Town and Country Planning Act 1990

Form P3

Refusal of Planning Permission

Name and address of applicant

Mountains Road Haulage
Lutton Gowts
Nr Long Sutton

Name and address of agent (if any)

David J Loveday, BSc, MRTPI
Independence House
15 Burley Road
Oakham
Rutland LE15 6DH

Part I - Particulars of application

Date of application:	Application no.
4 June 1996	H.12/612/96

Particulars and location of development:

To erect a building to be used for a waste transfer station and recycling centre for commercial cardboard and paper at Lutton Gowts, Lutton.

Part II - Particulars of decision

The Lincolnshire County Council hereby give notice in pursuance of the provisions of the Town and County Planning Act 1990 that **permission has been refused** for the carrying out of the development referred to in Part I hereof for the following reasons:-

1. The proposed development is contrary to the provisions of the Lincolnshire Structure Plan which has a presumption against development in the open countryside unless a special need can be demonstrated. In this particular case no special need warranting a departure from the Structure Plan Policies has been demonstrated.

2. The proposed development is contrary to the provisions of draft Deposit South Holland Local Plan by reason of being beyond the boundaries of the existing settlements. Furthermore it is considered that the scale and impact of the proposed development by reason of vehicle movements and general disturbance is likely to have a detrimental effect on the neighbouring uses and on the residential amenities which the occupants of those dwellings fronting Lutton Gowts could reasonably expect to enjoy.

\Cont...

Date - 9 AUG 1996

4th Floor
City Hall
Beaumont Fee
Lincoln

Chief Planning Officer
Lincolnshire County Council

41151.d7p

3. Lutton Gowts is a Class III County road which runs north-south along the old sea bank, also known as Roman Bank. This varies in width and has a tortuous alignment making it unsuitable for HGV's. The County Planning Authority is of the opinion that the proposed development would give rise to conditions detrimental to highway safety because of the inadequacy of the road network hereabouts.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ). The Secretary of State has a power to allow a longer period for the giving notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving of a notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Refusal of Planning Permission

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Name and address of agent (if any)

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2. The proposed development is contrary to the provisions of draft Deposit South Holland Local Plan by reason of being beyond the boundaries of the existing settlements. Furthermore it is considered that the scale and impact of the proposed development by reason of vehicle movements and general disturbance is likely to have a detrimental effect on the neighbouring uses and on the residential amenities which the occupants of those dwellings fronting Lutton Gowts could reasonably expect to enjoy.

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Date - 9 AUG 1996

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Town and Country Planning Act etc

DRAFT REFUSAL

Reference: H12/0612/96 Received:02-JUL-96 Type:COUNTY MATTER

Name: Mountains Road Haulage
Lutton Gowts
Long Sutton
Spalding
Lincs

Agent: David J Loveday
Independence House
15 Burley Road
Oakham
Rutland Leics.

Description: Erect building to be used for a waste transfer station and recycle centre for commercial cardboard & paper only
Location : Land at Lutton Gowts Spalding
Lincs

South Holland District Council hereby give notice
that permission has been refused etc
for the following reasons:

X Reason for refusal please ✓
✳ APP CONDITIONS AS SHOWN BELOW
20-AUG-96 Checked .....

Authorised to issue (inc Delegation).....

Admin - please do a new recommendation for checking after reason for refusal received

✳ 1. The proposed development is contrary to the provisions of the Lincolnshire Structure Plan which has a presumption against development in the open countryside unless a special need can be demonstrated. In this particular case no special need warranting a departure from the Structure Plan Policies has been demonstrated.

2. The proposed development is contrary to the provisions of draft Deposit South Holland Local Plan by reason of being beyond the boundaries of the existing settlements. Furthermore it is considered that the scale and impact of the proposed development by reason of vehicle movements and general disturbance is likely to have a detrimental effect on the neighbouring uses and on the residential amenities which the occupants of those dwellings fronting Lutton Gowts could reasonably expect to enjoy.

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Observations of District Council on County Matter

Reference: H12/0612/96 Received:02-JUL-96 Type:COUNTY MATTER

Name: Mountains Road Haulage
Lutton Gowts
Long Sutton
Spalding
Lincs

Agent: David J Loveday
Independence House
15 Burley Road
Oakham
Rutland Leics.

Sub to L.C.C. 4 3/9

Description: Erect building to be used for a waste transfer station and recycle centre for commercial cardboard & paper only
Location : Land at Lutton Gowts Spalding
Lincs

South Holland District Council have considered the proposal, and OBJECT to the development for the reason(s) set out below:

1 The proposed development is contrary to the provisions of the Lincolnshire Structure Plan which has a presumption against development in the open countryside unless a special need can be demonstrated. In this particular case no special need warranting a departure from the Structure Plan Policies has been demonstrated.

2 The proposed development is contrary to the provisions of draft Deposit South Holland Local Plan by reason of being beyond the boundaries of the existing settlements. Furthermore it is considered that the scale and impact of the proposed development by reason of vehicle movements and general disturbance is likely to have a detrimental effect on the neighbouring uses and on the residential amenities which the occupants of those dwellings fronting Lutton Gowts could reasonably expect to enjoy.

Director of Housing and Planning Services
03-SEP-96 H12/0612/96

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

MRS SALLY WALTHAM BA (Hons) F.C.I.H. Director of Housing & Planning Services

Housing & Planning Services Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 01775 761161)

DRAFT

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Observations of District Council on County Matter

Reference: H12/0612/96 Received:02-JUL-96 Type:COUNTY MATTER

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Long Sutton
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Director of Housing and Planning Services
29-AUG-96 H12/0612/96

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24/8

MRS SALLY WALTHAM BA (Hons) F.C.I.H. Director of Housing & Planning Services

Housing & Planning Services Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 01775 761161)