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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference:	H16-0410-23	Date of Decision:	14th June 2023
Applicant:	Mrs F T Mir Javadi 13a Fishpond Lane Holbeach Spalding PE12 7DE		
Location:	106 Halmer Gate Spalding		
Description:	Change of use of residential dwelling to HMO - re-submission of H16-1111-22		

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

- 1 The property is considered to be of an inadequate size to accommodate what would likely be between seven and nine people by virtue of small bedroom sizes and inadequate amenity space. This insufficient amenity space would detrimentally impact the standard of living of potential occupiers. This directly contradicts criteria 7 of Policy 21 of the South East Lincolnshire Local Plan which requires sufficient amenity space for HMOs.

It is therefore considered to be contrary to Policies 2, 3 and 21 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework (2021).

- 2 A single shared communal living room would be insufficient to meet the needs of at least seven residents, forcing residents to spend excessive time either within their own rooms or within the communal garden space. This increase in outdoor gathering would increase the levels of noise pollution to the detriment of neighbouring occupants. This explicitly contradicts criteria 2 of Policy 21 and Policy 2 and 3 of the South East Lincolnshire Local Plan which ensures that neighbouring amenity is not impeded by development.

It is therefore considered to be contrary to Policies 2, 3 and 21 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework (2021).

- 3 Given that the HMO is intended to accommodate a minimum of seven persons, there is the potential for a large number of vehicles to be associated with the property. The application has stated that five parking spaces will be provided; however, two of these spaces would result in vehicles being obstructed and unable to manoeuvre. It is considered that this is insufficient parking space given the potential number of residents, and that as a result the proposal may lead to the indiscriminate parking of vehicles on Halmer Gate and would impede traffic flow along a road that is particularly busy. The lack of room for turning may result in vehicles exiting the property in reverse, potentially damaging the safety of road users.

It is therefore considered to be contrary to Policy 36 in the South East Lincolnshire Local Plan, 2019, which requires appropriate parking arrangements to be provided.

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:

Application Form

J175-PL1C

Design and Access Statement (J175-PDA-revA) dated 27/4/23



Phil Norman
Head of Planning
South Holland District Council

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		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning-inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

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.