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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H15-0411-17 **Date of Decision:** 22nd June 2017

Applicant: Mr & Mrs L Andrew
70 Main Road
Quadring
Spalding
Lincs
PE11 4PW

Location: 70 Main Road Quadring Spalding Lincs

Description: Residential development - 5 houses three-bed to four-bed with garages

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

- 1 Existing development along this part of Main Road, Quadring is predominantly frontage. The proposal, in comparison, would constitute a form of backland development that would extend out beyond the existing built form of the village. The proposal would therefore be at odds with existing frontage development within the vicinity. It would not respect the historic pattern of development in the locality and would harm the subtle transition from the built up part of the village to the open countryside. As a result, the proposal would have a harmful effect upon the character and appearance of the rural fringe of the village.

It is recognised that the proposal would make a small contribution to the supply of housing within the district and that the site is deliverable. However, the benefits of the proposal are outweighed by the environmental harm that it would cause upon the rural character and appearance of the area. The site is not therefore considered to be suitable for housing with particular regards to the principles of sustainable development and the protection of the rural character of the area. The proposal is therefore contrary to Paragraphs 7, 8, 17 and 55 of the National Planning Policy Framework, 2012, plus Saved Policy SG14 of the South Holland Local Plan, 2006.

- 2 In addition, the Local Planning Authority considers that there are sequentially preferable sites in flood risk terms available around the village of Quadring, as identified in the emerging South East Lincolnshire Local Plan (Publication Version, March 2017). Notwithstanding the fact that the emerging Local Plan is yet to be adopted and that the Council cannot demonstrate a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development is not considered to apply in this instance because there are sequentially preferable sites from a flood risk point of view available in the vicinity of Quadring. As such, the application is considered to be contrary to national guidance on flood risk, as contained in Section 10 of the National Planning Policy Framework, 2012, in particular paragraphs 100-101. These state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

Notes:

The determined plans are:

Dwg. no. J085-PL 1B and Flood Risk Assessment (prepared by Geoff Beel Consultancy dated April 2017).

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 viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>



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 Authority 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.