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Mr John Heading
4 Gimmels Gate
Sutton Crosses
Long Sutton
Spalding Lincs
PE12 9AS

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H11-0828-19 **Date of Decision:** 9th December 2019

Applicant: Mr John Heading
4 Gimmels Gate
Sutton Crosses
Long Sutton
Spalding Lincs
PE12 9AS

Location: 4 Gimmels Gate Sutton Crosses Long Sutton Spalding Lincs

Description: Use of land for siting of residential caravan/lodge

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 any settlement boundary as outlined in the South East Lincolnshire Local Plan, 2019. As per Policy 1 of the Local Plan, the site is therefore classed as being in the 'Countryside' in planning policy terms. The nearest services, facilities and amenities to meet the daily needs of the future occupants are in Long Sutton. The distance involved for a round trip to them, particularly by foot or cycle, is not insignificant. Moreover, the residents would have to negotiate the A17 (subject to a 60mph speed limit), on foot or by cycle, to the detriment of pedestrian safety. Furthermore, the site lies within Flood Zone 3, which National Planning Practice Guidance highlights is an inappropriate location for highly vulnerable uses - A category which includes caravans used as permanent residential accommodation.

The siting of a caravan for permanent residential use in this location is, therefore, considered to be inappropriate and would result in harm both in the context of Policies 2, 3 and 4 of the Local Plan, as well as in relation to the social and environmental objectives enshrined in Paragraph 8 of the National Planning Policy Framework, 2019 (NPPF). It would also be contrary to paragraphs 108 and 110 of the NPPF, which seek to ensure

safe and suitable access and access by sustainable modes of transport (such as walking and cycling) and Section 12 in relation to flooding.

Given the location of the site, the proposal is in conflict with the spatial strategy outlined in Policy 1 of the Local Plan, as well as policies 10, 11 and 17 of the 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 Local Plan.

For the reasons outlined above the proposal is in conflict with Local Plan, as well as the NPPF, including paragraph 12 which states 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 National Planning Practice Guidance classifies caravans used for permanent residential use as highly vulnerable and states that Flood Zone 3, in which the application site is located, is an inappropriate location for highly vulnerable uses. The proposal is therefore not acceptable on the basis that the proposed use falls within a flood risk vulnerability category which is inappropriate to the flood zone in which the application site is located. Furthermore, the Environment Agency have objected in principle to the proposal.

For this reason, the proposal is considered to be contrary to Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019; Section 14 of the National Planning Policy Framework, 2019; and National Planning Practice Guidance on Flood Risk and Coastal Change.

Notes:

The determined plans are:

Site Location Plan;
Application Form;
Flood Risk Assessment (Reference GCB/HEADING) by Geoff Beel Consultancy dated October 2019;
Photographs of the caravan

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

DC_FINAL_DECISION - ODB:14



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		

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.