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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference:	H21-0340-17	Date of Decision:	28th June 2017
Applicant:	Mr & Mrs N Payne Tysdale Bungalow Common Way Tydd St Mary Wisbech Cambs PE13 5QH		
Location:	Common Way Tydd St Mary Wisbech Cambs		
Description:	Residential development		

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 within Tydd St Mary Conservation Area. Residential properties within the area have generally developed in a linear form along Common Way and Rectory Road with St Mary's Church being part of this and dominating the eastern end. The Area includes a range of dwelling types, including terraced, semi-detached and detached houses, plus bungalows. A number of residential properties date back to the 19th century, with a small proportion even older such as the nearby Tysdale Manor, which is grade II listed.

In contrast to many other built up settlements, the centre of Tydd St Mary has several areas of open space, including associated tree planting. These areas play an important role in and influence the character of the Conservation Area. The development of these areas, including the site, would have a negative impact upon the character, appearance of the Conservation Area and setting of Tysdale Manor, causing harm to their significance. It is considered in this case that the resultant harm is not outweighed by public benefits, including the provision of additional housing within the district.

The proposal is therefore contrary to Policy SG14 of the South Holland Local Plan, 2006

and advice within Paragraphs 7, 8, 14 and 17 and Section 12 of the National Planning Policy Framework, 2012. Local Plan Policy SG14 indicates that development should not have an adverse effect on the character and appearance of the locality. Paragraph 132 of the Framework indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be lost through development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification.

Notes:

The determined plans are:

Dwg. nos. 3046-16-10A and 3046-16-12;

Heritage Impact Assessment by G R Merchant (ref. 3046-16) dated May 2017;

Flood Risk Assessment by Geoff Beel Consultancy (ref. GCB/Merchant) dated April 2017.

Any appeal against this decision should be accompanied by an archaeological evaluation addressing issues raised by Lincolnshire County Council Archaeology within their consultation response dated 27 April 2017.



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.