FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H12/1030/96 Received:20-NOV-96 Type:S73A CONTINUATION

Name: Mrs H E Portass
Lutton Bank
Lutton
Spalding
Lincs

Agent: Messrs. Hix and Son
28 Church Street
Holbeach
Spalding
Lincs PE12 7LL

Description: Continuation of permission without complying with agricultural habitation clause
Location : Lutton Bank Lutton
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the retention of buildings/continuation of use of land for the reason(s) set out below:

1 In the opinion of the Local Planning Authority the circumstances of this case do not justify a removal of the agricultural clause which would be contrary to and damaging to the aims of Policy 7A of the approved County Structure Plan, which seeks to restrict new residential development in the open countryside to that essential to the interests of agriculture. This policy is in accordance with national planning policies as set out in Planning Policy Guidance Note No. 7, 1992 (The Countryside and the Rural Economy).

Director of Housing and Planning Services
23-JAN-97 H12/1030/96

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)

COPY

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H12/1030/96 Received:20-NOV-96 Type:S73A CONTINUATION

Name: Mrs H E Portass
Lutton Bank
Lutton
Spalding
Lincs

Agent: Messrs. Hix and Son
28 Church Street
Holbeach
Spalding
Lincs PE12 7LL

Description: Continuation of permission without complying with agricultural habitation clause
Location : Lutton Bank Lutton
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the retention of buildings/continuation of use of land for the reason(s) set out below:

1 In the opinion of the Local Planning Authority the circumstances of this case do not justify a removal of the agricultural clause which would be contrary to and damaging to the aims of Policy 7A of the approved County Structure Plan, which seeks to restrict new residential development in the open countryside to that essential to the interests of agriculture. This policy is in accordance with national planning policies as set out in Planning Policy Guidance Note No. 7, 1992 (The Countryside and the Rural Economy).

S A Waltham

Director of Housing and Planning Services
23-JAN-97 H12/1030/96

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.

Town and Country Planning Act etc

DRAFT REFUSAL

Reference: H12/1030/96 Received:20-NOV-96 Type:S73A CONTINUATION

Name: Mrs H E Portass
Lutton Bank
Lutton
Spalding
Lincs

Agent: Messrs. Hix and Son
28 Church Street
Holbeach
Spalding
Lincs PE12 7LL

Description: Continuation of permission without complying with agricultural habitation clause
Location : Lutton Bank Lutton
Spalding Lincs

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

1 Refuse permission.

In the opinion of the Local Planning Authority the circumstances of this case do not justify a removal of the agricultural clause which would be contrary to and damaging to the aims of Policy 7A of the approved County Structure Plan, which seeks to restrict new residential development in the open countryside to that essential to the interests of agriculture. This policy is in accordance with national planning policies as set out in Planning Policy Guidance Note No. 7, 1992 (The Countryside and the Rural Economy).

20-JAN-97 Checked ...

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

RIGHTS OF APPEAL ETC

Applications for Planning Permission

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 to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ.

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 Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants 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 developments 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 Part VI of the Town and Country Planning 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 Sections 114 and related provisions of the Town and Country Planning Act 1990.