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

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

Status Design
Westfield Lodge
Low Lane
Holbeach
Spalding
PE12 7PW

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H20-0761-23 **Date of Decision:** 10th November 2023

Applicant: Mr P Heanes
147 Chapelgate
Sutton St James
Spalding
PE12 0EF

Location: Rear Of 147 Chapelgate Sutton St James Spalding Lincolnshire

Description: Proposed storage building for motorbikes (Personal Use) and extension to domestic curtilage

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 reason of its size, scale, massing, appearance and siting in proximity to plot 30 of the development approved under reference H20-0947-21 adjacent, would adversely affect the view, outlook and residential amenity of the neighbouring property once constructed. The proposal is not well designed as per Paragraph 134 of the National Planning Policy Framework 2023, fails to create a sense of place or respect and relate sensitively with the character and appearance of the immediate locality within which it is located. As such it is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 which requires high quality and inclusive design, a sense of place, respecting the size, scale, layout, character, relationship and massing of neighbouring buildings and does not impact upon neighbouring uses by visual intrusion or affecting residential amenity.

2 The proposal fails to include a Flood Risk Assessment that follows Standing Advice, or surface water information to demonstrate that the development can be made safe for its lifetime without increasing flood risk elsewhere. In particular, Footnote 55 of Paragraph 167 of the National Planning Policy Framework 2023 states that "A site-specific flood risk

assessment should be provided for all development in Flood Zones 2 and 3." As such the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019, which requires applications to demonstrate adequate water resources and drainage are maintained and managed, and to ensure opportunities through layout, form, mitigation and green infrastructure provide appropriate flood resistance and resilience measures and flood betterment to reduce the risk of flooding overall.

3 The proposals fail to include information or mitigation in relation to biodiversity net gain which is contrary to Policy 28 of the South East Lincolnshire Local Plan, 2019 which seeks to assess proposals directly or indirectly affecting biodiversity assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats and promoting biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserving or enhancing habitat to adapt to climate change.

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:

Application Form
Location Plan
SD23-011/1
SD23-011/2

Phil Norman
Head of Planning
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.