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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H23-0855-17 **Date of Decision:** 3rd November 2017

Applicant: Mr & Mrs T Hyde
3 Farrow Road
Whaplode Drove
Spalding
Lincs
PE12 0TS

Location: Rear Of 50 Broadgate Whaplode Drove Spalding

Description: Proposed house and garage

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 deliverable and the development would be socially sustainable as it would make a small contribution to the supply of housing within the district. There would be a small economic benefit in that the dwelling would create some short-term economic activity in association with its construction. However, in spite of the shortfall in housing land supply, these benefits do not outweigh the material harm to the character and appearance of the locality that would arise as a result of the development.

The character of the immediate area on the western side of Broadgate is determined predominantly by frontage dwellings, some of which have domestic or agricultural outbuildings to the rear. It is considered that the replacement of existing outbuildings with a residential property would result in an incongruous and discordant form of development that would be out of character with the rural locality.

The proposal is therefore contrary to Saved Local Plan Policies SG4 and SG14 and paragraphs 7, 8, 14, 17, 49, 55 and 58 of the National Planning Policy Framework, 2012. Policy SG4 aims to protect the character of the countryside whilst Policy SG14 indicates,

amongst other things, that new development should make a contribution to the visual quality of its surroundings and respect local distinctiveness and the historic pattern of development in the locality. One of the core principles set out in paragraph 17 of the Framework is to recognise the intrinsic character of the countryside. Paragraph 58 stresses that new development should respond to local character. Therefore, the development would not be environmentally sustainable and would not meet the three dimensions of sustainable development as set out in paragraph 8 of the Framework.

Moreover, the proposal would also encourage further applications of a similar nature on the western side of Broadgate, which would then be hard to resist, contrary to the aims and objectives of both the Framework and South East Lincolnshire Local Plan 2011-2036 (Publication Version - March 2017) to ensure that new development is sustainable and protects the character and appearance of the area and countryside.

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 reasons 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. 12945 (Topographical Survey);
Dwg. nos. J082-PL7, J082-PL8, J082-PL9, J082-PL10, J082-PL11, J082-PL12 and J082-PL13;



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.