SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H23/0259/93 Received:18-MAR-93 Type:OUTLINE

Name: Mr F Drury
The Bungalow
Millgate
Whaplode St Catherines
Spalding, Lincs

Agent: Messrs Hix & Son
28 Church Street
Holbeach
Spalding
Lincs, PE12 &LL

Description: Erection of two dwellings

Location : Millgate Whaplode St Catherines
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 The site is outside Whaplode St Catherine Interim Boundary of Development in an area where it is the policy of the Local Planning Authority to permit new development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. Moreover, the proposal is not in the opinion of the Local Planning Authority reasonable infilling and as such would be contrary to Policies 6A and 7A of the approved Lincolnshire Structure Plan. These Policies are in accordance with National Planning Policies as set out in Planning Policy Guidance Note 7, 1992 (The Countryside and the Rural Economy) and are aimed at, inter alia, the preservation of the countryside and the economic provision of services. Further, in the opinion of the Local Planning Authority, the granting of permission for the development as proposed would be harmful to the purposes of the above Policies, because as well as its individual effect on these issues, it would encourage further similar proposals which would be difficult to resist.

2 In the opinion of the Local Planning Authority, the development of Plot 2 in particular would result in an undesirable form of development which would detract from the privacy and amenities of the dwelling located to the rear of the site.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

SOUTH HOLLAND DISTRICT COUNCIL

Director of Planning and Building Control Services
13-MAY-93 H23/0259/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

Hix & Son
28 Church Street
Holbeach
Nr SPALDING
Lincolnshire
PE12 7LL

S.H.D.C. PLANNING DEPT.
RECEIVED
11 JAN 1994
Attention of
DPO NRM
DOPO BS
JC ACP
Action by .....
Discuss with .....
Copy to .....
File Nos.
Acknowledge YES/NO
by
Date

Your Ref:
CS/6034/SEC
Our Ref:
T/APP/A2525/A/93/230239/P2

Date: 10 JAN 1994

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR F DRURY
APPLICATION NO: H23/0259/93

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the South Holland District Council to refuse outline planning permission for the use of land as 2 residential building plots for the erection of 2 dwellings on land at Millgate, Whaplode St Catherine, near Spalding. I have considered the written representations made by you and by the Council and also those made by the Whaplode Parish Council and interested persons, including representations made directly to the Council and forwarded to me. I inspected the site on 5 January 1994.

2. From my inspection of the appeal site and from the written representations I consider the main issue in this appeal to be the effect of your client's proposal on the objectives of the planning policies which seek generally to restrict new housing in the countryside.

3. The bungalow which occupies part of the appeal site forms part of a small cluster of dwellings in the flat open landscape of typical fenland countryside. The site is outside and some distance away from the interim development boundary which the Council drew up some years ago for the main settlement of Whaplode St Catherine. Consequently I am satisfied that the Council were right to consider the appeal proposal against the countryside protection policies of the Lincolnshire Structure Plan.

4. It seems to me that the proposal to substitute 2 dwellings for the single dwelling that exists would have the effect of consolidating development on a road frontage which contains intermittent development, rather than constituting infilling. This would in my view contribute towards ribbon development

100%

which would be contrary to Policy 6A. You have not put forward justification for the dwellings in agricultural or forestry terms which would enable them to satisfy Policy 7A.

5. I accept that given the buildings and other features which exist in and around the appeal site, the proposed dwellings would not be particularly prominent in the local landscape. However, as Planning Policy Guidance Note No 7 makes clear, new housing and other development in open countryside away from established settlements should be strictly controlled. This note also advises that the fact that the proposed development might be relatively unobtrusive is not by itself a good argument for planning permission; it could be repeated too often. I therefore conclude that your client's proposal would result in material harm to the objectives of the national and local policies which seek to restrict new development in the countryside.

6. The Council also refer to the effect of the proposal on the privacy and amenity of the occupiers of Strawberry Cottage, set back behind and to the north of the appeal site. I am satisfied that 2 dwellings could be accommodated to the south of the filled land at the northern end of the site such as to safeguard the privacy and outlook of these neighbours. However this does not alter my conclusion on the main issue.

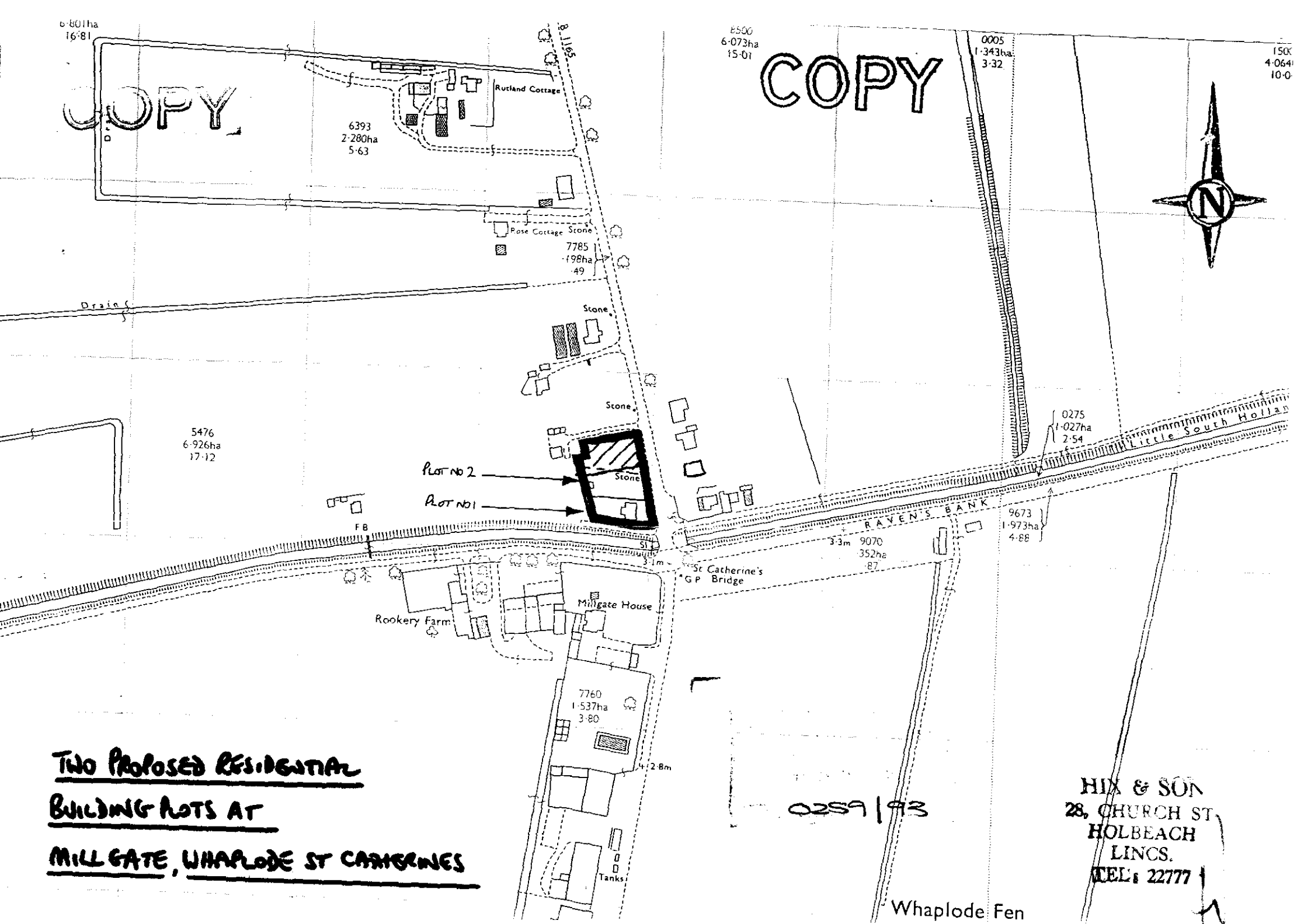
7. I saw the 3 modern bungalows to which you refer on Millgate opposite the appeal site. Although the Council have not explained the circumstances under which these dwellings were erected, they do not in my view justify further dwellings contrary to the objectives of countryside planning policies. I have considered all other matters raised in the written representations, including difficulties as you see them in finding alternative uses for the site, drainage matters and the comments of a councillor about your client's circumstances. However I find nothing to outweigh the considerations which lead to my conclusions.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

R. Ogier

R OGIER BA MRTPI
Inspector



TWO PROPOSED RESIDENTIAL
BUILDING PLOTS AT
MILLGATE, WHAPLODE ST CATHERINES

0259/93

HIX & SON
28, CHURCH ST
HOLBEACH
LINCS.
TEL: 22777