Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

G R Merchant Ltd
Unit 4 Wrights Mews
12a Park Road
Holbeach
Spalding Lincs
PE12 7EE

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H11-0650-19 **Date of Decision:** 29th August 2019

Applicant: Mr & Mrs D Bunn
4 Villa Close
Long Sutton
Spalding
Lincs
PE12 9JR

Location: Off Park Lane Long Sutton Spalding Lincs

Description: Proposed two-bed detached house

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

1 The site is brownfield and is within the Long Sutton Settlement Boundary as defined in the South East Lincolnshire Local Plan, 2019. Furthermore, the proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. However, these benefits are considered to be outweighed by the harm that the proposal would cause in terms of the development's effect upon the character and appearance and amenity of the area.

Although the existing houses in the area are of different designs and the layout does not conform with that of a conventional street most dwellings relate well to each other and have reasonably sized garden areas attached. The proximity of the 2 utilities close to the appeal site, combined with its restricted size, represents a poor context for residential development. The proposed dwelling would virtually fill the width of the plot and its frontage would be dominated by car parking. The house would have no relationship with other housing in the area and would produce a very cramped and incongruous form of development.

Also, due to its position in relation to the surrounding land uses, the proposed dwelling would have a very small rear garden as its amenity space. The presence of the tyre depot at the rear and the blank walls of buildings to the east, plus the utilitarian appearance of the telephone exchange and its parking/manoeuvring area, would produce a depressing and confined outlook for future occupiers of the proposed dwelling.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 2 indicates that sustainable development considerations should be met in relation to size, scale, layout, density and impact upon the amenity and character/appearance of the area. Policy 3 states that development proposals which are inappropriate to the local area or which fail to maximise opportunities for improving the character and quality of an area will not be acceptable. They are in accordance with advice within the National Planning Policy Framework, 2019. Paragraph 122 indicates the desirability of maintaining an area's prevailing character and setting. Paragraph 127 stresses that planning policies and decisions should be sympathetic to local character.

2 The South East Lincolnshire Strategic Flood Risk Assessment indicates that the site is located within an area identified as "Danger for Most". It is possible for new housing to be delivered on sites that are in locations that are more environmentally sustainable and of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019 and advice within paragraph 158 of the National Planning Policy Framework, 2019.

Notes:

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

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

The determined plans are:
3326-18-02A;
Flood Risk Assessment by Ellingham Consulting Ltd (ref. ECL0058/G R Merchant Ltd) dated June 2019.

Phil Norman
Planning and Building Control 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 Authroity 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.