

Matrix Planning Ltd.
38 Wade Park Avenue
Market Deeping
Peterborough
PE6 8JL

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference:	H23-1158-20	Date of Decision:	17th February 2021
Applicant:	Mr D Carroll Springway Stockwell Gate Whaplode Spalding PE12 6UE		
Location:	Springway Stockwell Gate Whaplode Spalding		
Description:	Demolition of dwelling and erection of 3 houses		

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

- 1 Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The built environment in the surroundings of the site consists of a well-defined ribbon development onto Stockwell Gate. The erection of Plot 3 to the rear of the other two plots would unduly harm the linear pattern of development which defines the character of the local area. The Local Planning Authority is mindful of several domestic curtilages nearby having outbuildings to the rear of the dwellings. However, none of them are an independent building for permanent residential use but for incidental enjoyment of the dwellings.

Therefore, the application is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Paragraph 127 of the National Planning Policy Framework, 2019.

- 2 Paragraph 127 of the National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The separation distance between the dormer window of Plot 3 facing eastwards and the rear of Plot 1 would not be sufficient to prevent significant overlooking between primary windows and from a primary window to private domestic garden. Moreover, Plot 3 would not have a well-defined and sufficiently sized garden to appropriately ensure an external amenity area for the enjoyment of future occupiers.

For the reasons above, the application is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Paragraph 127 of the National Planning Policy Framework, 2019.

- 3 In conjunction with Policy 36 of the South East Lincolnshire Local Plan, 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The proposed plots onto Stockwell Gate would have 4 bedrooms and no in-built garage. Two parking spaces on the driveway are only provided per plot and there should be one further to prevent on-street parking.

Therefore, this application is contrary to Policy 36 and Appendix 6 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:

3090 S01 Rev A
3090 301 Rev B
3090 302 Rev C
3090 303 Rev C
3090 S04

3090 S02 Rev C

3090 S03 Rev C

3090 100

3090 101

3090 102

3090 103

3090 300 Rev C

Flood Risk Assessment by S M Hemmings dated November 2020

Application Form



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.