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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H23-1074-18 **Date of Decision:** 13th December 2018

Applicant: Mr & Mrs S W & P Hoyes
The Complex
Church Gate
Whaplode
Spalding Lincs
PE12 6TA

Location: Site Adjacent: The Hollies Millgate Whaplode Spalding

Description: Residential development - 3 plots

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 is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. It would also contribute towards the local economy and create employment opportunities associated with the construction, albeit in the short term. However, the benefits are outweighed by the environmental harm that the proposal would cause.

The site's current agricultural use provides a soft and pleasing edge to the village and positively contributes to the enjoyment and experience of those living in and around the village. The construction of 3 properties on this site would constitute a consolidation of sporadic development that would suburbanise the southern edge of the village to an unacceptable extent and cause unacceptable harm to the village's rural setting. Moreover, it would encourage further applications of a similar nature which would then be difficult to resist and which would cumulatively change and suburbanise the prevailing rural character of the area.

The site is not therefore considered to be a suitable site for 3 dwellings with particular

regards to the principles of sustainable development and the protection of the rural character of the area. It is therefore contrary to Policies SG1, SG2, SG4 and SG14 of the South Holland Local Plan and Paragraphs 7, 8 127 and 170 of the National Planning Policy Framework, 2018. Paragraph 127 indicates that planning decisions should add to the overall quality of an area and be sympathetic to local character. Paragraph 170 states that planning policies and decisions should recognise the intrinsic character and beauty of the countryside.

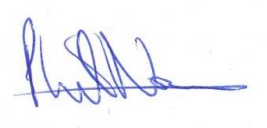
Moreover, the site is outside Whaplode Settlement Boundary as defined within the South East Lincolnshire Local Plan 2011-2036 (Publication Version, March 2017). The latter defines Whaplode as a low tier settlement or "Minor Service Centre". The Plan has recently undergone an examination in public and aims to provide a 5 year supply of deliverable housing sites. Paragraphs 48 and 49 of the Framework indicate that local planning authorities may give weight to relevant policies in emerging plans if they are at an advanced stage but not yet formally adopted.

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 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 are:
HOY18/opl/001;
HOY18/opl/002;
Planning Statement by Moulton Land and Planning dated October 2018.



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.