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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H18-0528-24 **Date of Decision:** 13th January 2025

Applicant: Franklin Bros Limited
C/O Robert Doughty Consultancy Limited
32 High Street
Helpringham
Sleaford
NG34 0RA

Location: Greenworld Park Sutton Bridge Spalding Lincolnshire

Description: Erection and use of mobile asphalt plant

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 represents an inappropriate use over and above the existing lawful use, adversely impacting adjoining land uses, out of keeping and failing to respect local character within the locality given their mixed use nature and proximity to residential and leisure uses, and is an unacceptable use of land, failing to maximise opportunities to improve the character and quality of the area due to odour. It is considered the adverse impacts cannot be suitably mitigated or avoided and would result in harm to amenity.

As such, the proposals are contrary to Policies 2, 3, 7 and 30 of the South East Lincolnshire Local Plan, 2019 which relate to residential and general amenity, landscape, character, the relationship with adjoining land uses, ensuring public spaces are accessible to all, and seek to avoid unacceptable adverse impacts on the amenities of the area that fails to respect the character of the area and neighbouring land uses. The proposal is also considered contrary to paragraphs 198 and 201 of the National Planning Policy Framework, December 2024, which states that planning decisions should ensure new development is appropriate for its location, and an acceptable use of land, taking into account the sensitivity of surrounding land uses, and the likely effects on living conditions

and the natural environment.

2 The proposals would adversely affect adjoining land uses in the locality due to noise. The level of +6dB is considered to be an Observed Adverse Effect which is present and intrusive, particularly for occasional impulse activities and cannot be suitably mitigated or avoided and would result in harm.

As such, the proposals are contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 which relate to residential amenity, and seek to avoid unacceptable adverse impacts on the amenities of the area that fails to respect the character of the area and neighbouring land uses. The proposal is also considered contrary to paragraphs 198 and 201 of the National Planning Policy Framework, December 2024, which states that planning decisions should ensure new development is appropriate for its location, and an acceptable use of land, taking into account the sensitivity of surrounding land uses, and the likely effects on living conditions and the natural environment.

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
Covering Letter from Robert Doughty Consultancy reference 1589-1 LMS SB dated 11 June 2024
1589-1_PL_LP01
Amended Flood Risk Assessment *
1589-1_PL_SP02 Rev A
SB/002 Revision IV Alt. E
Air Quality Assessment by NoiseAir reference P6732-R1-V4 dated 5 December 2024
Odour Assessment by NoiseAir reference P6732-R2-V3 dated 24 October 2024
Sound Assessment Report by Blue Tree Acoustics reference 03786-730102 dated 6 December 2024
Photoviewpoint Assessment by Robert Doughty Consultancy dated 8 July 2024
1589-1_PL_SP03 Rev A
1589-1_PL_DD01
1589-1_PL_SP01
BNG Exemption Statement

*Please note that the plans on pages 7 and 8 of the Amended Flood Risk Assessment were superseded. The updated plans are shown in the list above.



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

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.