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Gooding-Design Ltd.
11 Saracen Way
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PE1 5WS

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0644-22 **Date of Decision:** 11th November 2022

Applicant: Mr S Sadiq
19 Park Crescent
Peterborough
PE1 4DX

Location: The Grange 8 Pinchbeck Road Spalding

Description: Proposed change of use from vacant offices to HMO including erection of cycle/bin storage

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

1 As a grade II* listed property, the proposed additional and extensive subdivision of the property would lead to a substantially detrimental impact upon the remaining character of this site and would establish a much altered internal layout rendering much of the original floorplan further unreadable, causing a harmful effect upon appreciation of the heritage asset. Therefore, the proposal falls short of the requirements of Policy 29 of the South East Lincolnshire Local Plan (2019) which establish under Policy 29, Section A that all proposals affecting listed buildings should only be accepted where the Local Planning Authority is satisfied that the works are in the interest of the listed building's preservation and do not include proposals which are prejudicial to the special architectural or historic interest of the building or its setting. Furthermore, Policy 29, Section A confirms that developments affecting Listed buildings should only be approved where they preserve or better reveal the asset's significance.

By harming the readability and character of the internal layout, it is considered that this application would not be in the site's interest, would be prejudicial to the site's character and interest and would neither preserve or better reveal its significance, therefore, making the proposal contradictory to Policy 29 of the South East Lincolnshire Local Plan (2019).

2 The proposal to largely pave over the rear garden to the Grade II* listed building is deemed to be unacceptable in policy terms. The proposal to create a large, permeable hard-standing area to the rear in the extant garden area would be detrimental to the overall character of the site by substantially harming and degrading of the quantity of open, private amenity space, via the addition of a large, unflattering car park to the rear of this property which currently enjoys and is partly characterised by its large garden. It could be said that such a proposal in isolation would represent less than substantial harm to the site, however, Para 202 of the National Planning Policy Framework (2021) states that where less than substantial harm will be incurred by a proposal it can only be justified through weighing against the public benefit or its contribution toward achieving the site's optimal use. It is not considered that there is substantial enough public benefit presented by this application and neither is a HMO considered to be the optimal use for this site and therefore, the inclusion of such a large alteration to the garden space does not assist in achieving an optimal use in any way. In this instance, it is clear from the history of the site and the numerous instances of pre-application advice that have been issued relating to this site that use as a single residential dwelling or minor subdivision into a small number of large apartments is considered far more optimal. Therefore, the proposal falls short of the requirements of Policy 29 of the South East Lincolnshire Local Plan (2019) which established under Policy 29, Section A that all proposals affecting listed buildings should only be accepted where the Local Planning Authority is satisfied that the works are in the interest of the listed building's preservation and do not include proposals which are prejudicial to the special architectural or historic interest of the building or its setting. Furthermore, Policy 29, Section A confirms that developments affecting Listed buildings should only be approved where they preserve or better reveal the asset's significance.

Furthermore, given the visibility of the rear of the site from public realm views across the car park of the adjacent business, conversion of the gardens to this prominent building could be considered to be of detriment to the appreciation of the site and therefore the wider Conservation Area setting. Policy 29, Section B, Para 1 confirms that development affecting the Conservation Area should, as well as preserving the general character of their setting, retain historic ground surfaces.

By harming historic exterior setting of the listed building, it is considered that this application would not be in the site's interest, would be prejudicial to the site's character and interest and would neither preserve or better reveal its significance. Nor would the proposal assist in preserving the character of the wider conservation area setting or retain the historic grassed garden ground surface. The above therefore make the proposal contradictory to Policy 29 of the South East Lincolnshire Local Plan (2019) and by being detrimental to the listed building's setting the proposal would fail to either preserve or enhance the historic environment as is a requirement set forth under Section 16 of the National Planning Policy Framework (2021).

3 Policy 21 of the South East Lincolnshire Local Plan (2019) confirms that; *"Proposals for the creation of large Houses in Multiple Occupation and the sub-division of dwellings will be permitted provided that, in each case: (...)*

3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment; (...)

5. it would not have a significant adverse impact on the surrounding area by way of

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increased on-street parking, impaired highway safety or by impeding proper access to the area"

As discussed above, the proposal fails to comply with Policy 29 of the South East Lincolnshire Local Plan (2019) being considered to be detrimental to the character of the associated asset and the wider Conservation Area. Furthermore, whilst the local Highway Authority did not present any material objections to the parking provision, given the ratio of bedrooms to parking spaces proposed, it is reasonable to assume that such a development would risk potentially contributing substantially to the amount of on-street parking in the immediate setting. Therefore, due to both reasons above, this application is deemed to be in direct conflict with Policy 21 of the South East Lincolnshire Local Plan (2019).

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
Design and Access Statement
221288-05
221288-03
221288-06
221288-01
221288-02
221288-04
Flood Risk Assessment - ECL0782/GOOD-DESIGN-ING LTD
Heritage Asset Statement



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		

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.