Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

Swann Edwards Architecture Ltd
Fen Road
Guyhirn
Wisbech
Cambs
PE13 4AA

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H21-0102-18 **Date of Decision:** 16th April 2018

Applicant: Mr L Connolly
9 Church Lane
Tydd St Mary
Spalding
Lincs
PE13 5QJ

Location: Adjacent: 9 Church Lane Tydd St Mary Spalding Lincs

Description: Erection of dwelling - re-submission of H21-0305-17

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 deliverable and would add to the supply of housing required to meet the needs of present and future generations. However, it would only be marginal and the public benefits are outweighed by the harm to the setting of both St Mary's Church and Tydd St Mary Conservation Area.

This is in accordance with the provisions of The Planning (Listed Buildings and Conservation Areas) Act 1990. It stipulates that local planning authorities have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas (Section 72). It also indicates that in considering applications for planning permission for development which affects a listed building or its setting planning authorities have a duty to pay special regard to the desirability of preserving the building or its setting (section 66 (1)). The National Planning Policy Framework (NPPF) builds upon the 1990 Act. It identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The NPPF also states that the significance of listed buildings

and conservation areas can be harmed or lost by development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17).

2 Existing residential development along Church Lane consists predominantly of semi-detached houses. It is considered that the proposed detached dwelling would constitute an incongruous form of development that would be out of character with the existing rural street scene and character and appearance of the locality. The proposal is therefore contrary to Policy SG14 of the South Holland Local Plan, 2006. The latter indicates that new development should make a positive contribution to the architectural and visual quality of its surroundings and should not have an adverse effect on the character and appearance of the locality. This policy is in accordance with advice within the NPPF. Paragraph 58 stresses that new development should respond to local character and history and reflect the identity of local surroundings. Paragraph 64 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

3 An existing mature Horse Chestnut tree is situated within the churchyard close to the northern boundary of the site. It contributes towards the visual amenities of the locality and the setting of both the Church of St Mary (grade I listed) and Tydd St Mary Conservation Area. The development would, if permitted, compromise the continued existence of the tree and prejudice its continued existence. The proposal is therefore contrary to Policy SG18 of the South Holland Local Plan, 2006, which indicates that proposals for new development should protect existing trees and other attractive landscape features.

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 reasons 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:
Dwg. no. SE-727-02;
Dwg. no. SE-727-10A;
Flood Risk Assessment by Geoff Beel Consultancy (ref. GCB/Swann Edwards) dated March 2017;
Arboricultural Impact Assessment and Method Statement by Arboricultural Consultants dated Dec 2017;
Heritage Statement by Swann Edwards Architecture (job no. SE-727) dated Jan 2018.

Paul Jackson



Place Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

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		

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

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.