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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H23-1157-19 **Date of Decision:** 20th April 2020
Applicant: Hortech Systems Ltd
Hall Gate
Holbeach
Spalding
Lincs
PE12 7LG
Location: Roslyn 36 High Road Whaplode Spalding
Description: Temporary siting of 3 storage containers (retrospective)

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

- 1 The application site is located in the countryside in planning policy terms. Policy 1 of the South East Lincolnshire Local Plan (SELLP), 2019 sets out that, within the countryside, "development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

No evidence has been provided that the siting of storage containers is essential in this location.

Furthermore, the change of use of the land and the overall resulting appearance is at odds with its rural setting. It is not considered that any economic or community benefits would outweigh this environmental harm, and particularly when it has not been demonstrated why such a use cannot be accommodated within a defined settlement boundary.

For these reasons, the proposal is considered to be contrary to Policy 1 of the South East Lincolnshire Local Plan (SELLP). Given the identified environmental harm, it is also

contrary to Policy 2 which discourages design which is inappropriate to the local area as well as Paragraph 127 of the National Planning Policy Framework (2019), which seeks to ensure that development is visually attractive and sympathetic to local character.

- 2 Policy 7 of the South East Lincolnshire Local Plan (SELLP), 2019 identifies employment areas and sites where economic growth should preferably take place. For non-allocated employment sites, this policy states that "where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

No evidence has been provided to demonstrate that the storage units could be located elsewhere reusing previously-developed land or converting/re-using redundant buildings. Therefore, the proposal must comply with the criteria listed above, however it is considered that it fails against some of these. The change of land use from agricultural to B8 is not responsive to the local context (criteria c) dominated by open agricultural fields and some residential properties in the immediacy of the site. Likewise, the B8 use of the land will constitute a significant adverse impact upon the character and appearance of the area (criteria b) and the intended storage operations could well conflict with neighbouring land uses (criteria a).

The site is therefore not considered to be a suitable site for the proposed development with particular regards to the impact upon the character of the local area and neighbouring land uses. The proposal is therefore contrary to Policy 7 of the South East Lincolnshire Local Plan (2019).

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:
Design and Access Statement;
Application Form;
1906-06



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		

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@planninginspectorate.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.