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PE12 7BE

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H17-0261-24 **Date of Decision:** 20th May 2024

Applicant: Mr & Mrs J Heppenstall
20 Reservoir Road
Surfleet
Spalding
Lincolnshire
PE11 4DJ

Location: 20 Reservoir Road Surfleet Spalding Lincolnshire

Description: Proposed replacement dwelling and detached double garage

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

1 The proposal by virtue of its scale, siting, and design, would not be in keeping with the character of the area. The proposal would result in a harmful appearance to the character of the area and would not make a positive contribution. The proposal fails to comply with the requirements of Policy 22 due to the poor design, that fails to make a positive contribution to the character of the area. Its design and materials do not meet the requirements of this criteria of Policy 22 and the proposal does not demonstrate 'levels of energy efficiency'.

In light of this, it is therefore clear that the proposal fails to comply with the requirements of Policy 22 and is at conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and is therefore not acceptable in principle and the layout, design and consideration of the character and appearance of the area is also unacceptable. These policies are in general conformity with Sections 12 of the National Planning Policy Framework (December 2023). It would therefore be contrary to both local and national policy in this regard.

2 The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. The SFRA also specifies how the sequential and exceptions test shall be applied. Policy 4 of the South East Lincolnshire Local Plan 2019 is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The site is within an area identified as a functional flood plain in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The submitted Flood Risk Assessment recommends that the ground floor level of the proposed dwelling should be at a minimum of 5.08m OD, which is 0.3m above the predicted flood level. The current land level of the site, in which the dwelling is proposed to be sited, is 3.6 OD. No topographical survey, or proposed site levels plan, has been provided in support of this application.

The proposal fails to comply with these recommendations, with the finished floor levels failing to be raised by 1.48m from the ground level of the proposed dwelling. In light of the above, the proposal fails to accord with the submitted flood risk assessment and as such would fail to provide adequate mitigation.

Overall, when considering the above, it is considered that the proposal does not accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and the intentions of Section 14 of the National Planning Policy Framework (December 2023) in this regard.

3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 at S7(1) requires applications for planning permission to include a plan which identifies the land to which the application relates but also 'any other plans, drawings and information necessary to describe the development which is the subject of the application'. Although the application was validated by the Council, the drawings provided with the application fail to adequately demonstrate the design or relationship of the proposed development and its setting within the application site or surrounding area. These deficiencies create significant uncertainty as to the appearance and likely impacts of the proposal.

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:

DC_FINAL_DECISION - ODB:14

Application Form
Block Plan
Design and Access Statement
Flood Risk Assessment by Ellingham Consulting Ltd dated March 2024
Heppenstall 02 - 24
Heppenstall 03 - 24
Heppenstall 04 - 24
Heppenstall 05 - 24
Heppenstall 06 - 24
Heppenstall 07 - 24
Heppenstall 08 - 24
Heppenstall 09 - 24
Heppenstall 10 - 24



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

DC_FINAL_DECISION - ODB:14

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.