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

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

PJK Magpie Close Ltd.
Pudding Lane
Pinchbeck
Spalding
Lincs
PE11 3TJ

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H11-0842-23	**Date of Decision:**	15th November 2023
Applicant:	PJK Magpie Close Ltd. Pudding Lane Pinchbeck Spalding Lincs PE11 3TJ		
Location:	Land Off Lime Walk Long Sutton Spalding		
Description:	Residential development comprising 48 dwellings - re-submission of H11-0994-22		

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

1 The proposed density of the development, at 48 dwellings on a site allocated for 34 dwellings, combined with its layout and design, results in an urban development that is unacceptable in terms of visual impact and its affect upon the character and appearance of the area. The site is on the soft, green, rural edge of the town and the proposal does not create a high quality development in terms of layout or design and is out of character with the rural setting of the site on the edge of the settlement.

The proposal is therefore considered to be over-development of the site resulting in unacceptable harm to the character and appearance of the area by introducing a high density, urban style development. Moreover, the general layout is such that a significant proportion of the public footpath running along the south-western boundary would have a general lack of natural surveillance from nearby properties.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and to the guidance within the National Planning Policy Framework, 2023,

particularly Section 12 - Achieving Well-Designed Places. Policies 2 and 3 indicate that development which is not sustainable and is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Paragraph 130, contained within Section 12 of the Framework, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It goes on to state that new development should be sympathetic to local character and history including the surrounding built environment and landscape setting. It also stresses that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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 reasons 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:
AS2602/1 Rev A1
LWLS-SH-PD-LP-1000 A
LWLS-SH-PD-SL-1001 B
LWLS-SH-PD-SIP-1002
LWLS-SH-PD-BLP-1004 A
S153 01A
S213 01
S213 01B
HT S301V2 01
S303 & S319 01
S303 & S319 02
S305 01A
S306 01A
S318 & S319 01
S318 & S319 02A
S409 V2 01B
S430 02
Drainage Strategy (Ref. 12700-WMS-ZZ-XX-D-C-39201-S8-P4) dated August 2023
Drainage Statement (Ref. 12700-WMS-ZZ-XX-T-C-39201-S8-P3) dated August 2023
Phase 1 Land Contamination Assessment by Brown Fisher Environmental (Ref. 225773CLR) dated 27 June 2022
Preliminary Ecological Appraisal by Arbtech dated 6 September 2023

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Biodiversity Net Gain Assessment by Arbtech dated 20 September 2023
Pre-Development Tree Survey BS5837:2012 by Brown Fisher Environmental (Ref. 225773ARB) dated 27 June 2022
Flood Risk Assessment by H A Architectural dated October 2022
Planning, Design and Access Statement prepared by Barmach Ltd dated September 2023



Phil Norman
Head of Planning
South Holland District Council

DC_FINAL_DECISION - ODB:14

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		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

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.