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Lincolnshire
PE11 2XE
Admin 01775 764725
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planningadvice@sholland.gov.uk
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East Midlands Design Associates
Willow Lodge
Horseshoe Road
Spalding
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PE11 3JA

# TOWN AND COUNTRY PLANNING ACT 1990

# OUTLINE

**Reference:** H21-0100-23 **Date of Decision:** 28th March 2023

**Applicant:** Mr & Mrs R Howse
Roma
Low Gate
Tydd St Mary
Wisbech
PE13 5PF

**Location:** Worlds End Road Tydd St Mary Wisbech

**Description:** Residential Development - re-submission of H21-0057-22

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

1 The site is agricultural land in open countryside beyond the southern periphery of the village. There is a clear division between the two as logically defined by the settlement boundary. There is a distinct open and undeveloped feel to the area where built development is scattered and informal with some dwellings and farmyards present. The prevailing character, southern edge of the village aside, is one of open mainly arable and grass fields. There is a clear sense that the site has a strong functional and visual relationship with the open countryside.

The proposal would introduce a dwelling onto the site and result in a significant encroachment into the countryside. Notwithstanding that the proposal is in outline form, the composition of the development would result in an urban form, incorporating residential paraphernalia associated with occupancy in addition to the buildings themselves. This would harmfully jar with the rural character of the site and its immediate environs. Overall, the proposal would urbanise the character and appearance of the site and this increased urbanisation would significantly harm the rural character and appearance of the site and the surrounding area.

No additional information justifying the need for a dwelling in this location has been submitted following the refusal of H21-0057-22. Consequently, it is considered that the proposed development would not provide a sustainable location for new housing on environmental grounds. 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.

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
1192/01
Site Location Plan
Planning Statement
Flood Risk Assessment (December 2021) GCB/EAST MIDLAND DESIGN ASSOCIATES



**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.