

Mr D Beasley
West Acorns Farm
73 Six House Bank
West Pinchbeck
Spalding
PE11 3QG

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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference:	H14-0067-23	Date of Decision:	17th March 2023
Applicant:	Mr D Beasley West Acorns Farm 73 Six House Bank West Pinchbeck Spalding PE11 3QG		
Location:	West Acorns Farm 73 Six House Bank West Pinchbeck Spalding		
Description:	Change of use from agricultural land to commercial/storage for wood, household items, motorbike and car parts - retrospective		

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

- 1 The site is situated within the countryside as identified in the South East Lincolnshire Local Plan, 2019. Whilst the proposal would have some limited economic and social benefits, the environmental harm and harm to amenity and the unsustainable location outweigh any limited benefits, subsequently the site is not in a suitable location.

Therefore, the adverse impacts would significantly and demonstrably outweigh the benefits and so the proposal would not represent sustainable development.

The proposal is therefore contrary to Policy 1 of the South East Lincolnshire Local Plan (SELLP), 2019 and advice within the National Planning Policy Framework, 2021. SELLP Policy 1 states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

- 2 Policy 2 of the South East Lincolnshire Local Plan (2019) (SELLP) states that proposals requiring planning permission for development will be permitted provided that certain considerations are met, including in relation to the impact upon neighbouring land uses through noise, odour, disturbance or visual intrusion, among other considerations. Likewise, residential amenity is one of the issues that is highlighted when considering proposals on the ground of design and layout as required by Policy 3 of the SELLP (2019). Furthermore, Policy 30 states that development proposals will not be permitted where they would lead to unacceptable adverse impacts upon the amenities of the area by way of noise and light levels. Paragraph 127 of National Planning Policy Framework (NPPF), 2019 sets out that proposals should 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, among others.

Given the activities of the businesses that are ongoing on the site, it would appear they significantly impact upon the residential amenity of neighbouring dwellings to the west of the site. Therefore, the type of business and the location are considered to be out of keeping with the location, which is predominantly for residential purposes and a local primary school.

It is therefore, considered that the development has a detrimental impact upon the residential amenity of surrounding properties and therefore, does not comply with Policy 2 and 3 in the South East Lincolnshire Local Plan, 2019.

- 3 Policy 30 of the South East Lincolnshire Local Plan (2019) states that development must take into account the potential environmental impacts upon people, buildings, land and air arising from the development itself, existing land uses and any former use of the site, including, in particular, adverse effects arising from pollution.

Due to the close proximity of residential dwellings along Six House Bank and the ongoing commercial activities on site, it is considered that the development has an unacceptable adverse impact upon the amenities of the area in terms of noise disturbance.

It is therefore not considered to comply with Policy 30 in the South East Lincolnshire Local Plan, 2019

Notes:

The determined plans are:

Site Location Plan

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



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.