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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H21-0125-20 **Date of Decision:** 17th April 2020
Applicant: Mr & Mrs S Town
C/O Swann Edwards Architecture Ltd
Black Barn, Fen Road
Guyhirn
Wisbech Cambs
PE13 4AA
Location: Longfield Green Dyke Tydd St Mary Wisbech
Description: Proposed change of use of outbuilding to residential dwelling

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

- 1 In the opinion of the Local Planning Authority the proposal fails to accord with Policies 1 and 23 of the South East Lincolnshire Local Plan (SELLP), 2019 and advice within Paragraph 79 of the National Planning Policy Framework, 2019.

SELLP Policy 1 directs new development within settlement boundaries. It indicates that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. In this case the proposal would make a minimal contribution to the supply of housing required to meet the needs of present and future generations within the district. It may also bring small economic benefits to the area. However, these factors are outweighed by the harm that the proposal would cause in terms of other social and environmental factors such as the site's unsatisfactory relationship to local services and facilities and reliance upon the motor car to access sources of employment, community facilities and other services necessary for day-to-day living.

Policy 23 of the SELLP indicates that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted subject to compliance with specific criteria. They include the building being of architectural or historic merit or making a positive contribution to the character of the landscape, to justify conversion to ensure retention. This policy essentially relates to rural buildings in the countryside, rather than buildings that already stand within a domestic curtilage, as is the case with the existing outbuilding. Moreover, one of the fundamental aims of this policy is to retain brick built barns that make a significant contribution to the character of an area. Explanatory text accompanying it indicates that not all buildings in the countryside are suitable for conversion because they may, for example, be of poor design and not in keeping. In this case, the building is of utilitarian appearance and not of architectural or historic merit. Consequently, the proposal fails to accord with Policy 23 of the South East Lincolnshire Local Plan.

Paragraph 79 of the National Planning Policy Framework, 2019 indicates that planning decisions should avoid new isolated homes in the countryside, unless there are exceptional circumstances. They include c) the re-use of redundant or disused buildings where the development would enhance its immediate setting and d) where the development would involve the subdivision of an existing residential dwelling. Parts (a), (b) and (e) do not apply to this case.

In terms of part (c) the existing outbuilding does not constitute a redundant or disused building as it is presently in use as domestic storage. Part (d) relates to the subdivision of an existing residential dwelling. The existing outbuilding is separate from the existing dwelling on the site, and stands as an independent building. Although it is currently used for a purpose ancillary to the existing dwelling it would not be reasonable to take the view that the existing outbuilding is an existing residential dwelling. This approach is consistent with a recent appeal decision (ref. APP/C3620/W/18/3213800 - Woodside Cottage, Standon Lane, Ockley, Dorking, Surrey). It is therefore considered that this part of paragraph 79 of the Framework does not apply to this case.

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:

SE-1259 100;

SE-1259 PP 1000 Rev A;

Design & Access Statement by Swann Edwards Architecture (Job No. SE-1259) dated

February 2019;

Planning Statement by Swann Edwards Architecture (Job No. SE-1259) dated January 2019;

Flood Risk Assessment by Ellingham Consulting Ltd (ref. ECL0100/ Swann Edwards Architecture Ltd) dated September 2019;

Initial Biodiversity Report by Swann Edwards Architecture (Job No. SE-1259) dated February 2019.



Phil Norman

Planning and Building Control 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		

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@planninginspectorate.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.