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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H13-0170-24 **Date of Decision:** 23rd April 2024

Applicant: Mr K Alsop
C/O Neil Dowlman Architecture Ltd
12-14 Main Ridge West
Boston
PE21 6QQ

Location: Waites Farm Barns Seas End Road Moulton Seas End Spalding

Description: Summer House - Retrospective

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

1 Policy 2 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. Policy 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will demonstrate how an acceptable design of development including residential amenity will be secured. Policy 30 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area. Paragraph 135 of the National Planning Policy Framework (NPPF, December 2023) states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and 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. Finally, Paragraph 134 of the National Planning Policy Framework (NPPF, December 2023) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The summer house uses a hipped roof design for the majority across all elevations with a small gable section on the side. The main dwelling and other buildings on this site incorporate a gable roof whilst many buildings in the immediate area also use gable roofs rather than a hipped roof. Although there are not many buildings in the adjacent area, the two sites that directly abut Waites Farm Barns use gable roofs which face the highway and are clearly visible from this area. Due to the height of the retrospective summer house, it is visible from the highway and clashes with the existing designs throughout and can be considered incongruous and out character, therefore it is unacceptable in this regard.

Furthermore, the design of the windows on the east and south elevations are dissimilar and contrast to any other design on site through them being large open displays of a unique and unacceptable design. The south facing windows are 4000mm tall with a slightly shorter part of around 2700mm, they have a width of 1350mm; this means they are as high as the eaves on this side plus taking up the majority of the middle section of brickwork. Additionally, there are three larger windows on the east side being 2400mm wide and 2700mm high (level to the eaves), a semicircle design for a window is featured above this section. As mentioned in the report, it is of the Planning Officers knowledge that there are no windows on site that match the stated designs. Although there are a set of windows on one elevation that are somewhat large, they are smaller than the ones featured on the summer house, therefore the windows across these elevations are disproportionate and do not match the design/character of the site.

The highest point of the summer house sits at around 7000mm with a slightly lower section at 6000mm, the existing dwelling at Waites Farm Barns has a highest level of approximately 7800mm with the majority of the building running at 5100mm across the elevations. Therefore, it is apparent that the summer house will be significantly higher than the majority of the dwelling and therefore appear out of character and incongruous in comparison to existing buildings on the site. A separate application was submitted for a retrospective garage further up from the siting of this building with a previous permission being granted for a second garage as well; these buildings were 6000mm and 6500mm respectively. It is therefore considered that the height of the summer house is significantly bigger and more substantial than that of the existing buildings on this site and is not in character as a result. Additionally, the internal floor space is around 91 square metres, this is further justification that outlines that in comparison to existing outbuildings the summer house is disproportionate and therefore of an offensive design to the character of the area.

Finally, some concern surrounding the materials that have been used are raised. The walls are made from reclaimed facing brickwork on the bottom section with grey horizontal timber cladding above running across the elevations. Whilst the cladding is set to match that of the existing outbuildings it conflicts with the brickwork used on the main parts of the dwelling - the brickwork is a key feature on the barn conversion and due to the substantial size of the summer house the sheer amount of cladding will conflict and contrast and is considered to be visible from the highway therefore causing significant and material harm.

Therefore, the materials, size, scale, and design for the summer house causes an adverse impact on the character and appears misplaced in relation to the buildings within this plot, this is in direct conflict to Policies 2 and 3 of the South East Lincolnshire Local

Plan and Section 12 of the National Planning Policy Framework (December 2023).

2 The Local Planning Authority considers the proposal to be tantamount to a new dwelling within the open countryside due to the size of the summer house paired with the internal floor space for the rooms.

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 reason(s) 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:

Application Form
B/3804-1001
B/3804-1002
B/3804-5004
B/3804-5001 Rev A
B/3804-5002 Rev A
B/3804-5003 Rev A
Flood Risk Details



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
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.