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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference:	H21-0137-16	Date of Decision:	2nd June 2016
Applicant:	Mr M Mallett C/O Holt Architectural Ltd Bramley Hedge, Dereham Road Colkirk Norfolk NR21 7NQ		
Location:	Adjacent Tysdale Farm Common Way Tydd St Mary Spalding		
Description:	Proposed New Dwelling		

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

- 1 Existing properties within the village date from the 18th century to the modern day and are predominantly modest in terms of proportion. The application, however, is for a substantial dwelling that would be out of scale with its immediate surroundings. Furthermore, there is inconsistency in the architectural detailing employed and it has little reference to the local vernacular. The dwelling would therefore make a strong visual statement that would be at odds with the existing character of the village created by modest dwellings of different periods sitting alongside each other. This would be accentuated further as a result of floor levels being 500mm above existing ground level to comply with Environment Agency requirements in respect of flood risk. As a result, the proposal would harm the character and appearance of Tydd St Mary Conservation Area and also the setting of Tysdale Manor, which is grade II listed. The proposal is therefore contrary to advice with Paragraphs 7 and 17 and Section 12 of the National Planning Policy Statement, 2012.

Moreover, it has not been satisfactorily demonstrated that the proposal would not prejudice existing trees on or immediately adjoining the site, which contribute to the character and appearance of Tydd St Mary Conservation Area. The proposal therefore

fails to accord with Policy SG18 of the South Holland Local Plan, 2006.

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 reasons 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:

Dwg. Nos. 15-PW-01A, 15-PW-02A, 15-PW-03A, 15-PW-04 and 15-PW-05A;

Heritage Statement dated 25 February 2016;

Flood Risk Assessment by Geoff Beel Consultancy dated February 2016.



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 Authority 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.