

Peter Humphrey Associates Ltd.
2 Chapel Road
Wisbech
PE13 1RG

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H18-1047-24 **Date of Decision:** 31st March 2025
Applicant: Mr T Bissett
C/O Peter Humphrey Associates Ltd
2 Chapel Road
Wisbech
PE13 1RG
Location: Workshop Rear Of 9 New Road Fronting King Street Sutton Bridge Spalding
Description: Proposed workshop conversion to dwelling, including lifting of existing roof

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

- 1 Policy 2 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. Policy 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will demonstrate how an acceptable design of development including residential amenity will be secured. Policy 30 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area.

Paragraph 135 of the National Planning Policy Framework (NPPF, December 2024) states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Finally, Paragraph 139 of the National Planning Policy Framework (NPPF, December 2024) states that development that is not well designed should be refused, especially where it fails to reflect local design

policies and government guidance on design.

Due to the small and contrived size of the plot, the proposed conversion would result in a cramped form of development. The previous refusal on the site, although proposed to demolish and rebuild, stated 'From this it is considered that any potential dwelling being located as a result of the demolition of this workshop would appear cramped and contrived due to the minimal capacity it has to offer'. It is still considered that the plot is too small, and would be unsuitable to constitute an independent dwelling due to its size. It would not be consistent with the current built form and designs along both New Road and King Street due to their designs featuring terraced properties with long gardens and detached houses on larger plots.

As a result of this, by virtue of its size and density, the location of a dwelling within this plot would appear as a cramped and contrived form of development, with minimal options to alter the scheme. The proposal is not considered to be acceptable.

As a result of this, the development should be refused due to its conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and Paragraph 135 of the National Planning Policy Framework (NPPF, December 2024).

- 2 Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the recommendations of the Flood Risk Assessment, requiring the finished floor levels of a resultant dwelling to be set at 1m above ground level, coupled with the Environment Agency's comments that the property must be two-storey in scale, this would cause any proposed dwelling on site to materially overshadow the existing rear garden of 9 New Road, due to the positioning and locations of the plots, and would result in an unacceptable impact on the residential amenities of the occupiers. Further to this, the windows located on the rear elevation would directly overlook into residential curtilage and garden of No.13 New Road. These windows would serve a living room and bedroom on the first floor and a family/dining area on the ground floor, plus a landing, comprising accommodation that would be regularly utilised which would provide outlooks and overlooking the 1.8m high boundary wall. This would result in an adverse loss of privacy.

Therefore, the development conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and this issue would not be able to be resolved due to the high flood risk in this area and therefore amended plans would not remove this concern without creating significant and unacceptable flood risk concerns.

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

7089/01E - Planning Drawing 1 - Existing & Proposed Street Scene & Sections

7089/02F - Planning Drawing 2 - Existing & Proposed Floor Plans & Elevations

7089/03B - Planning Drawing 3 - Site Location Plan & Existing & Proposed Site Plan

7089/DAS/B - Design and Access Statement

DPR-10/24/115 - Topographical Survey & Internal Layout as Surveyed 24.10.2024



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.