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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H13-0642-23 **Date of Decision:** 20th September 2023

Applicant: B L M Builders Ltd
Douglas
Horseshoe Road
Spalding
Lincolnshire
PE11 3JA

Location: Rear Of War Memorial Seas End Road Moulton Seas End Spalding

Description: Proposed Residential Development - 3 Dwellings

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

1 The proposal is considered to constitute overdevelopment leading to a cramped and incongruous form of development, with a resulting unacceptable impact upon nearby residential amenity contrary to the provisions of Policy 3 of the South East Lincolnshire Local Plan, 2019. This Policy seeks to minimise impact on neighbouring properties from overbearing, overlooking and overshadowing, as result of inappropriate design in the context of the surrounding area. Paragraph 130 of the National Planning Policy Framework, 2023, is also of relevance. This Paragraph states that development should create places that add to the overall quality of the area, are sympathetic to local character and are visually attractive as a result of good architecture.

2 The scale of the development would appear totally cramped within its setting, and the scale, positioning and massing, particularly the proposed plot 1 which would force the war memorial into visual subservience, having an entirely unacceptable harmful impact upon the Grade II listed war memorial. In conjunction, with a large boundary this proposal would serve only to visually 'hem' the memorial into a greatly reduced space that would appear more akin to a side garden to plot 1, than a space for public appreciation of the community

heritage asset. The proposal is therefore not in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019, as well as Section 16 of the National Planning Policy Framework, 2023.

3 There has been a minimal effort to address biodiversity net gain on site. The proposal would lead to a substantive loss of a wide range of flora and fauna. The proposed layout and proximity of development is highly likely to have a material detrimental impact on the existing and proposed trees on and in the vicinity of the site. The proposal is therefore not in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019, as well as Section 15 of the National Planning Policy Framework, 2023.

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. 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

The determined plans are:
Flood Risk Assessment - ECL0293a/JULIAN WARRICK (Prepared by Ellingham Consulting Ltd - July 2023)
J185-PL 2
J185-PL 3
J185-PL 4
J185-PL 5
Application Form
Design and Access Statement incorporating Heritage Impact Assessment - J185-PDA/HIA
J185-PL 1 Rev A
Shadow Cast 3D Plans



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.