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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H23-0718-18 **Date of Decision:** 11th October 2018

Applicant: Mr & Mrs M Lakey
Copelade Lodge
Little Lane
Whaplode
Spalding Lincs
PE12 6RU

Location: Copelade Lodge Little Lane Whaplode Spalding

Description: Change of use of land from paddock to builders yard (retrospective). Erection of fencing and the installation of a septic tank.

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 The proposal constitutes a commercial enterprise that would relocate some economic benefits to the local area. However, this is outweighed by the harm that the proposal would cause in terms of other social and environmental factors, such as the distance from local services and facilities, reliance upon the motor car and the development's effect upon the character and appearance of the countryside.

Moreover, the development would be detrimental to the amenities of nearby residential occupiers as a result of the increased arrival and departure of commercial and construction vehicles to serve the movements of the builders yard, with the associated storage of aggregates, materials, vehicles, equipment and workers vehicles (both private and work related), which would have a detrimental impact on the residential amenities that the occupiers should reasonably expect to enjoy, by reason of noise disturbance due to vehicle movements and the delivery and storage of materials, as well as the potential for dust and debris.

The site is not therefore considered to be a suitable site for the proposed development with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. The proposal is therefore contrary to Policies SG1, SG2, SG4, and SG17 of the South Holland Local Plan and the National Planning Policy Framework, 2018.

2 Little Lane is considered to be unsuitable in terms of its carriageway width, its construction and its rural character to accommodate the routine movements of private and commercial vehicles associated with the commercial use proposed. The carriageway is single-track only, with grass verges, having no kerbed edges and having no street lighting. The road construction is of a low standard, consistent with the principle function of the road, to provide access to the surrounding fields, local farms and a small number of dwellings. The increase in vehicle movements in terms of arriving and departing staff and material associated with the proposed use of this site, would increase the frequency of on-coming vehicles meeting on this road and one or both vehicles having to undertake unreasonable reversing manoeuvres or to over-run the weak carriageway edges and soft grass verges in order to pass. Such actions are both unsafe, particularly in the hours of darkness, and damaging to the fabric of the public highway.

The proposal is therefore considered to be contrary to policies SG2, SG4, SG14 and SG15 of the South Holland Local Plan and the provisions of the National Planning Policy Framework, 2018.

3 The development would be contrary to Paragraph 182 of the NPPF 2018, as the use of the site as a builders yard would not integrate effectively with existing businesses, and no mitigation measures are proposed to remediate such impact.

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. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, 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 and documents are:
Application Form
Proposed Block Plan Drw No 0136-04
Justification Statement Relating to Objections Received



Phil Norman
Planning and Building Control 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.