

Remway Design Ltd
Treetops
The Raceground
Spalding
Lincs
PE11 3AP

Council Offices
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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H16-0030-17 **Date of Decision:** 7th September 2018
Applicant: Ms S Street
Akita Place
Clay Lake
Spalding
Lincs
PE12 6BL
Location: Akita Place Clay Lake Spalding
Description: Siting of mobile home (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 in the open countryside where applications for residential developments such as the siting of a mobile home, are only permitted where an essential need exists, particularly in relation to agriculture or some other local need. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that such a need exists for the proposed dwelling and the development is contrary therefore to Policies SG4 and HS7 of the South Holland Local Plan 2006. These policies are consistent with the advice contained in Paragraph 79 of the National Planning Policy Framework 2018 which states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.
- 2 The application site lies within Flood Zone 3 defined by the National Planning Policy Framework as having a high probability of flooding. A permanent residential mobile home is classified as highly vulnerable development in Table 3 of the Planning Practice Guidance to the NPPF and such development should not be permitted in areas of Flood Zone 3. Further, the Hazard Mapping contained within South Holland District Council's

Strategic Flood Risk Assessment (SFRA) affects the site. This hazard mapping shows the consequences should a failure of the existing defences occur and shows that there would be flood depths greater than 1.6m for the 2115 0.5% event. In the opinion of the Local Planning Authority a permission given to this development would be contrary to the National Planning Policy Framework.

- 3 As a result of the height and layout of the mobile home, it is considered that the development gives rise to an unacceptable level of overlooking, and the perception of overlooking, to the neighbouring properties of Tomar Lodge, The Wheels, and to Milestone Cottage to the east, contrary to Policy SG17 of the South Holland Local Plan, 2006. This policy is in accordance with advice within the NPPF 2018. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 122 stipulates that development make efficient use of land taking in to account, inter alia, the desire of maintaining an area's prevailing character and setting, and the importance of securing well designed and healthy places.

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. 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>

The determined plans are:

Drw No 2704 03 (Photographs of Mobile Home)

Application Form

Dwg. no. 2704-02C (Site Block Plan)

Dwg. no. 2704-03C (Proposed elevations)

Dwg. no. 2704-04B (Proposed 3-D Views)

Dwg. no. 2704/01.Rev.A (Site Location Plan)



Phil Norman
Planning and Building Control 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.