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PE11 2XE
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Ashwood Homes
1 Goodison Road
Lincs Gateway Business Park
Spalding
PE12 6FY

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H17-0793-20 **Date of Decision:** 27th July 2021

Applicant: Ashwood Homes
1 Goodison Road
Lincs Gateway Business Park
Spalding
PE12 6FY

Location: Land Off Sunnydale Close Surfleet Spalding

Description: Residential development of 75 dwellings, with associated garages, road and sewers

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

1 A significant proportion of the application site is located in the countryside as defined in Policy 1 of the South East Lincolnshire Local Plan (2019). The Council currently has a demonstrable 5-year supply of deliverable housing sites. As such, the presumption in favour of sustainable development enshrined in the National Planning Policy Framework does not apply in this instance. The applicant has not sufficiently proven that the element of the proposal located in the countryside is necessary in that location. The application is therefore contrary to Policy 1 of the South East Lincolnshire Local Plan and the provisions of the NPPF 2021.

Notes:

The determined plans and documents are:

Application Form
Design & Access Statement Rev A - Dated June 2021
Viability Assessment 13 August 2020. 20087

Maxey Grounds letter 2 Dec 2020. JRM/BAC/20087
Viability Amendment. HCA Development Appraisal Tool. Printed 01/12/2020.
Applicant justification of viability. Email 15 February 2021 12:12.
Archaeological Desk Based Assessment. SUSC20 - Report No 10/20
CONSTRUCTION METHOD STATEMENT
Drainage and SUDS Management Statement. March 2020
Flood Risk Assessment. MA11242 FRA/DS-R05. September 2020
Protected Species Report. February 2020
Combined Phase I Desk Study & Phase II Exploratory Investigation. D40008. Date: 31st March 2020
Service Charge Summary. August 2020
Public Open Space Maintenance Plan and Estate Management Overview Prepared by Encore Estate Management Limited Dated February 2021
118-MCCP-01 A
1280-003 P
1280-LP
Materials Schedule A
AS2441/1 A0
118-BT-01 B
118-CMP-01 C
118-CSL-01 B
118-CSP-01 B
118-ES-01 B
118-MSL-01 C
MA11242-601 C
A732(R)-001
118-SS-01 B
118-3D-01 A
118-3D-02 A
A902(R)-001
Balmoral-002 A
Balmoral-001 A
AVON-001
AIRE-001
CORONATION-001
CLYDE-001
DEE-001
LOCK-001
MERE-001
NENE-001
SEVERN-002
SEVERN-001
RIBBLE-V-001
TAY-001
TAY-002
TAY-003
19.0-A575(R)-001
SH/SCS/LA1
AH/SCS/LA1
Landscape Schedules - August 2020

DC_FINAL_DECISION - ODB:14

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, Members of the Planning Committee, which took the decision to refuse planning permission, consider that the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason 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



Phil Norman
Planning 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		

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.