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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H21-1073-21 **Date of Decision:** 7th December 2021

Applicant: Mr M Melton
7 Station Road
Tydd Gote
Wisbech
PE13 5QA

Location: Adj. 7 Station Road Tydd Gote Wisbech Cambs

Description: Erection of Single Storey Dwelling

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 outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside. SELLP Policy 1 indicates that development in the countryside will 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.

It has not been demonstrated that a dwelling is necessary in this particular location; for example, in conjunction with an agricultural or other rural based business. Although a personal case has been put forward and the site is the applicant's own land this should be given limited weight and is not considered to be sufficient justification.

Moreover, although there would be some economic and social benefits, they are outweighed by the environmental harm that the proposal would cause. With the exception of nos. 7 and 9 Station Road, which are situated on very large and spacious plots reflective of a countryside location, existing residential development off Station Road is predominantly frontage. The proposal, which is served off a long private drive that fails to

accord in design terms with the Authority's guidance note entitled "Private Drives - Waste Vehicle Collection Service", would extend the existing built-up area of the settlement beyond the existing settlement into an area defined as countryside within the SELLP. As such, the proposal would constitute an unacceptable and intrusive form of domestic development that would urbanise and significantly harm the rural character and appearance of the locality and Tydd Gote Conservation Area.

The site is not therefore considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. It is not in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses and ensuring good design. Policy 29 indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. These policies are in accordance with advice within the National Planning Policy Framework, 2021.

With regards to self-build housing, the supporting text for Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan sets out that there will be numerous opportunities for self-build and custom-build development within the defined settlement boundaries. In this case the site is in the countryside and not within a defined settlement limit.

Within the context of the Council's duties under the Self Build and Custom Housebuilding Act, 2015, the provision of a single self-build dwelling would be a modest contribution to the demand identified on the Council's register, and carries commensurate weight in favour of the proposal. Whilst the Authority has had regard to the personal and community benefits arising from the provision of self-build housing and the Council's duties in that regard, these matters are not of such weight as to outweigh the identified environmental harm and the conflict with development plan policies.

In conclusion, therefore, the adverse impacts of granting permission would demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and National Planning Policy Framework taken as a whole.

Notes:

The determined plans are:
Sheet 1 0034 Rev 1;
Sheet 2 0034 Rev 1;
Sheet 3 0034 Rev 1;
Appendix 4 Indicative Floor Plans and Elevations;
Contaminated Land and Flood Risk Report by Argyll Environmental (ref. 285793361) dated 4 October 2021;
Environment Agency Flood Map for Planning dated 8 October 2021;
Planning Statement by Planning Direct dated 15 October 2021.



Phil Norman
Planning 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@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.