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Admin 01775 764723
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planningadvice@sholland.gov.uk
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PE12 7EE

# TOWN AND COUNTRY PLANNING ACT 1990

# OUTLINE

**Reference:** H23-0707-16 **Date of Decision:** 13th September 2016

**Applicant:** Mr and Mrs R Fenwick
Tweenus
17 Cobgate
Whaplode
Spalding Lincs
PE12 6TD

**Location:** Rear: Tweenus 17 Cobgate Whaplode Spalding

**Description:** Residential development - single building plot

## 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 located on the fringe of the village where existing development is predominantly frontage and is relatively well spaced. The current application, however, is for a backland plot squeezed in between No. 17 Cobgate and No. 17a further to the rear. Such a proposal is considered to be a cramped form of backland development that would be starkly at odds with existing development and harmful to the existing rural character of this part of the village. Accordingly, the proposal would conflict with Local Plan Policy SG14, which indicates that new development should make a positive contribution and not have an adverse effect upon the character and appearance of the locality. It is consistent with paragraphs 53 and 58 of the National Planning Policy Framework, 2012. Paragraph 53 indicates that LPAs should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Para 58 stresses that new development should respond to local character and reflect the identity of its surroundings.

Moreover, the site is located immediately to the rear of existing dwellings, with vehicular access between and in close proximity to no's 15 and 17 Cobgate. It is the opinion of the

Local Planning Authority that the proposed development, by virtue of the restricted size of the plot and its proximity to adjacent dwellings, is a form of backland development that would give rise to increased levels of noise and disturbance to nearby residents. This would arise both from general activities upon the site and associated vehicles entering and leaving the site.

In the context of the foregoing, the proposed development would have a material affect upon the amenity of nearby residents, contrary to the clear objectives of Policies SG14 and SG17 of the South Holland Local Plan, 2006. These policies indicate, inter alia, that new development should not be granted if it would cause material harm to residential amenity.

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:
Dwg. no. 2980-16-01.

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 Authroity 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.