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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H18-0199-23 **Date of Decision:** 27th April 2023
Applicant: Mr J Hook
The Anchor Inn
280 Bridge Road
Sutton Bridge
Spalding
PE12 9SH
Location: Land Off New Road Sutton Bridge Spalding Lincolnshire
Description: Residential Development - 1 Dwelling

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 is for residential development outside of the settlement boundary. Such forms of development are generally unsustainable by definition and contrary to the provisions both of the Local Plan and of National Policy which seek to direct residential development to more sustainable locations and by so doing protect the countryside from harmful and inappropriate development. No special circumstances have been submitted to justify development in this location, and given that the Council can demonstrate a housing land supply far in excess of the 5 year threshold, there are no grounds on the basis of housing need to support development in this location.

Therefore, it would conflict with Policy 1 of the South East Lincolnshire Local Plan, 2019, which seeks to direct development within settlement boundaries and with Local Plan Policy 2, which requires developments that respect the character and appearance of the area among other things. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework, 2021, which states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character, including the surrounding built environment and landscape setting. Paragraph

174 states that planning policies and decisions should protect and enhance the intrinsic character and beauty of the countryside.

- 2 The site lies within Flood Zone 3 of the Environment Agency flood zone mapping, which is land identified as having high probability of flooding. The South East Lincolnshire Strategic Flood Risk Assessment indicates that the site is located within an area identified as a "Danger for Most".

The sequential test submitted fails to demonstrate an assessment of alternative sites and therefore fails to appropriately consider alternative sites that may be of lesser risk of flooding, as set out within Policy 4 of the South East Lincolnshire Local Plan and advice within paragraph 161 and 162 of the National Planning Policy Framework 2021. It is possible for the development of a single dwellinghouse to be delivered on sites that are in locations that are more environmentally sustainable and of lower flood risk. The proposal therefore fails to satisfy the sequential test and as such, the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan and section 14 of the National Planning Policy Framework. It is considered that the proposal would not provide wider sustainability benefits to the community or provide an alternative benefit that would otherwise outweigh this.

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. 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>

The determined plans are:

Application Form

4073-22 01A

4073-22 02B

Flood Risk Assessment ECL0962/G R MERCHANT (February 2023)

4073-22 Ecology Management Scheme



Phil Norman
Head of Planning

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.