Waller Planning
Suite A
19-25 Salisbury Square
Old Hatfield
AL9 5BT

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-1267-18 **Date of Decision:** 13th September 2019

Applicant: Ashley King Developments Ltd
T/A Ashwood Homes
Lincs Gateway Business Park
1 Goodison Road
Spalding Lincs
PE12 6FY

Location: Land Within/Adjacent:Lincs Gateway Business Park, And South: Fen End Lane Spalding

Description: Commercial development comprising a B1 office building of 1,026 sq m, 8 small business units of 240 sq m in B1 and / or B8 use, and enabling residential development of 43 houses comprising 12 x 2-bed, 29 x 3-bed and 2 x 4-bed, landscaping, access routes, car parking and associated infrastructure

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 is located outside of, and removed from, the defined settlement boundary of Spalding as outlined in the South East Lincolnshire Local Plan (SELLP, March 2019) . It is in the open countryside in planning policy terms. It is divorced from the wider identified built up area of Spalding and its services and facilities, which are not easily accessible by sustainable transport means, given the poor pedestrian and cycle links within the area. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles, which would increase carbon emissions. Residential development in this location is, therefore, considered to be inappropriate and would result in harm in relation to the social and environmental objectives enshrined in Paragraph 8 of the National Planning Policy Framework (NPPF, 2019). Given the location of the site the proposal is in conflict with the spatial strategy outlined in Policy 1 of the SELLP, as well as policies 10, 11 and 17 of the SELLP, which underpin the delivery of

housing within defined settlements. The proposal also does not comply with any of the exceptions for new dwellings in the countryside defined under policies 19, 22 or 23 of the SELLP. Furthermore, it is the purpose of the SELLP to deliver residential development in the right locations with appropriate contributions. This application, although seeking to act as enabling development by proposing to bring forward an allocated commercial development sooner, would result in unacceptable residential development for the reasons outlined above, and which would consequently result in greater harm than the benefit to be gained by the potential bringing forward of the commercial development at this time. The application therefore conflicts with policies 1, 6, 10, 11, 17 and 18 of the SELLP in this regard. For the reasons outlined above the proposal is in conflict with SELLP, as well as Paragraphs 8 and 12 of the NPPF, the latter of which states that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed.

Notes:

The determined plans and documents are:
Application form
Block Location Plan 96-BLP-01
Site Layout 96-SL-01 G
Site Layout Colour 96-SL-02 F
Building 1 96-B1-100
Building 2&3 96-B2/3-100
Building 4 96-B4-100
Avon 96-AV-001
Clyde 96-CLY-001
Holland 96-HOL-001
Lock 96-LCK-002
Mere 96-MER-002
Nene 96-NENE-002
Ribble 96-RIBB-001
Welland 96-WELL-001
Planning, Design and Access Statement. December 2018
Flood Risk Assessment Report 800/235r4
Noise Impact Assessment Ref. DP386/18472/Rev.0
Confidential Viability Information

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. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, 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



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.