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East Midlands Design Associates
Willow Lodge
Horseshoe Road
Spalding
Lincs
PE11 3JA

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0400-18 **Date of Decision:** 30th July 2018

Applicant: S G Boswell & Sons
The Ranch
Spalding Drove
Spalding
Lincs
PE12 6BL

Location: Land Off Spalding Drove Spalding Lincs

Description: Change of use to static home park

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

1 The application site lies within Environment Agency Flood Zone 3, which is defined by National Planning Practice Guidance (NPPG) as having a high probability of flooding. Table 3 of the NPPG to the National Planning Policy Framework (2018) (NPPF) states that development classified as 'highly vulnerable' (which includes caravans intended for permanent residential use) should not be permitted in Flood Zone 3. The proposed development would therefore be contrary to the NPPF.

2 When assessed against Paragraph 11 of the National Planning Policy Framework (2018) it is considered that there is a clear reason for refusal and that the adverse impacts of approving the application would significantly and demonstrably outweigh the benefits.

Paragraph 11(d) states that, where the most important policies for determining the application are out-of-date as a result of the local planning authority not being able to demonstrate a five year supply of deliverable housing sites (in this case policies relating to housing supply), permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason

for refusing the development proposed; (ii) or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.

(i) The site is within an area at risk of flooding (Flood Zone 3a) and the NPPG states that 'highly vulnerable' uses such as caravans for permanent residential use should not be permitted in Flood Zone 3. It is therefore considered that there is a clear reason for refusing the development proposed.

(ii) Although the proposal would contribute towards housing supply in the district (Section 5), it is considered that there are a number of adverse impacts that would significantly and demonstrably outweigh the benefits. Firstly, the site is designated as employment land in the South East Lincolnshire Local Plan (Publication Version, March 2017), the loss of which would be contrary to the economic objective of ensuring that sufficient employment land is available (Paragraph 8) and the need to support economic growth and productivity (Section 6). Furthermore, the site is detached from the main built up area of Spalding (which is concentrated to the north and west of the site) and there are no footpaths to or from the site which would jeopardise pedestrian safety for those who do not have access to motorised transport. This would be contrary to Paragraph 108 which states that it should be ensured that safe access to the site can be achieved for all users, and Paragraph 110 which states that priority should be given to pedestrian movements. Given the location of the site, it is likely that occupants would have a high dependence on the use of motor vehicles which, no matter the distance of travel involved, would increase carbon emissions contrary to the requirements of the environmental role of planning.

The site is therefore not considered to be a suitable site for residential development.

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:
Site location plan (dated 28th February 2018);
Indicative sketch layout (received on 10th May 2018); and
Flood risk assessment (prepared by Geoff Beel Consultancy, dated May 2018).



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 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.