PE12 7LX.

Reference: H09/0903/94

Mr J. Blacklock,
Planning & Building
Control Department,
Council Offices,
Priory Road,
Spalding,
Lincolnshire.
PE11 2XE.

10th February 1995.

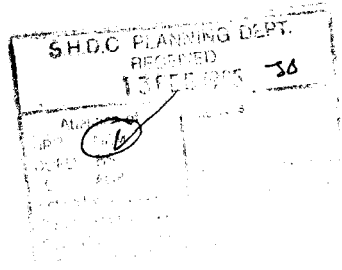
Dear Mr Blacklock,

Further to your letter dated 8th February we note that the matter has been deferred, taking all the factors into account we feel that we should inform you that we intend to appeal to the Secretary of State on the grounds of non determination,

Yours faithfully,

A. Rulewski

ALFONS RULEWSKI.



6th FEBRUARY 1995 PLANNING SUB-COMMITTEE PLANNING APPLICATIONS POST COMMITTEE INSTRUCTIONS

Application Number/ Applicant	Case Offr	Instructions/ Decision
H09/0903/94 Mr A Rulewski	JB	Deferred for future sub cttee meeting. Letter to Lincs County Council expressing Council Members disappointment at outcome of previous consultations and advising that a District Officer, accompanied by the Ward Members, wish to hold an on site meeting with an appropriate officer from Lincs County Council to give further considerations to the Sub Committee's concerns.
H06/1031/94 F H Gilman & Co	JB	Refused contrary to recommendation. Reasons as per standard policy refusal but amended to reflect particular circumstances of applicatiion as not being considered sufficient to override normal policy.

7 Feb 95

Signed: R J Smith

R Smith
Deputy Director of Planning
& Building Control Services

70. APPLICATION PREVIOUSLY THE SUBJECT OF A SITE INSPECTION

RESOLVED: Consideration of the undermentioned application be deferred for further discussions with the Lincolnshire County Council, as highways authority, including, if possible, a site meeting between District Council ward members and Officers and a representative of the highways authority.

Plan No. and Applicant	Proposal
H09/0903/94 Mr A Rulewski	Vehicular access at 36 Boston Road, Holbeach.

(Councillor Mrs E O Hall-Patch asked that it be recorded that she had abstained from voting on the above application as she had been unable to attend the site inspection.)

(O.A. denotes outline application.)

(End of Minutes)

42 Boston Road
HOLBEACH
Nr Spalding
Lincolnshire
PE12 7LX

Planning & Building
Council Offices
Priory Road
SPALDING
Lincolnshire PE11 2XE

Re Application No:H09/0903/94
DoE Appeal Reference:APP/A2525/A/95/250020
Proposed vehiclar access at 36 Boston Road Holbeach.

ACTION
Attention of DSH
Discuss with
Copy to
File Ref
Comments

22 August 1995

Dear Sir

We would like to make it clear to you that we have written to Mr Rulewski through our solicitor's Mossop & Bowser, Abbot's Manor, 10 Spalding Road Holbeach,PE12 7LP, saying that we have legal rights of way along the driveway leading to our properties to and from Boston Road and we do not wish to have that legal right removed.

Please acknowledge receiving this letter.

Your's Faithfully

D.J. Tegerdine

Mr and Mrs.A.Tegerdine
42 Boston Road Holbeach

Mr and Mrs.A.Walker
40 Boston Road Holbeach

and also on behalf of
Mr and Mrs.R.Goodley.
38 Boston Road Holbeach

SHDC
24 AUG 1995
Housing & Planning
Received

DMG

Lincolnshire
Highways & Planning

Development Road Layout Guide 1990

(SPECIFICATION RELATING TO PEARL COURT)

3.3 ACCESS ROAD

Description

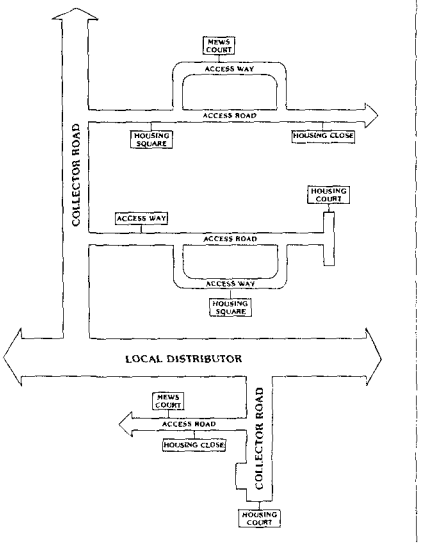
A loop or cul-de-sac on a lesser scale than a Collector Road, giving direct access to dwellings. Two footways are required unless development is one side only, when a verge may be acceptable. A curved alignment is preferable and verge(s) may be required. Junction standards are onto a Collector Road. Normally traditional construction but can be small unit pavior.

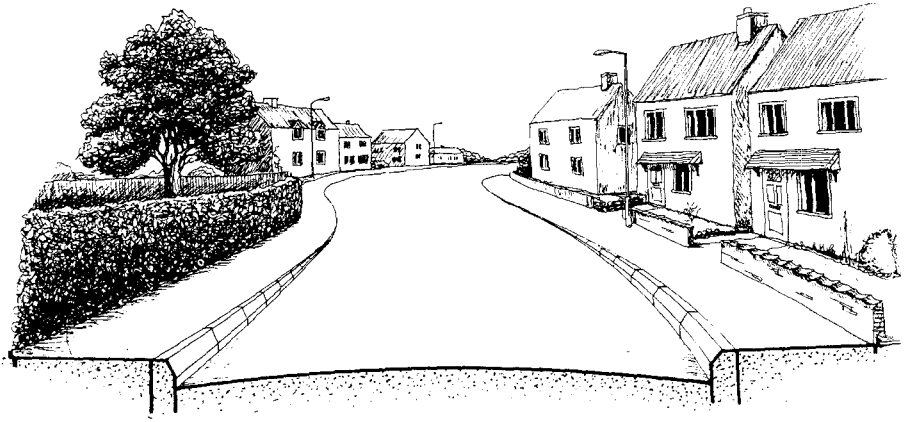
Standards

Maximum number of dwellings served	: As a loop 100 (approx equally split between junctions)
	: As a cul-de-sac 50
Carriageway width	: 5 metres
Footway width	: 1.8 metres
Verge widths	: Max aggregate 4 metres; Min 1.5 metres
Design speed	: 25 kph (16 mph) loop; 20 kph (12.5 mph) cul-de-sac
Minimum centreline radius	: 20 metres (loop); 14 metres (cul-de-sac)
Minimum spacing of junctions along an Access Road (opposite)	: 12.5 metres
Minimum spacing of junctions along an Access Road (adjacent)	: 25 metres
Kerb radii at junction	: 7.5 metres
Minimum 'X' distance at junction	: 4.5 metres (loop) 2.4 metres (cul-de-sac)
Minimum 'Y' distance at junction	: 60 metres

Where a cul-de-sac exceeds 250 metres in length, an 'emergency' link as set out in paragraph 3.9 will be a normal requirement.

3.3 ACCESS ROAD





Mr P C Eldridge,
23 Pearl Court,
Holbeach,
Lincs.
PE12 7LS.

Mr J Blacklock

JB/JJ H09/0903/94

14 Nov 1994

Dear Sir,

PROPOSED VEHICULAR ACCESS - 36 BOSTON ROAD, HOLBEACH.

Thank you for your letter dated 8th November 1994 in respect of the above. Your objection is duly noted.

I would advise you I have checked with Lincolnshire County Council and the County has confirmed it owns the land in respect of which you raise a query as to its ownership.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

ROYTHORNE & CO.
Solicitors,
10, Pinchbeck Road,
Spalding,
Lincolnshire
PE11 1PZ

Tel: 01775 724141
Fax: 01775 725736

FAX

DATE: 18.9.95

TO: South Holland District Council ATTN:

FROM: R. Topliss FAX No: 01775 711253

Number of pages sent including this page: 2

If this fax is incomplete or illegible please telephone and ask for Mrs Bissell

MESSAGE

Copy letter to Lincolnshire County Council

SHDC
19 SEP 1995
Housing & Planning
Received

This fax is confidential and may also be privileged. If you are not the intended recipient, please notify us immediately. You should not copy it or use it for any purpose, nor disclose its contents to any other person.

Roythorne & Co is authorised by the Law Society in the conduct of investment business

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Associates: D G Best, Susan R Papworth, Caroline E Cunnington

Your Ref

Our Ref RT(JLS) KIN.25-388

Date 18 September 1995

The Director of Highways and Planning
Lincolnshire County Council
4th Floor
City Hall
Beaumont Fee
Lincoln
LN1 1DN

Fax No: 01522 553149

ROYTHORNE & CO
10 PINCHBECK ROAD
SPALDING LINCS
PE11 1PZ

Telephone: 01775 724141
Fax: 01775 725736
DX 26701 Spalding

Dear Sirs

Pearl Court Holbeach

We act on behalf of Messrs J H and D O King trading as Kings Quality Homes, the developers of the above site to the East of Boston Road, Holbeach.

We understand that the owners of the property adjacent to the North Eastern boundary have applied for planning permission to connect into the public highway on our clients' development. However we are instructed to advise you that our clients will not be prepared to grant an easement or sell any portion of the land remaining in their ownership.

Please acknowledge receipt of this letter.

Yours faithfully

Roythorne & Co

cc: The Director of Planning and Building Control,
South Holland District Council, Council Offices, Priory Road,
Spalding, Lincs. Fax No. 01775 711253

R G TONGUE
C M ORTON
G C E SMITH Notary Public
C P BENNETT
A J PLUMMER
D C HAMBRIDGE
J A E M HATCLIFFE
M G BUTLER
M W FELDING
J ANNETTE E SHARPE
Associates
SUSANNE FARNWORTH
CAROLINE E CUNNINGTON

ASSOCIATED FIRMS IN
BELGIUM, FRANCE,
GERMANY, SPAIN
AND USA

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APPEAL QUESTIONNAIRE (Revised October 1994)

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT APPEAL

APPEAL REF: APP/ A2525/A/93/250020

APPEAL BY: Mr A. Rukewski

GRID REF: 535810 325780

SITE: 36 Boston Rd, Holbeach 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)	YES / ~~NO~~ ~~YES~~ / NO
2.	If the written procedure is agreed, could the Inspector see the site clearly from a road or other public land?	~~YES~~ / NO
3.	Does the appeal relate to an application for approval of reserved matters?	~~YES~~ / NO
4.	Was an Article 12 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	~~YES/NO/NA~~ YES
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?	~~YES~~ / NO
6.	Is the appeal site within an approved Green Belt?	~~YES~~ / 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).	~~YES~~ / 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).	~~YES~~ / NO
9.	Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	~~YES~~ / NO
10.	Does the appeal relate to an application for conservation area consent?	~~YES~~ / NO
11a.	Does the proposed development involve the demolition, alteration or extension of a Grade I/II*/II listed building? (Delete as appropriate)	~~YES~~ / NO
b.	Would the proposed development affect the setting of a listed building?	~~YES~~ / 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?	~~YES~~ / NO
13.	Would the proposals affect an Ancient Monument (whether scheduled or not)?	~~YES~~ / NO
14.	Is the appeal proposal within, or otherwise likely to have a significant effect on, a classified or potential site of International Importance? If so, please attach a plan of the site of International Importance, together with the comments of English Nature.	~~YES~~ / NO

15. 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;	4	
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;	-	-
f)	in the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision;	-	-
g)	a list of any conditions or limitations the Council would favour if the appeal were to be allowed;		
h)	any other relevant information or correspondence the Council consider the Inspectorate should be aware of.	5	

FOR APPEALS BEING DECIDED BY THE WRITTEN REPRESENTATIONS PROCEDURE

16. 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;	20	-
b)	the planning officer's report to committee;	3	-
c)	any relevant committee minute; (TO FOLLOW) →	-	-

17. 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. | 1 | - |

18. Do the documents listed above comprise the Council's full statement of case? YES / NO

Council's reference: H09/0903/94

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

Signature _____ on behalf of SOUTH HOLLAND DISTRICT Council

Date of despatch 3/4/95

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

LPA Ref: H09/0903/94

DOE Ref: APP/A2525/A/95/250020

TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY MR A RULEWSKI

PART ONE: PLANNING OFFICER'S REPORT

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

STATEMENT

At its meeting on 20th March 1995 the Planning Sub-Committee was apprised of the appeal lodged by Mr A Rulewski and resolved that had the Committee been in a position to determine the application, a notice of refusal would have been issued.

In the opinion of the Local Planning Authority the proposed development would give rise to conditions detrimental to highway safety by reason of the restricted nature of the alignment of the proposed junction with Park Court. In particular, there would be likely to be conflicting traffic movements arising from vehicles manoeuvring out of the parking spaces in the hammerhead in Pearl Court adjoining the common boundary with the track to the south and having limited visibility in that southward direction.

Moreover, vehicles approaching the hammerhead from the track, which has an unmade surface, would be liable to cause loose surfacing material to be deposited on the highway in Pearl Court to the detriment of the safety of other users of that highway. In this regard, the Local Planning Authority is not satisfied the provision of kerbing across the junction will obviate this risk.

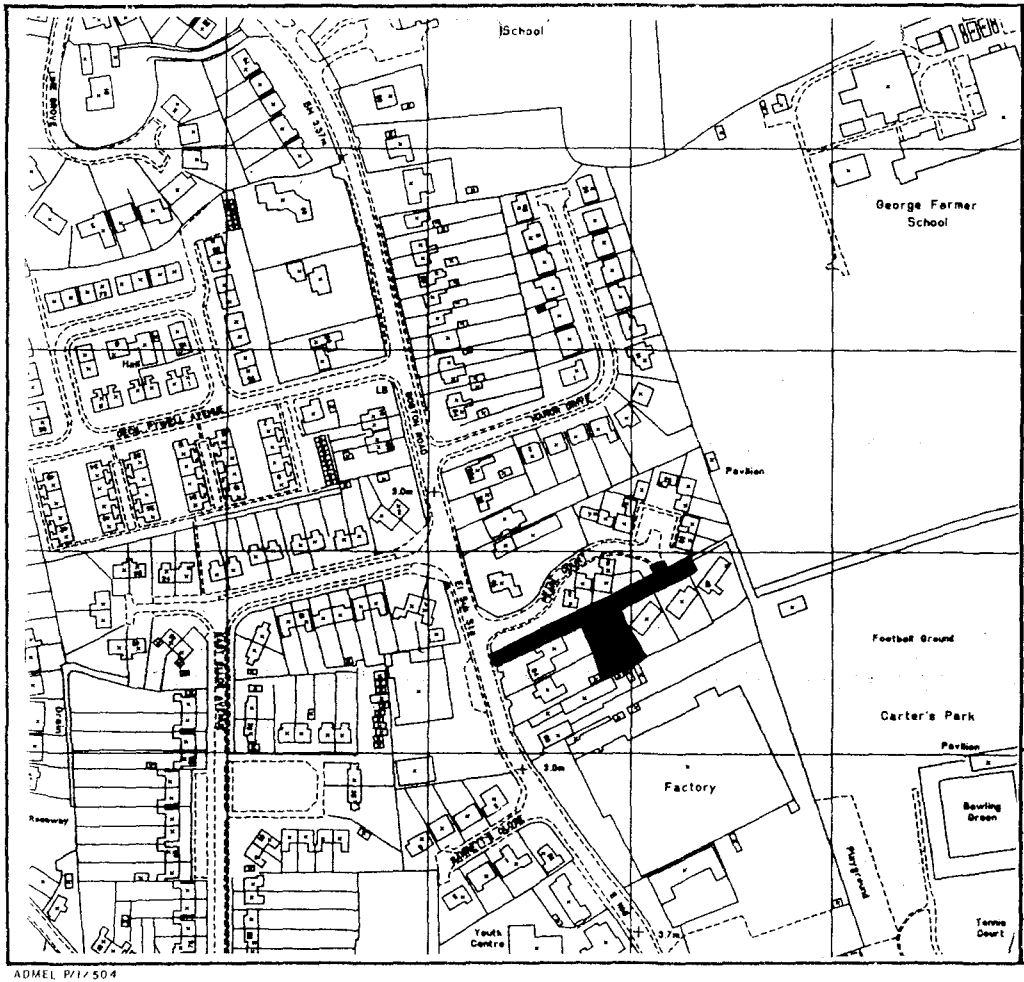
The Local Planning Authority is also of the opinion that the proposed development would have an adverse effect upon the amenities attaching to the dwellings in Pearl Court. Planning permission was granted for Pearl Court in 1989. The development was purpose designed as a small, self enclosed and informal arrangement of flats and houses served off a cul-de-sac road and with no purpose in mind of serving additional residential development at some future date off that road.

Accordingly, the view is taken by the Local Planning Authority that this particular character would be eroded by the passage of additional traffic granted by the proposed development - traffic which, by reason of the noise and dust it would give rise to, would be detrimental to the amenities at present enjoyed by those resident in Pearl Court.

Furthermore, the degree of visual containment which currently exists in Pearl Court would be adversely affected by the creation of the proposed access and the opening up to view of part of the adjoining land and frontage property.

In the opinion of the Local Planning Authority a more satisfactory arrangement and one involving less disturbance to the residents of Pearl Court, would have been to have provided an access from the track to Pearl Court of a point much nearer to Boston Road where there is land to accommodate such an access that would meet with the approval of the Director of Highways and Planning, Lincolnshire County Council.

The Local Planning Authority considers that demonstrable harm to interests of planning importance - highway safety and residential amenity - would clearly arise if the proposed development were allowed. The Secretary of State, therefore, is invited to dismiss the appeal.



SOUTH HOLLAND DISTRICT COUNCIL

PLANNING DEPARTMENT

APPEAL BY

Mr. A. Rulewski

APPEAL SITE

B. SMITH M.R.T.P.I.
DISTRICT PLANNING OFFICER

PRIORY ROAD, SPALDING.

SCALE 1:2500

DATE MARCH '95

PLAN 'A'

N

ADMEL P/17/504

01406 - 424150

23, Pearl Court,
Boston Road,
Holbeach,
Lincs.PE12 7LR

19th July,1995

Appeal by Mr.A.Rulewski
Site at 36,Boston Road,Holbeach

I write as an individual resident of Pearl Court and also on behalf of all the residents of Pearl Court regarding the above-mentioned right of way between your road and Pearl Court proposed by Mr. Rulewski.

You may not be aware that all the residents of Pearl Court are very strongly opposed to Mr. Rulewski's proposals and we have so notified the local council and the Department of the Environment of our views in writing.

We have been told by Mr Rulewski that you and the other occupants of the properties in your road have no objections whatever to his proposals,but we have also learned from another source that this is not in fact the case.

Accordingly I write to inform you of the implications of the implementation of Mr.Rulewski's proposals:-

1. Your current exit to and access from the main Boston Road past Mr.Rulewski's own property for all vehicles,would be blocked off.

2.As a result of 1. above,you would only have vehicular access to and from your property through Pearl Court and the same would apply to your visitors,tradespeople and refuse disposal vehicles.

3. Mr.Rulewski has said that if he is not permitted to close off your current exit to and access from Boston Road, he would not proceed with his application.

4. Mr.Rulewski has said that if the matter results in Court Action by the Pearl Court residents he would not proceed.

The residents of Pearl Court are quite determined to fight this totally unnecessary, environmentally unsuitable and purely selfish application and would use every possible practical and legal means, including Court Action if necessary,to ensure that exit to and access from the main Boston Road would be prevented,through Pearl Court

I write to you in a spirit of goodwill and co-operation with fellow residents of the area to ask for your support as we feel that such support for our campaign would without question result in Mr.Rulewski dropping his proposals.

I look forward to hearing your views -either verbal or in writing.

Yours very sincerely,

P.C.Eldridge

8th August 1995

Dear Mr Eldridge

Re your telephone call this morning

I belive Mr Rulewski first submitted plans to open up fence in October 1994. received by the council 12th October 1994.

We didn't know anything about it untill November 1994.

An appeal was received on 14th March 1995
from Mr Rulewski to the Environment.

We do have written evidence of right of way and have informed the Environment of this information, please refere to our letter to them saying we were totaly misslead by this man.

Regards

Mr and Mrs Tegerdine .

OBJECTION

To appeal by A.Rulewski, to application No:H09/0903/94 and
DoE Appeal Reference :APP/A2525/A/95/250020.
on behalf of Mr and Mrs.A Walker of 40,Boston Road,Holbeach,
Lincolnshire,PE12 7LX.

(1) No 40 Boston Road is situated at the end of a quite and peaceful private road and shown on enclosed plan marked 'A' for clarification and has been under our ownership and occupation since 1970.

(2) Although on the 23rd of November 49, we,together with two of our close neighbours wrote to the S.H.D.C. supporting the application,subject to our right of way to Boston Road remaining,we now realize after having sight of Mr Rulewski's proposals that we were all grossly misled by him.

(3) To give up a legal right(see enclosed deed details marked B) for a new access via an Estate (not derogatory)is not acceptable to us and further more this legal right will not be given over at any time. We belive the owners of Nos 42 and 38 who have similar legal rights are also likeminded.

(4) We note the comments made by the S.H.D.C. plans sub-committee in their addendum at its meeting of the 19th December 1994 on the grounds of Highway safety and addendum of 6th February 1995 suggesting an alternative access point just inside Pearl Court from Boston Road (indicated on Plan marked C). This would keep the 'private' developments still seperate fromPearl Court but no doubt be an advantage to the Highway standard at Boston Road. A public footpath from this point to Boston Road would also be required and of course no costs of the works should fall onto ourselves or others who object but are situated along the private road, should this be an option you seek to take.

(5) We really cannot see any other reasons for Mr Rulewski's application other than for his own advantage and all others disadvantage including the occupiers of Pearl Court who we understand are at a majority against this unwarranted intursion to their cul-de-sac. Should the appeal be granted, the residential amenity's of both Pearl Court and our'private' development would be ruined and devalued and we look to you to consider the full implications of Mr Rulewski's proposals and especally study carefully his application plan (Marked D) in respect of his own property. We would be obliged if you could inform us of your site inspection date and of course of your decision in this matter.
WE also request a copy of the decision.

Yours Sincerely

Mr.A.Walker A J Walker.

Mrs.V.Walker V S Walker

Date:- 2.3.95

E.N.C. 3 no copies of all documentations as required.

SOUTH HOLLAND DC
HOUSING & PLANNING
14 JUL 1995
Ref:

DCYK

23,Pearl Court,
Boston Road,
Holbeach,
Lincs.PE12 7LS

13th July,1995

Ms.P Noble,
The Planning Inspectorate,
Room 10/15,
Tollgate House,
Houlton Street,
BRISTOL BS2 9DJ

Dear Miss Noble,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR.A.RULEWSKI
SITE AT 36,BOSTON ROAD HOLBEACH,SPALDING
REF. APP/A2525/A/95/250020

I write with reference to the meeting between a representative of your office and Mr. Rulewski together with a representative of Spalding (South Holland) District Council which took place in the afternoon of Monday,10th July,1995 at Pearl Court and Boston Road as above.

Purely by chance,I became aware of this meeting,as neither I nor any other resident of Pearl Court had been notified that it was to take place,despite the fact that we have been in correspondence with the Council and your own office to raise our strong objections to the right of way proposed by M.r Rulewski.

I was able to speak to your representative who was kind enough to tell me of the reasons for his visit,which I understand from a subsequent discussion with Mr. Rulewski had been arranged some time before.

Would you please kindly let me know whose responsibility it was to notify the Pearl Court residents of themeeting and let me have your confirmation that you will be good enough to advise me of all future meetings so that the views of the Pearl Court residents can be fully aired at such meetings. Would you please also ensure thattwe are informed of your decision in this matter.

I am sure you will appreciate that the absence of the Pearl Court residents at the meeting was simply because they had not been informed and not because of apathy on their part as such is certainly not the case.

I look forward to receiving your reply

Yours sincerely,

P.C.ELDRIDGE(MR.)

CC Principal Planning Officer,South Holland District Council

The Planning Inspectorate

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

Room 1202E
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8772
Switchboard 0117-987 8000
Fax No 0117-987 8804
GTN 1374

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

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

Date: 20 June 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

1. I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal in accordance with the provisions of Schedule 6 of the Act is Mr P A Goodman BA (Hons) DMS MRTPI MIMgt.

2. Arrangements have been made for the Inspector to visit the site on Monday 10 July and you are requested to arrange for him to be met there at 4.30pm to enable the inspection to be made.

3. Although it is necessary for the Inspector to be accompanied by representatives of both parties he should not be accompanied at any stage of the site visit by a representative of one party without the representative of the other party being present. If at the outset one of the parties fails to arrive, the Inspector will assess whether the visit can be conducted unaccompanied. If so, the party who did arrive will be asked to leave and the Inspector will proceed with the site visit unaccompanied. If this is not possible the site visit will be aborted.

4. At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeal or to listen to arguments from any of the parties. The Inspector will ask the parties to draw attention to any physical features on ths site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

5. In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, due for example to the receipt of late representations, we will let you know.

Yours faithfully

MRS D WIGGINS

NB: No correspondence should be sent to the above room unless it concerns the site visit date.

(209D 5/4/94)

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 0117-987 8627
Switchboard 0117-987 8000
Fax No 0117-987 8624
GTN 1374

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

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

ACTION
Attention of Dean
Discuss with
Copy to
File Ref
Comments

Date: 11 April 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

1. I have received correspondence dated 8 April 1995 from the appellant which, in line with the Written Representations Regulations, should have been copied to you already. If this is not the case, please contact them and request a copy.

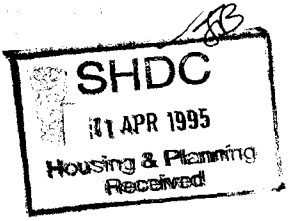
2. If you wish to comment, you have 7 days from the date of this letter in which to do so, sending a copy of your comments to the other main party. If no reply is received within this period, we will assume you do not wish to make any.

Yours faithfully

PATRICIA HORNE
CASE OFFICER
211A

DCM
38

36 Boston Road,
Holbeach,
Spalding,
Lincolnshire.
PE12 7LX.



Ref. APP/A2525/A/95/250020

Ms Horne,
Tollgate House,
Houlton Street,
Bristol.
BS2 9DJ.

8th April 1995.

Dear Ms Horne,

I am now in receipt of the councils completed questionnaire and statement. Firstly I would like to clarify that whilst the site can adequately be viewed from Pearl Court on the northern side in conjunction with the private road on the southern side (which is used to access the properties thereof by residents and visitors) the private road is not public land. However for the purposes of the site inspection you have my permission to view the site at any time from the private road along with representatives from South Holland District Council. I would also agree to an unaccompanied site visit if desired.

With reference to the statement itself my comments are as follows:

1) The alternative access proposed by the council is unacceptable. In such a case the residents of the private road would still be required to maintain the road and share the costs of such maintenance. One of the original reasons for submitting the application was to cut down on such maintenance.

2) Regarding the 'visual containment' and the point that Pearl Court was designed as a self enclosed court, the fencing separating Pearl Court from the private road was erected as part of a contract between Mr Martin and myself signed prior to the development of Pearl Court. It was agreed in the contract that the fencing should be erected by Mr Martin within a period of six months which Mr Martin failed to do, the erection of the fence eventually falling to Mr King who bought Mr Martins land to develop Pearl Court on. I must emphasise that the erection of the fence was done to fulfil this existing contract signed PRIOR to the development of Pearl Court. Furthermore, due to the breaking of the contract regarding the six month clause the ownership thereof may be in dispute. I have been informed that I could therefore claim ownership of the entire fencing due to it facing away from my property.

3) Regarding paragraphs two and three of the statement. County Highways have repeatedly stated that there are no tenable Highway grounds of refusal. Note that traffic accessing Pearl Court from the private road would clearly be able to see any manoeuvring of vehicles in and out of the parking bays.

4) Regarding paragraph four. I note that this is in contradiction with the Planning Officers original report which stated that it was considered that the application would NOT adversely affect the residential amenities of Pearl Court. Also, I would once again

point out that the cul-de-sac status of Pearl Court would be unchanged by the application. Note that it is due to the design of Pearl Court that such a link is both feasible, straightforward and requires only the minimum of work. I would like to point out that the architects were aware of my desire to incorporate my road with Pearl Court when the development was being designed.

5) Regarding paragraph five. In the Planning Officers report it was stated that the specification of the road through Pearl Court would be sufficient to meet the additional traffic demands.

Finally with regards to the two letters received from Mr and Mrs Tegerdine and Mr and Mrs Goodley. At present the private road is owned by myself, with the owners of the properties served by the private road having been given right of way by myself in 1959 to use the private road for vehicular access onto Boston Road. The proposals regarding the application including the change of vehicular access were discussed with the owners of nos. 38, 40 and 42 prior to submission and it was agreed by all that the application should be submitted on condition that they retain foot access. Without this agreement I would not have submitted the application in the first place. In their letter dated 3rd April 1995, Mr and Mrs Tegerdine state that they wrote a letter to the council on 23rd November 1994, signed by the residents of nos. 38 and 40, saying they agreed to the proposal on condition they retain their right of way. The actual letter dated 23rd November 1994 states 'We agree with the above proposal but would request foot access to Boston Road through the existing road way if the above proposal is passed', in line with the original verbal agreement. The letter I received on 5th April 1995 is the first I have been notified of any objections on their part. Up until this point I was still of the view that they supported the application. At no point have I been approached by either of the owners of nos. 38 or 42 or anyone else in respect of these objections.

I cannot understand why, after six months of apparent agreement, there should be such a sudden and complete change of mind.

Yours faithfully,

A. Rulewski

(MR ALFONS RULEWSKI.)

COPY ALSO SENT TO SOUTH HOLLAND DISTRICT COUNCIL.

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 0117-987 8627
Switchboard 0117-987 8000
Fax No 0117-987 8624
GTN 1374

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

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

Date: 4 April 1995

SHDC
-6 APR 1995
Housing & Planning
Received

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

1. I enclose a copy of correspondence from Calthrops.

2. Please do not comment unless you think the correspondence raises new points to which you wish to reply. If you wish to comment, you have 7 days from the date of this letter in which to do so, sending a copy of your comments to the other main party. If no reply is received within this period, we will assume you do not wish to make any.

Yours faithfully

P Noble

MS P NOBLE
CASE OFFICER
211A

Calthrops

Solicitors and Commissioners for Oaths

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Kevin Pallister LL.B. (Hons)
James A. Sutton LL.B. (Hons)
~~Consultant~~
~~Ernest Waters~~

Tel: (0406) 22621
Fax: (0406) 25095
DX 29521 Holbeach

Closed 1pm-2pm

When calling please ask for:
Mr Molson

61 High Street
Holbeach
Lincs
PE12 7EA

Our ref: FBM/CML

Your ref:

3rd April, 1995

Dear Sirs,

Re-DO. Appeal
Ref: APP/A2525/A/95/250020
Application number H09/0903/94
Appeal by Mr. A. Rulewski

We act for Mr. & Mrs. R.W. Goodley, the owners of 38 Boston Road, Holbeach and for their Son, Mr. David W. Goodley, who is the occupier of that property.

Our Clients have a right of way along the driveway fronting the Appellant's property to gain access to and from Boston Road. The Appellant wishes to close off the right and divert our Clients, and their neighbours, through Pearl Court to obtain access to Boston Road. Our Clients are not prepared to give up their existing right of way. We enclose three copies of this letter for circulation purposes and would be grateful if you will let us know your decision in due course.

Yours faithfully,

The Planning Inspectorate,
Department of the Environment,
Room 10/15,
Tollgate House,
Houlton Street,
Bristol,
BS2 9DJ

A MEMBER OF

Regulated by the Law Society in the conduct of investment business

Solicitors Financial Services

Calthrops

Solicitors and Commissioners for Oaths

George R. Hastings
F. Brian Molson
B. Keith Tatnall
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Ref: APP/A2525/A/95/250020
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Yours faithfully,

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Department of the Environment,
Room 10/15,
Tollgate House,
Houlton Street,
Bristol,
BS2 9DJ

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

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

Date: 4 April 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

1. I enclose a copy of correspondence from Mr & Mrs A Tegerdine.

2. Please do not comment unless you think the correspondence raises new points to which you wish to reply. If you wish to comment, you have 7 days from the date of this letter in which to do so, sending a copy of your comments to the other main party. If no reply is received within this period, we will assume you do not wish to make any.

Yours faithfully

P Noble

MS P NOBLE
CASE OFFICER
211A

DCM

OBJECTION

To appeal by A.Rulewski, to application No:H09/0903/94 and
DoE Appeal Reference :APP/A2525/A/95/250020.
on behalf of Mr and Mrs.A Walker of 40,Boston Road,Holbeach,
Lincolnshire,PE12 7LX.

(1) No 40 Boston Road is situated at the end of a quite and peaceful private road and shown on enclosed plan marked 'A' for clarification and has been under our ownership and occupation since 1970.

(2) Although on the 23rd of November94., we,together with two of our close neighbours wrote to the S.H.D.C. supporting the application,subject to our right of way to Boston Road remaining,we now realize after having sight of Mr Rulewski's proposals that we were all grossly misled by him.

(3) To give up a legal right(see enclosed deed details marked B) for a new access via an Estate (not derogatory) is not acceptable to us and furthermore this legal right will not be given over at any time. We belive the owners of Nos 42 and 38 who have similar legal rights are also likeminded.

(4) We note the comments made by the S.H.D.C. plans sub-committee in their addendum at its meeting of the 19th December 1994 on the grounds of Highway safety and addendum of 6th February 1995 suggesting an alternative access point just inside Pearl Court from Boston Road (indicated on Plan marked C). This would keep the 'private' developments still seperate fromPearl Court but no doubt be an advantage to the Highway standard at Boston Road. A public footpath from this point to Boston Road would also be required and of course no costs of the works should fall onto ourselves or others who object but are situated along the private road, should this be an option you seek to take.

(5) We really cannot see any other reasons for Mr Rulewski's application other than for his own advantage and all others disadvantage including the occupiers of Pearl Court who we understand are at a majority against this unwarranted intursion to their cul-de-sac. Should the appeal be granted, the residential amenity's of both Pearl Court and our'private' development would be ruined and devalued and we look to you to consider the full implications of Mr Rulewski's proposals and especally study carefully his application plan (Marked D) in respect of his own property. We would be obliged if you could inform us of your site inspection date and of course of your decision in this matter.
WE also request a copy of the decision.

Yours Sincerely

Mr.A.Walker G Walker

Mrs.V.Walker V J Walker

Date:- 3rd April 1995

E.N.C. 3 no copies of all documentations as required.

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DoE Appeal Reference :APP/A2525/A/95/250020.
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Mr.A.Walker A Walker

Mrs.V.Walker V J Walker

Date:- 3rd April 1995

E.N.C. 3 no copies of all documentations as required.

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WE also request a copy of the decision.

Yours Sincerely

Mr.A.Walker A Walker

Mrs.V.Walker V J Walker

Date:- 3rd April 1995

E.N.C. 3 no copies of all documentations as required.

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 0117-987 8627
Switchboard 0117-987 8000
Fax No 0117-987 8624
GTN 1374

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

NKM SHDC
5 APR 1995

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

Date: 3 April 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

1. I have received correspondence dated 1st April from the appellant which, in line with the Written Representations Regulations, should have been copied to you already. If this is not the case, please contact them and request a copy.

2. If you wish to comment, you have 7 days from the date of this letter in which to do so, sending a copy of your comments to the other main party. If no reply is received within this period, we will assume you do not wish to make any.

Yours faithfully

P Noble

MS P NOBLE
CASE OFFICER
211A

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

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

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

DCME
-5 APR 1995
Housing & Planning

Date: 3 April 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

1. I enclose a copy of correspondence from John & Roslyn Hall.

2. Please do not comment unless you think the correspondence raises new points to which you wish to reply. If you wish to comment, you have 7 days from the date of this letter in which to do so, sending a copy of your comments to the other main party. If no reply is received within this period, we will assume you do not wish to make any.

Yours faithfully

P Noble

MS P NOBLE
CASE OFFICER
211A

MR J. F. HALL
6 PEARL COURT
HOLBEACH
SPALDING
LINCS
PE 12 7 LS

26 03 95

THE PLANNING INSPECTORATE
DEPARTMENT OF THE ENVIRONMENT
10/15 TOLLGATE HOUSE
HOULTON STREET
BRISTOL
BS2 9DJ

Dear Sir

APPEAL BY **Mr A Ruleski**
APPLICATION NO: **H09/0903/94**
DoE APPEAL REFERENCE **APP/A2525/A/95/250020**

Proposed vehicular access at 36 Boston Road Holbeach Spalding Lincs

We would like to object strongly against this access being granted. We moved into Pearl Cort knowing that it was a cul-de-sac and would therefore be a quite place to live, and we would like it to remain that way.

We would also like to point out that we have two vehicles that we park at the bottom of our garden just where the proposed road would come through. this would mean we reverse out into the path of traffic coming from the direction of the proposed access, surely this would be dangerous not only to us but the other vehicles as well.

We would appreciate you taking these points into consideration.

Kind Regards
Yours faithfully

Roslyn Hall

JOHN HALL ROSLYN HALL

J. F. Hall

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 0117-987 8627
Switchboard 0117-987 8000
Fax No 0117-987 8406
GTN 1374

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

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

Date: 30 March 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

1. I enclose a copy of correspondence from J H Bailey.

2. Please do not comment unless you think the correspondence raises new points to which you wish to reply. If you wish to comment, you have 7 days from the date of this letter in which to do so, sending a copy of your comments to the other main party. If no reply is received within this period, we will assume you do not wish to make any.

Yours faithfully

P Noble

MS P NOBLE
CASE OFFICER
211A

No. 1264

J. H. BAILEY

35 BARRINGTON GATE
HOLBEACH
NR. SPALDING
LINCOLNSHIRE PE12 7LB
TEL. ~~0406 23370~~
01406 423370

30 MAR 1995



24.3.96

Dept of the Environment.

Appeal Ref:- APP/A2525/A/95/250020

Dear Sir,

Further to my letter of 31.10.94 I would like to state that if this vehicular access is granted it will go over our garden.

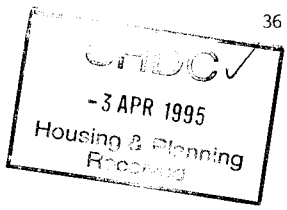
I would like a copy of your decision please when they are available.

Yours faithfully

J.H. Bailey.

NBS 38

36 Boston Road,
Holbeach,
Spalding,
Lincolnshire.
PE12 7LX.



Ref. APP/A2525/A/95/250020

Ms Horne,
Tollgate House,
Houlton Street,
Bristol.
BS2 9DJ.

1st April 1995.

Dear Ms Horne,

The following is in response to the letters received so far from: Mr Jan Jansen Van Dok; Mr J.H. Malkin; Mr Elkridge; Mrs S. Taylor; Mr F. Hunter-Rowe and Mr J.H. Bailey.

Mr J.H. Bailey. Comment: Land belongs to himself.

The land in question is maintainable highway property and is owned by Lincolnshire County Council. Enclosed with the appeal was a copy of the letter sent to us from Lincolnshire County Council confirming this in writing dated 3rd November 1994. The issue of ownership was also raised by Mr Elkridge in a letter to South Holland District Council last October in which he claimed the land belonged to Mr King, the developer. South Holland District Council added a note to his letter upon receipt as follows, ' 'Spoke to Chris Briggs who confirmed that land in question is owned by Lincolnshire County Council.''. (Chris Briggs is the Director of Highways and Planning at Lincolnshire County Council).

Mr Jan Jansen Van Dok. Comment: Objects to a road being built through Pearl Court.

The application entails the building of a section approximately three metres long linking Pearl Court with the Private Road. No new road will be built through Pearl Court and the existing Pearl Court road will be unchanged.

Mrs S. Taylor. Comment: Insufficient room to pass between parking bays adjacent to the site.

The road adjacent to the site and the proposed link itself have a width of 5.28 metres which allows well over a metre between passing vehicles.

Note that as far as Pearl Court is concerned the application merely entails providing an access for four extra properties onto Pearl Court which will still remain a cul-de-sac.

Comments regarding amenities, visibility and safety have already been dealt with in the Planning Officers report to the committee, (specifically paragraphs 1,2,3 and the addendum), in which he has repeatedly recommended the application for approval along with the support of County Highways regarding safety.

The other residents of the Private Road have also voiced their support in favour of the application in a letter, sent to the South Holland District Council dated October '94, on condition they have foot access to Boston Road via the Private Road, which will be sealed off to vehicular access, this condition of foot access having been agreed to by myself, the applicant.

Yours faithfully,

A. Rulewski.

(MR ALFONS RULEWSKI).

Also supported by:

Mrs Frances Caroline Rulewski F. C. Rulewski. (WIFE)

Mr David Rulewski D. Rulewski (SON)

Both residents of 36 Boston Road.

COPY ALSO SENT TO SOUTH HOLLAND DISTRICT COUNCIL.

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 0117-987 8627
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South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

Date: 29 March 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

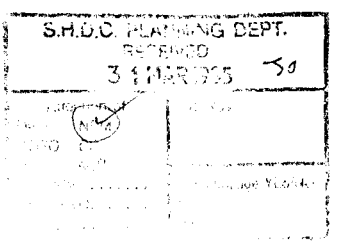
1. I enclose a copy of correspondence from F Hunter - Rowe.

2. Please do not comment unless you think the correspondence raises new points to which you wish to reply. If you wish to comment, you have 7 days from the date of this letter in which to do so, sending a copy of your comments to the other main party. If no reply is received within this period, we will assume you do not wish to make any.

Yours faithfully

P Noble

MS P NOBLE
CASE OFFICER
211A



13 Pearl Court,
Boston Road,
Holbeach,
Lincs.
PE12 7LS.

24-3-95.

The Planning Inspectorate,
Dept. of the Environment,
Room 10/15.
Tollgate House,
Houlton Street,
Bristol. BS2 9DJ.

Dear Sirs.

Proposed Vehicular Access at,
36 Boston Road,
Holbeach, Spalding, Lincs.
DOE appeal Reference,
APP/A2525/A/95/250020.

I cannot protest too strongly at the above application for vehicular access to Pearl Court, where I am a resident, together with Miss Deirdre Gains, a mentally retarded young lady aged 39, whose guardian I have been for over 30yrs. I moved to Pearl Court specifically because as an enclosed court it offered the essentials for the safety of my ward, who cannot go out unsupervised and because of its non-polluted atmosphere.

Pearl Court also houses a number of Pensioners other than myself (I am 49) who I know also moved here because of the lack of passing traffic, absence of noise and good safety, and I cannot believe that the undoubted selfishness of the applicant will succeed when there are so many cogent reasons why his appeal should be rejected, not least on the ground of safety, noise abatement and none-Pollution of what is at present a haven for the old and in my ward's case disadvantaged.

Please advise me in due course of your decision and let me know when your inspector will visit the site.

Yours Faithfully,

L. Hunter-Rowe.

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 0117-987 8627
Switchboard 0117-987 8000
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South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

Date: 28 March 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

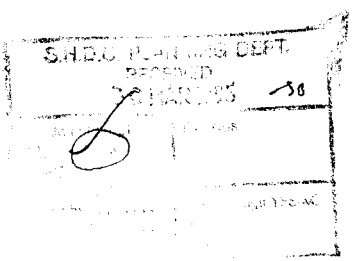
1. I enclose copies of correspondence from 3 parties.

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Yours faithfully

P Noble

MS P NOBLE
CASE OFFICER
211A



Shirley Taylor
27 Pearl Court
Boston Road
Holbeach
Lincs PE12 7LS

26 March 1995

The Planning Inspectorate
The Department of the Environment
Room 10/15
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Dear Sir
I am in receipt of the letter regarding the appeal by Mr A Rulewski. Appeal reference number:**APP/A2525/A95/250020.** This was sent to me by Mr B Smith who is the Director of Planning for South Holland District Council.
I again object to the proposed vehicular access in Pearl Court. I bought this property because of it's peaceful location, the proposed access would I believe undermine this peace and quite.
Furthermore it Would I believe cause danger to the residents as there is not sufficient room for vehicles to pass between the rows of parking bays.
I own a parking bay adjacent to the proposed access and would not be able to manoeuvre my vehicle safely due to the poor visibility. I am not prepared to give up this bay.
As I stated in my original objection my father suffers from Altzeimer's and uses the court for exercise, any addition to the flow of traffic would I believe be dangerous for him. The residents are aware of his illness, strangers would not be.
I hope the council will understand my objection and refuse planning permission.
Yours sincerely

S M Taylor.

S Taylor

The Planning Inspectorate
Department of the Environment
Room 10-15
Tollgate House
Houlton Street
Bristol BS2 9DJ.

23. Pearl Court.
Holbeach
Spalding
Lincs PE12 7LE

March 23rd 1995

Re. Appeal By Mr A. Rulewski
Application No. H09/0903/94.
Doe Appeal Reference APP/A2525/A/95/250020

Dear Sir.

Once again I must object to the appeal of Mr. Rulewski. May I give you my reasons. To date I have had two (2) Heart attacks. Was hospitalised in both cases. (1) Kings College Hospital London. (2) The Brompton Hospital London.

I became Asthmatic at the age of 50yrs. I was informed I would have this complaint for the rest of my days.

I am diagnosed as suffering from, Asthma Ischaemic Heart Desease, Osteoarthritis, and Hypertension.

My wife and I searched in many areas to find such a place as "Pearl Court". Only 18 properties, away from Main Roads, and only a short walk to the shops. Ideal for my condition.

To agree to the above appeal would increase the pollution by now 20% and could see my condition worsen. I certainly dont want that.

The ironic thing is this. If this should go through Mr Rulewski would have No motorised vehicles passing his house. But many of Pearl Court residents would have almost x more than 20%. This situation would not be right.

2.

I wish to be informed of the decision of the appeal.

(I have written this letter on behalf of my husband.)

With kindest regards,

Yours Sincerely,

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 0117-987 8627
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South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

Date: 27 March 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

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Yours faithfully

P Noble

MS P NOBLE
CASE OFFICER
211A

4 Peart Court
Hopbeach
Jaws PE12 7LS
25th March 1995

Dear Sir,

If permission is granted for a road to be built through Peart Court, it will cause great distress to the mostly aged inhabitants who live here. My wife and I are in our late Seventies and we bought the bungalow where we live four years ago mainly because the road was attractive and quiet. The idea of extra cars racing through it is absolutely unjust. Mr. Kufewski has a perfectly adequate road of his own, and this selfish

application should not be given permission

Yours faithfully,
J. J van Dok
(JAN JANSEN VAN DOK)

APPEAL By: Mr Rutewski

Application No: H09/0903/94

DoE Appeal Reference
APP/A2525/A/95/
250020

TOWN AND COUNTRY PLANNING REGULATIONS 1990

APPEAL BY: **Mr A Rulewski**
Application No: **H09/0903/94**
DoE Appeal Reference: **APP/A2525/A/95/250020**

An appeal has been made to the Department of the Environment against non-detrmination of the above planning application by South Holland District Council for:

Proposed vehicular access at 36 Boston Road, Holbeach, Spalding, Lincs.

This is the subject of an appeal, which was received on **14th Mar 95.**

This notice is to inform you of the appeal 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.

The appeal will be determined by the **Department of the Environment** 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. Any further representations or elaboration or modification of earlier views should be sent direct to **The Planning Inspectorate, Department of the Environment at Room 10/15 Tollgate House, Houlton Street, Bristol, BS2 9DJ,** quoting the above appeal reference, within 28 days of the starting date of 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. (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

21 Mar 1995

NOTIFICATION LETTER SENT TO:

Clerk to Holbeach Parish Council
Parish Council Office
2 Spalding Road
Holbeach
Spalding
Lincs
PE12 7HG

Cllr N I Capes - Ward Member
11 East Elloe Avenue
Holbeach
Spalding
Lincs
PE12 7NB

Cllr T G M Tyler - Ward member
Penny Hill Mill
Holbeach
Spalding
Lincs
PE12 8DN

Mrs S Taylor
27 Pearl Court
Boston Road
Holbeach
Spalding
Lincs
PE12 7LS

D W Goodley
38 Boston Road
Holbeach
Spalding
Lincs

A & V Walker
40 Boston Road
Holbeach
Spalding
Lincs

Mr & Mrs Tegardine
42 Boston Road
Holbeach
Spalding
Lincs
PE12 7LX

Mr P C Eldridge
23 Pearl Court
Holbeach
Spalding
Lincs
PE12 7LS

Mr & Mrs Richardson
31 Pearl Court
Boston Road
Holbeach
Spalding
Lincs

J H Bailey
35 Barrington Gate
Holbeach
Spalding
Lincs
PE12 7LB

Mr J H Malkin
9 Pearl Court
Boston Road
Holbeach
Spalding
Lincs
PE12 7LR

Mr & Mrs Hall
Boston Road
6 Pearl Court
Holbeach
Spalding
Lincs
PE12 7LR

P E Andersen
7 Pearl Court
Boston Road
Holbeach
Spalding
Lincs
PE12 7LS

Mr & Mrs Culy
15 Pearl Court
Boston Road
Holbeach
Spalding
Lincs

Mr D Aldrige
2 Pearl Court
Boston Road
Holbeach
Spalding
Lincs
PE12 7LS

J J Van Dok
4 Pearl Court
Boston Road
Holbeach
Spalding
Lincs
PE12 7LS

Miss C Coupland
29 Pearl Court
Boston Road
Holbeach
Spalding
Lincs

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 0117-987 8627
Switchboard 0117-987 8000
Fax No 0117-987 8406
GTN 1374

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

Your Ref:
H09/0903/94
Our Ref:
APP/A2525/A/95/250020

Date: 14 March 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR A RULEWSKI
SITE AT 36, BOSTON ROAD, HOLBEACH, SPALDING

1. The appeal form and accompanying documents are now being checked to see that all is in order. If further information is needed, or if the appeal is found to be invalid, we shall write to you as soon as possible.

2. The date of this letter is the "starting date" for the purposes of the Town and Country Planning (Appeals)(Written Representations Procedure) Regulations 1987.

3. The appellant has chosen the written method. Unless you tell us otherwise, we shall assume that the Council does not wish to exercise its right to be heard. As you know, if the Council agrees to the written procedure, it is required, in accordance with the Regulations:

i.- within 5 working days to notify those interested persons who were required to be consulted on the original planning application, and all those who made representations at application stage, that an appeal has been made. (The letter should include the information and details required by the Regulations. The Council will wish to decide on the precise form of notification but Annex B to DOE Circular 11/87 gives a suggested format. Interested persons should be advised that if they wish to receive a copy of the appeal decision letter, they must write directly to the Inspectorate asking for one.)

ii. - within 14 days of the "starting date" to send to the Inspectorate a completed appeal questionnaire in respect of this appeal, together with all the necessary enclosures, and to send a copy of the appeal questionnaire and enclosures directly to the appellant or agent. (Please ensure that the Inspectorate's reference number above is quoted and that all the relevant documents are attached).

4. Representations received by us from interested persons will normally be copied to you and the appellant. Any comments you wish to make on them should be sent to me, and copied to the appellant, within 7 days. Please avoid long exchanges of correspondence which can considerably delay the decision.

5. The Council will wish to decide whether or not to submit a further written statement. In most cases the relevant background documents submitted with the appeal questionnaire, together with a simple index of these documents, will be sufficient to present the Council's case. If it is considered necessary to submit a further statement, the concise format suggested in Appendix 1 to DOE Circular 18/86 should be used. Any such further statement must be sent to the Inspectorate within 28 days of the "starting date". A copy must also be sent direct to the appellant or agent.

6. Arrangements will be made for the Inspector to visit the site as soon as possible after the closing date for representations. You will be sent details.

7. DOE Circular 11/87 sets out the timetable for appeals determined by the written procedure. I am sure that you will do all you can to keep within the timetable. Please note that, having drawn attention to the timetable, the Inspectorate does not send reminders to councils or appellants about the submission of documents.

8. Regulation 9(1) allows the Secretary of State or his Inspector the discretion to proceed to a decision on an appeal taking into account only such representations and supporting documents as have been submitted within the relevant time limits. Where representations are received outside the time limits, they may not be taken into account. Inspectors will not accept representations at the site visit: nor will they undertake to wait for representations. All representations must be sent to me, as indicated in paragraphs 3 and 5 above.

9. I am the case officer dealing with this appeal. Please send any further correspondence to me at the above address, quoting in full the Inspectorate's reference number given above.

Yours faithfully

P N
P P

MS P HORNE

102/Sept 92

36 Boston Road,
Holbeach,
Spalding,
Lincolnshire.
PE12 7LX.
13th March 1995.

Dear Mr Blackblock,

Please find details of appeal submitted to the Secretary of State regarding my application. Also enclosed is correspondance with Lincolnshire County Councils Highway Department sent with the appeal.

Yours faithfully,

A. Bulewski

Mr ALFONS BULEWSKI.

The Planning Inspectorate

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

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

The appeal must reach the Inspectorate within 6 months of the date of the Notice of the Local Planning Authority's decision, or within 6 months of the date by which they should have decided the application.

A. INFORMATION ABOUT THE APPELLANT(S)

Full name: MR ALFONS RULEWSKI

Address 36 BOSTON ROAD,
HOLBEACH, SPALDING,
LINCOLNSHIRE.

Postcode PE12 7LX.

Failure to provide the post code may cause delays in processing your appeal.

Daytime Telephone number (01406) 422633

Reference PEARL COURT LINK-UP.

Agent's name (if any) —

Agent's Address

Postcode

Failure to provide the post code may cause delays in processing your appeal.

Daytime Telephone number

Reference

B. DETAILS OF THE APPEAL

Name of the Local Planning Authority (LPA) SOUTH HOLLAND DISTRICT COUNCIL.

Description of the development

VEHICULAR ACCESS FOR FOUR DOMESTIC PROPERTIES TO PEARL COURT, HOLBEACH.

Address of the site 36 BOSTON ROAD,
HOLBEACH, SPALDING,
LINCOLNSHIRE. Postcode PE12 7LX

Failure to provide the post codee, if any, may cause delays in processing your appeal.

National Grid Reference (see key on OS map for instructions).
Grid Letters: Grid Numbers
eg TQ: 298407

TF: 357251

Date and reference no. of the application in respect of which you are appealing. 19/09/94 H09/0903/94

Date of LPA notice of decision (if any).
NONE

(REV 1994)

C. THE APPEAL

THIS APPEAL IS AGAINST the decision of the LPA:- (✔)

1. to *refuse/grant subject to conditions, planning permission for the development described in Section B. ☐

2. to *refuse/grant subject to conditions, approval of the matters reserved under an outline planning permission. ☐

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

Or the failure of the LPA:-

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

*Delete as appropriate

D. PROCEDURE

1a. Do you agree to the written procedure? (ie an exchange of written statements with the LPA and a visit to the site by an Inspector). If yes, please tick opposite and answer question 1b below. ☑

1b. Tick if the whole site can clearly be seen from a road or other public land. (An unaccompanied site visit will be arranged if the Inspector can adequately view the site from public land). ☑

OR

2. Do you wish to appear before and be heard by an Inspector? If yes, please tick. ☐

3. If the LPA agree and the Inspectorate considers your appeal suitable, do you wish to proceed by way of a hearing rather than a local inquiry? If yes, please tick. ☐

E. SUPPORTING DOCUMENTS

A copy of each of the following should be enclosed with this form.

1. The application submitted to the LPA; ☑

2. Any Article 12(A) certificate (site ownership details) submitted to the LPA; ☑

3. Plans, drawings and documents forming part of the application submitted to the LPA; ☑

4. The LPA's decision notice (if any); ☐

5. Other relevant correspondence with the LPA - Please identify the correspondence by date or otherwise ☑
....

6. A plan showing the site in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS map) ☑

Copies of the following should also be enclosed, if appropriate:

7. If the appeal concerns reserved matters, the relevant outline application, plans submitted and the permission; ☐

8. Any plans, drawings and documents sent to the LPA but which do not form part of the submitted application (eg drawings for illustrative purposes); ☑

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

☐

F. APPEAL CERTIFICATION

IMPOR NT: THE ACCOMPANYING GUIDANCE NOTES SHOULD BE READ BEFORE THE APPROPRIATE CERTIFICATE IS COMPLETED.

SITE OWNERSHIP CERTIFICATES

PLEASE DELETE INAPPROPRIATE WORDING WHERE INDICATED (*) AND STRIKE OUT INAPPLICABLE CERTIFICATE

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)* of any part of the land to which the appeal relates.

OR

CERTIFICATE B

I certify that:
I have/~~The appellant has~~* given the requisite notice 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)* of any part of the land to which the appeal relates, as listed below.

Owner's Name	Address at which notice was served	Date on which notice was served
LINCOLNSHIRE COUNTY COUNCIL.	HIGHWAYS AND PLANNING, SOUTH DIVISION, PODE HOLE, SPALDING, LINCOLNSHIRE.	10TH FEBRUARY 1995

Signed A. Rulewski (on behalf of) _____

Name (in capitals) MR ALFONS RULEWSKI Date 13/03/95

AGRICULTURAL HOLDINGS CERTIFICATE (TO BE COMPLETED IN ALL CASES)

* None of the land to which the appeal relates is, or is part of, an agricultural holding. ✓

OR

* I have/The appellant has given the requisite notice to every person other than ~~my/him/her~~* self 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 follows:-

Tenant's Name	Address at which notice was served	Date on which notice was served

***Delete as appropriate. If the appellant is the sole agricultural tenant the first alternative should be deleted and "not applicable" should be inserted below the second alternative.**

Signed A. Rulewski (on behalf of) _____

Name (in capitals) MR ALFONS RULEWSKI Date 13/03/95

G. GROUNDS OF APPEAL If the written procedure is requested, the appellant's FULL STATEMENT OF CASE **MUST** be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

1) Safer access to Boston Road via Pearl Court only, rather than via the two accesses currently used.

2) Reduced maintenance costs incurred on the owners of Nos. 36, 38, 40 and 42 regarding the private road.

3) Benefit to tradesmen in the reduction of time taken to serve residents of both Pearl Court and the private road by using one access only, namely Pearl Court.

4) Improved safety regarding the manoeuvring of the refuse cart in and out of the private road, the residents thereof would instead be served via Pearl Court which has better turning facilities than the private road.

continue on a separate sheet ~~if necessary~~

PLEASE SIGN BELOW

I confirm that a copy of this appeal form and any supporting documents not previously seen by the LPA has been sent to them. I undertake that any future documents submitted in connection with this appeal will also be copied to the LPA at the same time.

Signed A. Rulewski (on behalf of) _____

Name (in capitals) MR ALFONS RULEWSKI Date 13/03/95

CHECKLIST

- This form signed and fully completed.
- Any relevant documents listed at Section E enclosed.
- Full grounds of appeal/outline of case set out at Section G.
- Relevant ownership certificate A, B, C or D completed and signed.
- Agricultural Holdings Certificate completed and signed.

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

The Planning Inspectorate
Tollgate House
Houlton Street
Bristol BS2 9DJ

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

Cdf 106170/6/B09955 10m 9/93 DTP

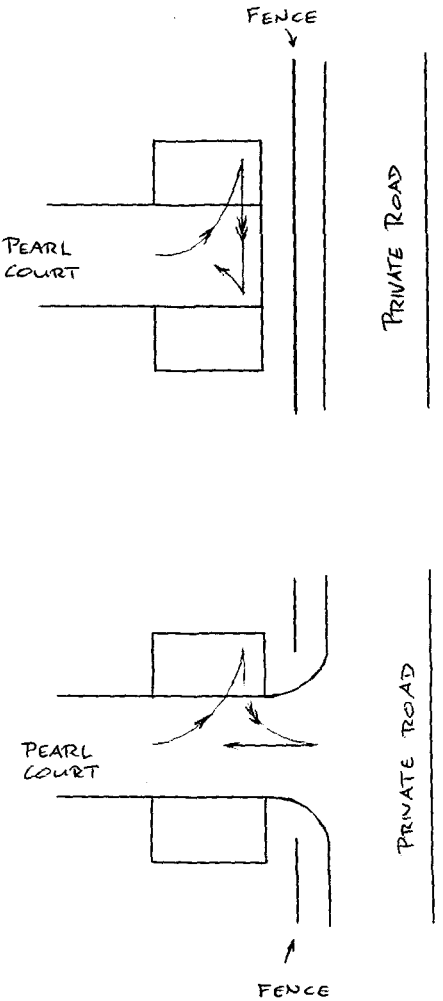
5) Use of Pearl Court would provide lighting and improved road facilities for the residents of the private road.

6) Improved access to parking spaces in Pearl Court for the residents thereof. See diagram overleaf.

7) The planning officer has recommended the application be passed. He has stated that the specification of the road through Pearl Court and the junction with Boston Road is sufficient to meet the additional traffic demands of the proposed application.

He has further stated that the residential amenities of Pearl Court will not be adversely affected and has confirmed there will be no loss of parking spaces thereof.

8) Lincolnshire County Councils Highways and Planning Department have viewed the site and have stated that the proposed link-up has merit in terms of Highway Safety. The Director has also stated emphatically that he has no objections despite being lobbied by South Holland District Council (The Local Planning Authority).


FENCE
PEARL COURT
PRIVATE ROAD
PEARL COURT
PRIVATE ROAD
FENCE

36 Boston Road,
Holbeach,
Spalding,
Lincolnshire.
PE12 7LX.

Reference: D/PG/SJR/AUTH/7/2

Mr Garnham,
Lincolnshire County Council,
Highways & Planning Department,
South Division Highways Office,
Pode Hole,
Spalding,
Lincolnshire.
PE11 3LN.

10th February 1995.

Dear Mr Garnham,

With reference to our planning application to link up our private driveway with Pearl Court, please find enclosed a copy of our letter notifying South Holland District Council of our intention to appeal to the Secretary of State on the grounds of non determination. We note that the District Council have invited you to support reasons for refusal and that you are still of the view that there are no tenable highway grounds of refusal and have stated emphatically that you do not support these reasons for refusal. We feel that any further delay is unnecessary and have therefore decided to appeal.

Yours faithfully,

ALFONS RULEWSKI.

LINCOLNSHIRE COUNTY COUNCIL
HIGHWAYS & PLANNING DEPARTMENT
South Division Highways Office
Pode Hole, Spalding PE11 3LN
Telephone (0775) 769091 Fax (0775) 762198

Your Ref:
My Ref: D/PG/SJR/AUTH/7/2

Divisional Surveyor: I. Duerden

This matter is being dealt with by:

Mr P Garnham
Extension: 19

Mr A Rulewski
36 Boston Road
Holbeach
SPALDING
Lincs
PE12 7LX

16 February 1995

Dear Mr Rulewski

PLANNING APPLICATION - PEARL COURT, HOLBEACH

With reference to your letter dated 10th February 1995 regarding the above. I have passed your letter onto Mr C Briggs of our Development Control Section at Lincoln who will reply to you direct.

In the meantime if you have any further queries please do not hesitate to contact him on Lincoln 01522 553127.

Yours sincerely

for Divisional Surveyor
South Division

COUNTY OFFICES
NEWLAND · LINCOLN

LINCOLNSHIRE COUNTY COUNCIL

HIGHWAYS & PLANNING DEPARTMENT
4th Floor, City Hall, Beaumont Fee, Lincoln LN1 1DN
Telephone (0522) 552222 Fax (0522) 553149

Director: J. Emmerson

My Ref: CB/PLAN/11/AM

Mr A Rulewski
36 Boston Road
Holbeach
Lincs
PE12 7LX

For further information contact
Mr C Briggs
Telephone Lincoln (0522) 553127

22 February 1995

Dear Mr Rulewski

ACCESS ONTO PEARL COURT, HOLBEACH

I refer to your letter of 10 February 1995 which has been passed to me by my Divisional Surveyor.

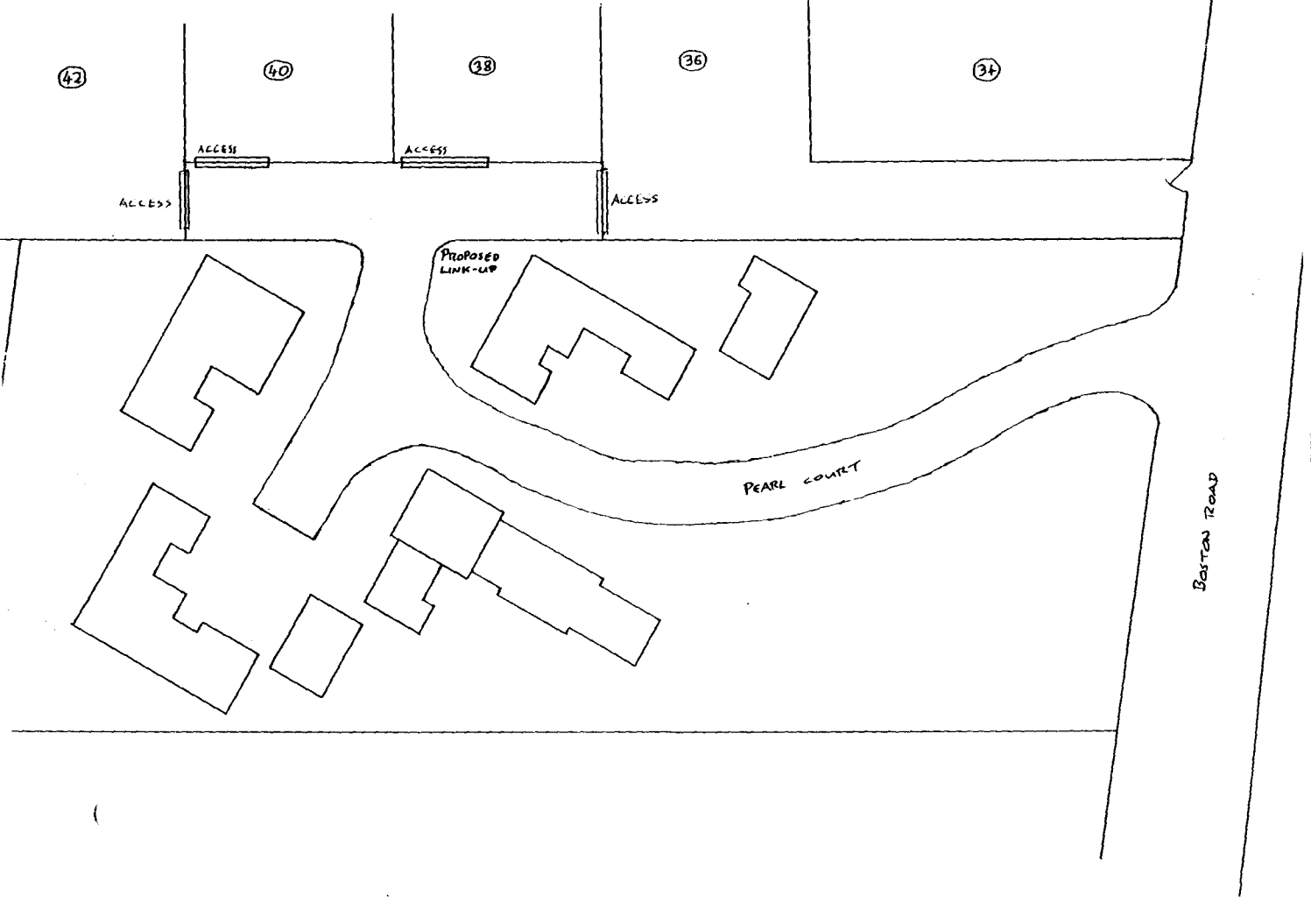
I confirm that there have been no highway reasons for refusal put forward by myself in respect of your planning application.

Yours sincerely

C Briggs

p/ Director of Highways and Planning

25115.d5l


42
40
38
36
34
ACCESS
ACCESS
ACCESS
ACCESS
PROPOSED LINK-UP
PEARL COURT
BOSTON ROAD

LPA Ref: H09/0903/94

DOE Ref: APP/A2525/A/95/250020

TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY MR A RULEWSKI

PART THREE: MISCELLANEOUS

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

LIST OF CONDITIONS IF APPEAL WERE TO BE ALLOWED

1. Before the commencement of development full details shall be submitted to and approved in writing by the Local Planning Authority of the sealing off of the existing access onto Boston Road.

   Reason: In the interests of highway safety.

2. Before the permitted access is commenced to be used the existing access between the site and Boston Road shall be stopped-up permanently to the satisfaction of the Local Planning Authority.

   Reason: In the interests of road safety.

3. The colour of the block paviors shall be approved in writing by the Local Planning Authority before they are laid as per the approved plans.

   Reason: In the interests of visual amenity.

LPA Ref: H09/0903/94

DOE Ref: APP/A2525/A/95/250020

TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY MR A RULEWSKI

PLAN 'A'

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

S.H.D.C. PLANNING DEPT.
RECEIVED
12 DEC 1994 SA

Attention
DBO
FHDO
IC ADP

File Nos.
9112 Subject

36 Boston Road,
Holbeach,
Spalding,
Lincs.
PE12 7LX.

6th December 94.

LATE ON ... Date 14/12.

Salient ... Notified

Dear S.,

With reference to my application for vehicular access, no. H09/0903/94 please find enclosed plan following the committee meeting on 6th December.

Firstly, nos. 38, 40 and 42 Bosto Rd will also use the proposed link-up hence it is not solely for the benefit of no 36.

Secondly, the proposal involves blocking off the existing driveway therefore Pearl Court will still remain a cul-de-sac and our only access will be via the link-up.

Thirdly regarding the possibility of gravel travelling onto Pearl Court the original plans shows the proposed road ending with a kerb, this kerb will be

raised above the existing driveway" acting as a gravel stop (This kerb is already in existence as the remnants of the old school footpath now dismantled, marked kerb 1 on the enclosed plan) If this is still not satisfactory might I suggest extending the road with an extra five feet of reinforced concrete on our side as extra insurance against the movement of gravel (See enclosed plan).

Fourthly foot access will still be provided for the residents of 38, 40 and 42 along the existing driveway, please see details of gates for this purpose on enclosed plan.

As none of the other objections were sustained by the council comments on the agenda for the previous meeting

I now see no reason for the application not being passed.

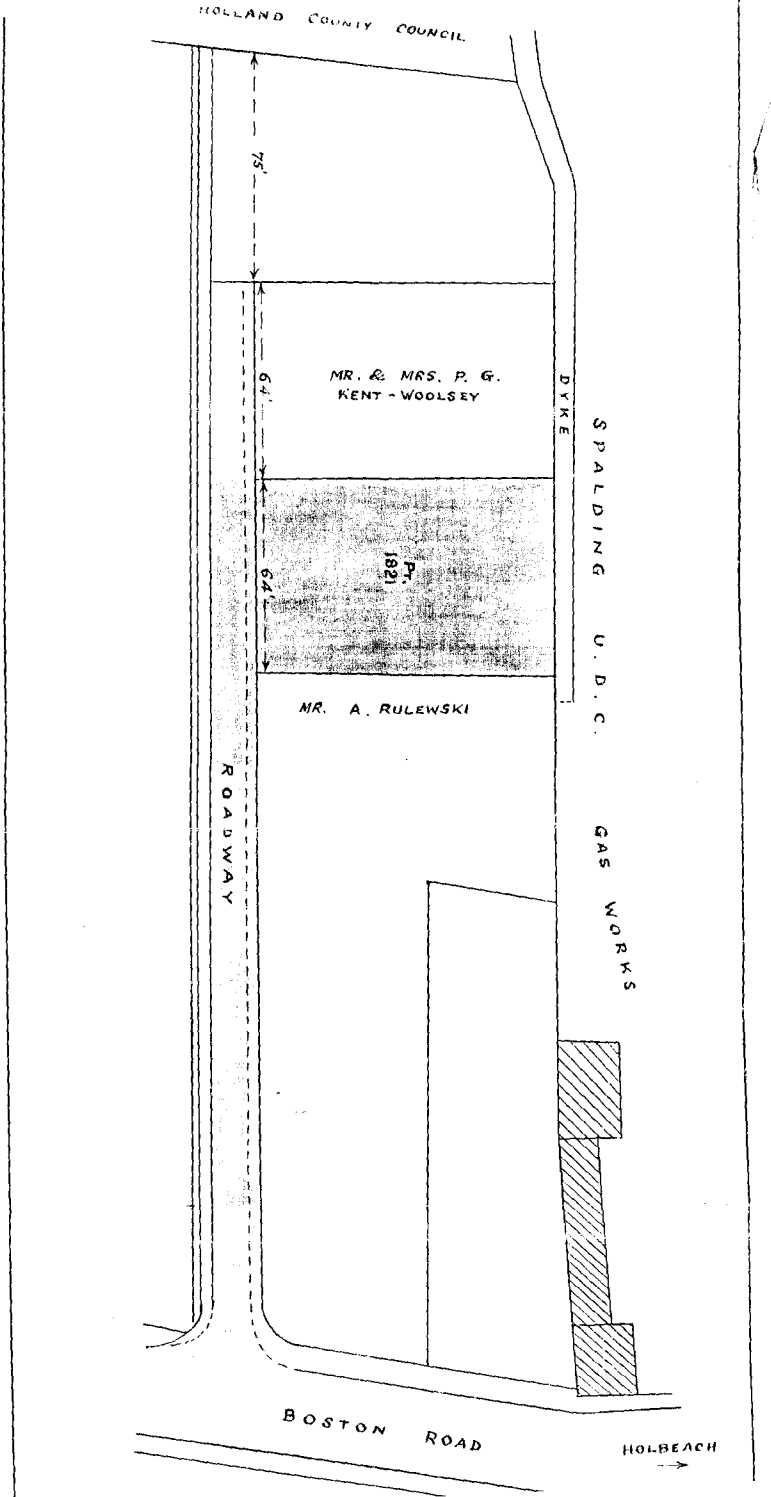
Please note that for the convenience of the site meeting I will erect some wooden posts on my side to mark the position of the proposed link-up.

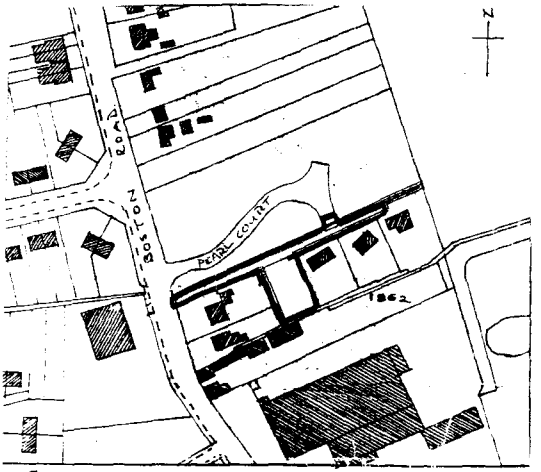
Finally, it is hoped that in the future the remaining driveway shared by the four of us will be tarmaced,

Yours faithfully,

A. Rulewski

MR A. RULEWSKI


HOLLAND COUNTY COUNCIL
75'
94'
64'
MR. & MRS. P. G.
KENT - WOOLSEY
DYKE
SPALDING U.D.C.
GAS WORKS
Pt.
1821
MR. A. RULEWSKI
ROADWAY
BOSTON ROAD
HOLBEACH

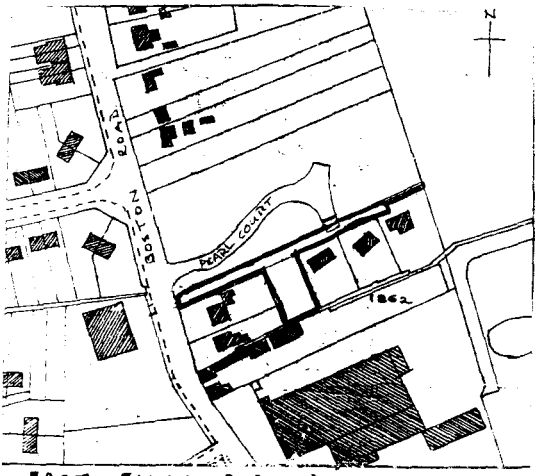


EAST ELLOE RURAL DISTRICT COUNCIL.

HOLBEACH SEWERAGE SCHEME.

DRAWING NO. P.H./25.

LINCS. O.S. NO. CXXXV 10 & 11. 1/2500.

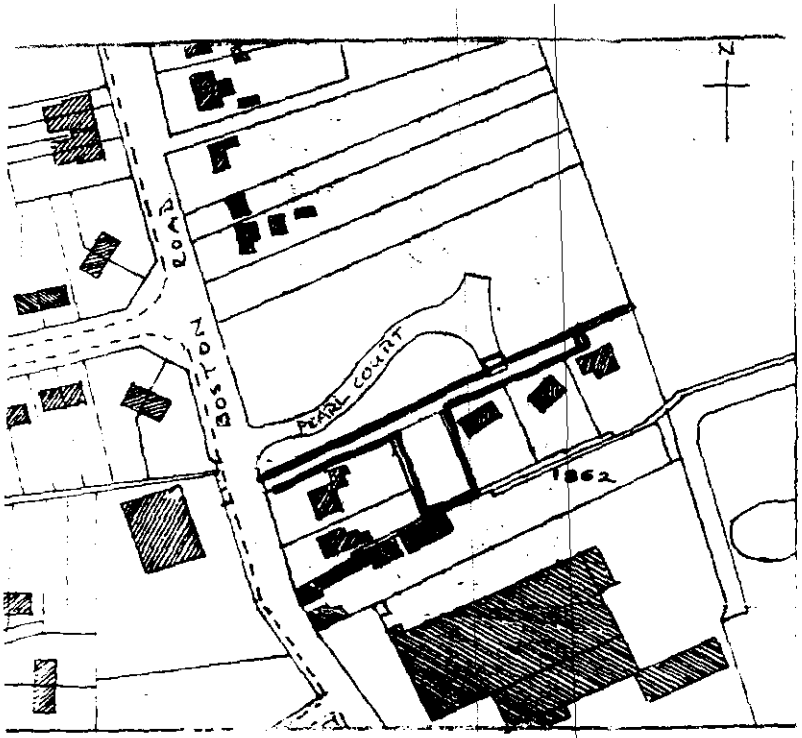


EAST ELLOE RURAL DISTRICT COUNCIL.

HOLBEACH SEWERAGE SCHEME.

DRAWING NO. P.H./E.5.

LINCS. SIG. NO. CXXXV 10 & 11. 1/2500.



EAST ELLOE RURAL DISTRICT COUNCIL.

HOLBEACH SEWERAGE SCHEME.

DRAWING NO. P.H./25.

LINCS. O.S. NO. CXXXV 10 & 11. 1/2500.

Mr & Mrs A Tegerdine,
42 Boston Road,
Holbeach,
Lincs.
PE12 7LX

Mr J Blacklock

JB/JJ H09/0903/94

25 Aug 1995

Dear Sir and Madam,

PROPOSED VEHICULAR ACCESS AT 36 BOSTON ROAD, HOLBEACH.

Thank you for your letter dated 22nd August 1995 in respect of the above.

The contents of your letter are duly noted.

Yours faithfully

J Blacklock

pp N Midlen
Development Control Manager

Lincolnshire County Council
Director of Highways & Planning
4th Floor
City Hall
Beaumont Fee
Lincoln LN1 1DN

Mr J Blacklock

JB/JK/H09/0903/94

14 February, 1995

Dear Sir

Vehicular Access - 36 Boston Road, Holbeach

Further to my letter dated 8 February, 1995 in connection with the above, I enclose a copy of a letter which I trust you will find self-explanatory.

Owing to the strict timetable imposed by the Department of the Environment on appeals, I would suggest that the meeting be convened as soon as possible, in order that the respective views of our Authorities can be finalised at the earliest opportunity.

Yours faithfully

IAN R MIDLEN
Principal Planning Officer (Development Control)

Mr N Midlen

Lincolnshire County Council
Department of Highways and Planning
4th Floor
City hall
Beaumont Fee
Lincoln

NRM/ST H09/0903/94

14 Feb 1995

Dear Sir,

MR A RULEWSKI - PROPOSED VEHICULAR ACCESS AT 36 BOSTON ROAD, HOLBEACH

The above planning application was considered at the Plans Sub-Committee on Monday 6th February 95 where it was deferred for further discussions with the highways authority and an on site meeting between the District Council ward members and Officers and a representative of the highways authority.

An on site meeting has been arranged for 2.30 pm on Thursday 23rd February with the following having confirmed their attendance:

Highway Authority Representative	-	Mr Briggs
Ward Members:	-	Cllr Capes
	-	Cllr Tyler
	-	Cllr Venni
Planning Officer	-	Mr Blacklock

A copy of the planning application and site location plan, together with the relevant agenda and minutes, have been enclosed for your convenience.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

encl:

Mr N Midlen

Councillor N I Capes
11 East Elloe Avenue
Holbeach
Spalding
Lincs
PE12 7NB

NRM/ST H09/0903/94

14 Feb 1995

Dear Councillor,

MR A RULEWSKI - PROPOSED VEHICULAR ACCESS AT 36 BOSTON ROAD, HOLBEACH

The above planning application was considered at the Plans Sub-Committee on Monday 6th February 95 where it was deferred for further discussions with the highways authority and an on site meeting between the District Council ward members and Officers and a representative of the highways authority.

An on site meeting has been arranged for 2.30 pm on Thursday 23rd February with the following having confirmed their attendance:

Highway Authority Representative	-	Mr Briggs
Ward Members:	-	Cllr Capes
	-	Cllr Tyler
	-	Cllr Venni
Planning Officer	-	Mr Blacklock

A copy of the planning application and site location plan, together with the relevant agenda and minutes, have been enclosed for your convenience.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

encl:

Mr N Midlen

Councillor D S Venni
2 Harwood Avenue
Holbeach
Spalding
Lincs
PE12 7HY

NRM/ST H09/0903/94

14 Feb 1995

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MR A RULEWSKI - PROPOSED VEHICULAR ACCESS AT 36 BOSTON ROAD, HOLBEACH

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	-	Cllr Venni
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Yours faithfully

N Midlen
Principal Planning Officer
Development Control

encl:

Mr N Midlen

Councillor T G M Tyler
Penny Hill Mill
Holbeach
Spalding
Lincs
PE12 8DN

NRM/ST H09/0903/94

14 Feb 1995

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Yours faithfully

N Midlen
Principal Planning Officer
Development Control

encl:

Director of Highways and
Planning,
Lincolnshire County Council,
City Hall,
Beaumont Fee,
Lincoln.
LN1 1DN.

Mr J Blacklock

JB/JJ H09/0903/94

08 Feb 1995

Dear Sir,

VEHICULAR ACCESS - 36 BOSTON ROAD, HOLBEACH.

With reference to the above, I write to advise you that at its meeting on 6th February 1995 the Planning Sub-Committee resolved that a meeting be requested with an appropriate Officer or Officers of the county Council to consider further the highway issues, such a meeting to take place on site. The Members of the HOlbeach Ward would attend the meeting.

Members considered a meeting was necessary as they felt some disappointment at the outcome of previous discussions at Officer level concerning this application.

I would be obliged therefore if arrangements could be made with my Officer, Mr S Thorn, to agree a mutually convenient time and date for a meeting.

Yours faithfully

J H Blacklock

M N Midlen
Principal Planning Officer
Development Control

Mr A Rulewski,
36 Boston Road,
Holbeach,
Spalding,
Lincs.
PE12 7LX.

Mr J Blacklock

JB/JJ H09/0903/94

08 Feb 1995

Dear Sir,

VEHICULAR ACCESS - 36 BOSTON ROAD, HOLBEACH.

With reference to the above, I write to advise you the Planning Sub-Committee resolved at its meeting on 6th February 1995, that a decision be deferred pending a meeting on site between the Ward Members of Holbeach, the District Planning Officer and representations from Lincolnshire County Council to discuss the highway issues further.

Yours faithfully

P N Midlen
Principal Planning Officer
Development Control