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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H14-0942-16 **Date of Decision:** 30th November 2016

Applicant: A M J Construction Ltd
C/O Robert Doughty Consultancy Ltd
32 High Street
Helpringham
Sleaford Lincs
NG34 0RA

Location: Keston Nurseries Mill Green Road Pinchbeck Spalding

Description: Proposed residential development

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

1 Notwithstanding the Council's current lack of a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development enshrined in Paragraph 14 of the National Planning Policy Framework, 2012 does not apply in this instance due to the significant and demonstrable harm to the form and character of Pinchbeck that this development would cause, as well as a resulting development poorly integrated with the remainder of the village. The existing western built-up edge of Pinchbeck is marked by the railway line and there is no significant amount of residential development to the west of that railway line. The site itself, whilst currently developed, is horticultural in nature and is typical of other installations within the open countryside in South Holland. The development of this site for housing would lead to an unacceptable pattern of development that would set a precedent for the expansion of Pinchbeck to the west of the railway, which would negatively impact upon the overall form and character of the village, which is concentrated to the east of the railway.

Furthermore, the railway has recently been the subject of an upgrade by Network Rail to enable a greater level of rail traffic to utilise the line to free up capacity on the East Coast

Mainline. It is therefore likely that over time the level crossing, which provides the single access point for this proposal to the wider village, will be closed for a longer periods of time leading to an isolated, poorly integrated development. Even with current levels of rail traffic the single access point offers little opportunity for integration and permeability between the development and the wider village.

As such, the proposal is considered to be contrary to the provisions of Policies SG14 and SG15 of the South Holland Local Plan, 2006. These policies require that the historic pattern of development in the locality, its character and how it functions and is accessed safely and conveniently are taken into account in planning decisions. These policies are in accordance with national guidance contained in Sections 4 and 7 of the National Planning Policy Framework, 2012, and should therefore continue to be given significant weight in planning decisions.

2 Notwithstanding the Council's current lack of a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development enshrined in Paragraph 14 of the National Planning Policy Framework, 2012 does not apply in this instance due to the significant and demonstrable harm from a highways safety perspective. Mill Green Road is considered to be unsuitable in terms of its carriageway width, its construction, and its general physical layout to serve a residential development of the scale proposed in this Outline Application. There is generally insufficient width along this road to permit vehicles to pass one another and, notwithstanding the contention within the submitted details that most vehicle movements would be to and from Pinchbeck village centre via the level crossing and Cherry Holt Lane, there would still be a significant proportion of journeys to and from the proposed development along the network of narrow rural roads that lie to the south-west of the site and which connect the site with the A151. The additional traffic that would be generated by the proposed development would result in an increased incidence of manoeuvring of passing vehicles on Mill Green Road and other narrow local roads, which would lead to vehicles overrunning the edges of the narrow carriageways and the adjoining verges thereby causing damage to both and and possible structural failure of the carriageway edges. It is therefore considered that that residual cumulative impact of the proposed development upon transportation would be unacceptably severe and that the proposal would fail to provide safe and suitable access for all, in contravention of the objectives of Paragraph 32 of the National Planning Policy Framework, 2012.

3 Notwithstanding the Council's current lack of a 5-year housing land supply, the application as submitted in outline with all matters reserved, does not provide sufficient information to enable a clear conclusion to be drawn on the acceptability of residential development being permitted in such close proximity to the railway directly to the east of the site. It is considered that to be able to grant permission for residential development in this location that full details are required to provide clear evidence as to how the number of properties, their layout and design has taken into account the inter-relationship with the adjacent railway, which has recently been upgraded to carry additional freight traffic in a worse-case scenario up to 24 hours a day, and what, if any, mitigation measures are required to ensure no significant and demonstrable adverse impacts upon future residents. As such, on the basis of the application as submitted, it is not possible to determine whether the presumption in favour of sustainable development, as enshrined in the National Planning Policy Framework, 2012 applies.

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:
Dwg. No's: 1211-2-LP01 and 1211-2-MP01.



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

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		

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

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 Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

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.