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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference:	H11-1070-22	**Date of Decision:**	26th January 2023
Applicant:	Colin Parker Masonry Ltd 58 Bridge Road Long Sutton Spalding PE12 9EF		
Location:	Colin Parker Masonry Ltd 58 Bridge Road Long Sutton Spalding		
Description:	Residential Development - Indicative layout for 9 Dwellings		

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

1 Under Policy 7 of the South East Lincolnshire Local Plan (2019), the site is identified as an allocated employment area (reference LO002) and its use is restricted to B1, B2 and B8 uses.

The provisions of Policy 7 are considered to take precedence over the fact the site is located within a settlement boundary (Policy 1), therefore the proposal is unacceptable in principle. No strong justification (such as a failed marketing exercise or business viability / case) has been provided as to why the loss of the employment site is acceptable.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Section 6 supports sustainable economic growth in rural areas. It stresses that planning policies and decisions should place significant weight on the need to support economic growth taking into account local business needs.

It is accepted that the site is brownfield, but this matter is not considered to outweigh the provisions of Policy 7. Furthermore, the Council is capable of demonstrating a 5-year housing land supply (5.9 years as at 31st March 2022).

It is also acknowledged that residential properties have recently been constructed to the west (ref. H11-0399-17), however the outline consent was granted prior to the current Local Plan being adopted and was therefore considered in a different context.

2 The site is located within an area identified as mostly "Danger for Some" in terms of flood hazard, with predicted flood depths of up to 0.5m, within the South East Lincolnshire Strategic Flood Risk Assessment (2017), which is used as a basis to apply the sequential test in terms of flood risk. There are alternative sites allocated within the Local Plan that are appropriate for the proposed development, that are reasonably available and which are located in areas with a lower risk of flooding. Moreover, the proposal fails the exceptions test because it would not provide sufficient wider sustainability benefits to the community that outweigh flood risk.

The proposal therefore conflicts with advice within Section 14 of the National Planning Policy Framework (2021).

Notes:

The determined plans are:

2113-09-A
2113-08
2113-10
01
Flood Risk Assessment by Geoff Beel Consultancy (August 2022)
Noise Assessment by Acoustic Associates (September 2022)

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



Phil Norman
Head of Planning
South Holland District Council

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.