JC Architectural Consultant
Rose Villa
Main Road
Holbeach Drove
Spalding
PE12 0PS

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H09-1076-21 **Date of Decision:** 13th January 2022

Applicant: Mrs L Kelleher
16 Washway Road
Holbeach
Spalding
PE12 7PP

Location: Rear Of 16 Washway Road Holbeach Spalding

Description: Residential development of one new dwelling.

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

1 The application site is located outside of the settlement boundary of Holbeach and in the open countryside. Policy 1 of the South East Lincolnshire Local Plan states that development in the Countryside will only be "permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". No details have been submitted with regards to compliance with Policy 1 of the South East Lincolnshire Local Plan and it has not been demonstrated that the proposal would meet the sustainable development needs or the exceptions test for development in the open countryside.

Given the location of the site the proposal is in conflict with the spatial strategy outlined in Policy 1 of the South East Lincolnshire Local Plan, as well as Policies 10, 11 and 17 of the South East Lincolnshire Local Plan, which underpin the delivery of housing within defined settlements. The proposal also does not comply with any of the exceptions for new dwellings in the countryside defined under Policies 19, 20, 22 or 23 of the South East Lincolnshire Local Plan .

For the reasons outlined above the proposal is considered to be in conflict with the South East Lincolnshire Local Plan, as well as the intentions of the National Planning Policy Framework 2021. Paragraph 12 of the National Planning Policy Framework 2021 reiterates that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed.

2 The proposal would result in an inappropriate form of backland development that would be out of character with the area. Further it is considered the proposed development would materially harm the amenity of the occupants of the existing dwelling on the site in terms of noise and disturbance from vehicles using the private drive.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 2 states that sustainable development considerations should be met in relation to such matters as impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area. They also set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions.

The above policies are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. It also seeks places with a high standard of amenity for existing and future users.

Notes:

The determined plans are:

0295/21/01B
Flood Risk Assessment prepared by S M Hemmings

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

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

Phil Norman
Planning Manager



South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

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

Timescales for appealing

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

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

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

Enforcement Notices

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

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

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

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

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

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

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

Compensation

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

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