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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H23-0616-24 **Date of Decision:** 9th September 2024

Applicant: Mr & Mrs I Sloan
Victoria Cottage
Stockwell Gate North
Whaplode
Spalding
PE12 6WH

Location: Adjacent To Victoria Cottage Stockwell Gate North Whaplode 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 Policy 2 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. Policy 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will demonstrate how an acceptable design of development including residential amenity will be secured. Policy 30 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area. Paragraph 135 of the National Planning Policy Framework (NPPF, December 2023) states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Finally, Paragraph 134 of the National Planning Policy

Framework (NPPF, December 2023) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The dwelling, by virtue of its size and density when compared to the plot would result in unacceptable adverse impacts on the character and appearance of the street scene of Stockwell Gate North and would appear as a cramped form of development. This has been supported by a previous appeal dismissal on this site - the new submitted scheme remains mostly unchanged apart from the slight increase in the site on the south western boundary. In any case, the appeal decision states 'The proposed new plot would be further constrained by its triangular shape and as such, to accommodate suitable access, parking and turning, any future dwelling would most likely need to be squashed into the northwest corner of the plot, close to its side and rear boundaries, as shown on the indicative block plan. This would not be in keeping with surrounding dwellings which have more space around them' which outlines the unacceptability of a proposed dwelling in this specific location. It is important to note that in the next sentence it goes onto say 'Whilst there does appear to be scope to increase the width of the plot by at least 2 or 3 metres, I must consider the proposal based upon the plans before me, which were considered by the council and other interested parties', as mentioned, the site has been expanded slightly as per the Inspector's comments however it fails to address the main impact in this case which is the siting of the dwelling in the north west corner. Without any alterations to the siting it still appears squashed, cramped and out of keeping with the area and should therefore be refused on these grounds as this is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP, 2019) and Paragraph 135 of the National Planning Policy Framework (NPPF, December 2023).

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. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that 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:

Application Form
0416/23/01A
Flood Risk Assessment
Design & Access Statement
BNG Exemption Statement

Phil Norman



Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

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		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

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.