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Wisbech Cambs
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# TOWN AND COUNTRY PLANNING ACT 1990

## FULL

**Reference:** H16-1107-18 **Date of Decision:** 19th December 2018

**Applicant:** Market Homes Ltd
C/O Swann Edwards Architecture Ltd
Black Barn
Fen Road
Guyhirn Wisbech Cambs
PE13 4AA

**Location:** Land At Former Halmer Grange Spalding Lincolnshire

**Description:** Erection of three dwellings.

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

1 The proposed development would represent an over intensive form of development that would generate an unacceptable cumulative level of noise and disturbance and would negatively affect the outlook of existing and future residents to such an extent that their living conditions would be unacceptably harmed. This is by virtue of increased vehicular/pedestrian movements as a consequence of the proposed density of development, the restricted access to the site and the relationship between plots 2 and 3 and the existing block of flats which would offer a poor front facing outlook.

The proposal would therefore be contrary to Policy SG17 of the South Holland Local Plan (2006) which seeks to protect residential amenity.

2 The proposed dwellings, being of flat roof design and finished in white render, would be out of keeping with existing development in the area, which is mostly characterised by dwellings with brick exterior and open gable or hipped roofs.

The proposal would therefore be contrary to Policies SG1 and SG14 of the South Holland

Local Plan (2006) which seek, amongst other things, to ensure that new development does not have an adverse effect upon the character and appearance of the locality and relates well to existing development. It would also be contrary to Paragraph 127 of the National Planning Policy Framework (2018) which states that planning decisions should ensure that developments are sympathetic to local character.

3 The site is located within an area identified as "Danger for All" in terms of flood hazard, with predicted flood depths of up to 2.0m, within the South East Lincolnshire Strategic Flood Risk Assessment (2017), which is used as a basis to apply the sequential test in terms of flood risk. There are alternative sites appropriate for the proposed development that are reasonably available and which are located in areas with a lower risk of flooding. Moreover, the proposal fails the exceptions test because the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal therefore conflicts with advice within paragraph 158 of the National Planning Policy Framework (2018).

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:
SE-1036 10;
SE-1036 11; and
Flood risk assessment (prepared by Geoff Beel Consultancy, dated October 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.