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TOWN AND COUNTRY PLANNING ACT 1990 OUTLINE

Reference:	H11-0399-17	Date of Decision:	22nd September 2017
Applicant:	Mr W Delahoy C/O Swann Edwards Architecture Limited Swann Edwards Architecture Fen Road Guyhirn Wisbech Cambs PE13 4AA		
Location:	Land Adjacent: 44 Bridge Road Long Sutton Spalding		
Description:	Proposed residential development		

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

- 1 The development, if permitted, would result in the loss of employment land. Moreover, the site is sandwiched between existing industrial premises. Due to the mix and proximity of commercial premises (including general industrial) on both sides of the site there is a high likelihood that future occupiers of the properties would suffer from significant noise and general disturbance.

The site is not therefore considered to be a suitable site for housing with particular regards to the principles of sustainable development as defined within the National Planning Policy Framework, 2012. The proposal is also contrary to saved Policies SG1 and EC3 of the South Holland Local Plan, Policy 8 of the South East Lincolnshire Local Plan (SELLP) 2011-2036 (Publication Version March 2017) and Paragraphs 7, 14, 17 and Sections 7 and 11 of the National Planning Policy Framework, 2012.

Saved Local Plan Policy EC3 states that a change of use to a non-employment use should only be permitted where the existing use is unsatisfactory or where the benefit of the proposed use outweighs the need to retain the existing use. This is not considered to

be the case. The South East Lincolnshire Local Plan identifies the site as a Main Employment Area and Policy 8 states that any non-B development should only be supported where it is ancillary to the effective functioning of such an area. Paragraph 7 of the Framework indicates that sufficient land of the right type should be available in the right places and the right time to support economic growth. Paragraph 14 states that where a development plan is out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 17 indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 64 stresses that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraphs 123 stipulates that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Notes:

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

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

The determined plans are:

Dwg. no. 6083-1 dated 22 February 2017;

Dwg. no. SE-728-02 dated March 2017;

Flood Risk Assessment by Geoff Beel Consultancy (ref. GCB/Swann Edwards) dated April 2017;

Sustainable Drainage Strategy by MTC Engineering (ref. 1940-DS-Aug 2017);

Planning Noise Impact Assessment (ref. DP136/17192/Rev.0) by Spectrum Acoustic Consultants.



Paul Jackson
Place 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		

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

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.