The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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S.H.D.C. PLANNING DEPT.
RECEIVED
17 MAR 1994

Mr J H Sneath ASVA
Ebenezer Farm
Fengate, Moulton Chapel
SPALDING
Lincs
PE12 0XL

Your Ref JHS/93120

Our Ref: T/APP/A2525/A/93/232201/P2

Date: 16 MAR 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR J G SNEATH
APPLICATION NO: H14/0690/93.

1. As you know, I have been appointed by the Secretary of State for the Environment to determine this appeal, which is against the decision of the South Holland District Council to refuse outline planning permission for a pair of replacement semi detached cottages following demolition of existing cottages at Glenside North, Money Bridge, Pinchbeck West. I have considered the written representations made by you and the Council, and also those made by the Pinchbeck Parish Council directly to the Council and forwarded to me. I inspected the site on 8 March 1994.

2. The appeal site is located in open countryside, where Structure Plan policies of severe restraint on new development apply. The Council's approach is to regard replacement houses as new development in a case like this where the 2 cottages are long vacant and in poor condition, and to reject proposals which do not show special need. However, in my opinion the proposal is not clearly in conflict with the development plan, as this approach is not expressly provided for and no policy relates to replacements. The proposal therefore has to be determined on its merits, but having regard to the national and local policy aim of protecting the open countryside.

3. In the reasons for refusal, the Council contend that the residential use has been abandoned; you dispute this, and I have read both arguments. However, in my opinion abandonment would be a consideration of weight if the resumption of residential use was at issue, but not in this case where it is new building which is proposed. This is not therefore a matter on which I need to reach a conclusion.

4. From what I have read and seen, I consider that the main issue is whether or not the proposal would unacceptably harm the appearance of the locality.

5. The proposed houses would not be isolated buildings in the countryside, but would be seen in the context of other buildings, some quite substantial. The nearest buildings on each side are derelict, but regardless of their future, buildings would remain clustered round the nearby crossroads where the bridge carries Money Bridge Lane over the river. From here, straggling ribbons of dwellings and buildings stretch away, noticeable over some distances in the flat landscape. The proposed houses would not be out of keeping with this setting. The illustrative drawing shows that the houses could be sited without buildings encroaching more into open land, and this and a suitable scale and design can be ensured by the Council at reserved matters stage.

6. In these circumstances, I consider that there would be no undue harm to the appearance of the locality; nor would the scheme conflict with the policy aims of preserving the countryside, protecting the best agricultural land and economy in service provision.

7. As regards conditions, the Council's suggestions relate to details to be dealt with at reserved matters stage.

8. I have noted the other cases you mention where the Council have approved renovation or replacement, which the Council do not accept as comparable, and also the Council's concern at precedent; these are not compelling considerations in view of my conclusions on the merits of this case. I have taken into account all the other matters in the representations, but find nothing to outweigh the factors which have led me to my decision.

9. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for a pair of replacement semi detached cottages following demolition of existing cottages at Glenside North, Money Bridge, Pinchbeck West in accordance with the terms of the above application (No H14/0690/93) dated 19 July 1993 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority;

   b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission;

2. the development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

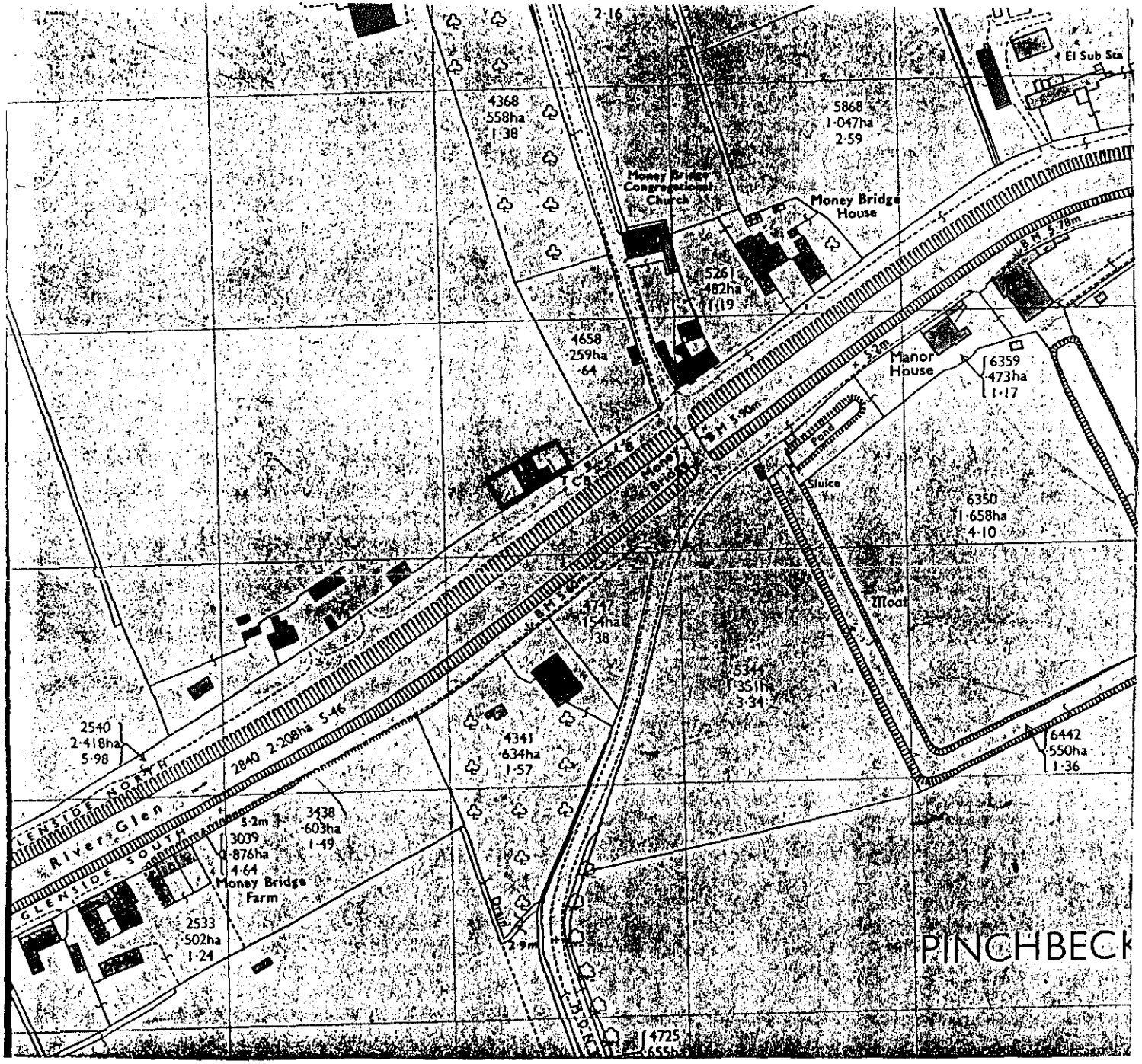
10. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their planning decision within the prescribed period.

11. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

John F Hayward.

JOHN F HAYWARD BA Solicitor
Inspector



SOUTH ... DISTRICT COUNCIL

PLANNING DEPARTMENT

APPEAL BY

MR J G SNEATH

APPEAL SITE

B.SMITH M.R.T.P.I.
DISTRICT PLANNING OFFICER

PRIORY ROAD, SPALDING.

SCALE	1:2500	DATE	DEC '93

PLAN 'A'

N

ADMEL P/1/504

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H14/0690/93 Received:16-AUG-93 Type:OUTLINE

Name: Mr J G Sneath
Peartree House
Money Bridge House
Pinchbeck West
Spalding Lincs

Agent: Jonathon H Sneath
Ebenezer Farm
Fengate
Moulton Chapel
Spalding Lincs PE12 OXL

Description: Erection of pair of semi-detached cottages

Location : Cottages, Glenside North, Money Bridge
Pinchbeck West Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 Notwithstanding the fact the site has two dwellings upon it, it is the opinion of the Local Planning Authority that the residential use has been abandoned. The site is outside the confines of a settlement of an area of open countryside where it is the policy of the Local Planning Authority to permit new development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority, the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with National Planning Policies as set out in Planning Policy Guidance Note 7, 1992 (The Countryside and the Rural Economy), and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would encourage further similar proposals which would be difficult to resist.

Director of Planning and Building Control Services
13-OCT-93 H14/0690/93

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.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)