SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H14/1120/96 Received:14-JAN-97 Type:FULL

Name: Mr & Mrs A Cole
Wyvera House
Small Drove Lane
Pinchbeck
Spalding Lincs

Agent: Roger Williams
53 Pulvertoft Lane
Boston
Lincs
PE21 8TB

Description: Proposed dwelling house and garage

Location : Glenside North Pinchbeck
Spalding Lincs

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

1 The site is outside the confines of a settlement in 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. The special need in this case relates to proposals for the future development of a vegetable packing business close to the dwelling, which would, however, in the opinion of the Local Planning Authority, be detrimental to the amenities of neighbouring residents, and which may, therefore, not be granted planning permission. In the opinion of the Local Planning Authority the circumstances of this case are not therefore 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 No. 7, 1997 (The Countryside - Environmental Quality and Economic and Social Development), 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.

MRS SALLY WALTHAM BA (Hons) F.C.I.H. Director of Housing & Planning Services

Housing & Planning Services Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 01775 761161)

Cole | SSR1

SNLDC3 Lawful dev cert - Note

This certificate is issued solely for the purpose of Section 191 or 192 of the Town and Country Planning Act 1990 as amended.
It certifies that the use, operations or matter specified in Schedule 1 taking place on the land described in Schedule 2 was or would have been lawful on the date of the application, and thus was not or would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
This Certificate applies only to the extent described in Schedule 1 and to the land specified in Schedule 2 and on the attached plan. Any use, operation, or other matter which is materially different from that described or which relates to other land, may render the owner or occupier liable to enforcement action. For a Section 192 Certificate, the lawfulness is only conclusively presumed where there has been no material change in any relevant matter before the use or operations are begun.

SRR1 Open Countryside - No Justification

The site is outside the confines of a settlement in 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 No. 7, 1997 (The Countryside - Environmental Quality and Economic and Social Development), 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.

SRR10 Adjoining Property Amenities

The proposal would adversely affect the amenities of adjoining properties and give rise to problems of overlooking.

SRR11 Inadequate for Future Occupants

The proposal would in the opinion of the Local Planning Authority constitute and undesirable form of development in terms of the outlook and privacy of, and the provision of adequate private space to cater for the needs of, the future occupants of the dwelling.

SRR12 Previous Appeal

The Secretary of State for the Environment has on appeal supported the Local Planning Authority's refusal of permission on this site for development of the type proposed (DOE reference: XXXXXXXXXXXXXXXXXX).

SRR13 Precedent