

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager  
**To:** Planning Committee  
**Author:** Richard Fidler  
**Subject:** Planning Appeals  
**Purpose:** To provide an update on recent Appeal Decisions

### Recommendation

a) That the contents of this report be noted

### 1.0 OVERVIEW

1.1 Since the last report 4 appeal decision(s) have been received, the results are as follows:

Appeals Dismissed:	4
Appeals Allowed:	0
Appeals Part Allowed:	0

1.2 Since the 1st April 2017 111 planning appeal decisions have been received of which 83 have been dismissed, which equates to a success rate of 74.77%

### 2.0 PLANNING APPEALS DISMISSED

H01-0237-19 Mr F Pearson - Lucy Buttery

Land Adjacent: Waverley Villa 2 Drain Bank South	APP/A2525/W/19/3239236
Proposed erection of one house and garage	Decision Date: 10th January 2020
The Inspector concluded that the site was not a suitable location for residential development, being detached from the main settlement of Cowbit and would harm the character and appearance of the area by extending a small cluster of sporadic development into surrounding agricultural land. It would therefore be in conflict with the policies of the South East Lincolnshire Local Plan.	

H05-0849-18 Applegate Homes ( Lincs ) Ltd - Dave Gedney

Fleet Garden Centre Fleet Road	APP/A2525/W/19/3229241
Demolition of existing site and proposed residential development and associated works (8 dwellings) - Re-submission of refused application H05-0871-17	Decision Date: 7th January 2020
The Inspector concluded that the proposal would not be a suitable location for housing development with regard to local and national planning policy. The proposal would conflict with Policies 1 and 2 of the South East Lincolnshire Local Plan with regards to the provisions for	

development in the countryside and the effect on the character and appearance of the area. The proposal would also conflict with the NPPF with regards to achieving well-designed places, recognising the intrinsic character of the countryside, and building a strong economy and that a Sequential Test as required by the NPPF has not been undertaken in respect of the appeal proposal. The proposal would therefore be contrary to the NPPF with regards to taking account of flood risk.

An application for costs was dismissed.

H16-0469-18 Minster Building Company - Mark Simmonds

The Fitness Company 38 Spring Gardens	APP/A2525/W/19/3227640
Change of use of the existing building from use class D2 to use class C3, to include four 2-Bedroom apartments and two 1-bedroom apartments, proposed new four storey apartment building including twelve 1-Bedroom apartments, and associated external works and infrastructure.	Decision Date: 30th December 2019
The Inspector concluded that the proposal would fail to preserve the setting, and therefore the significance of the Grade II listed former Christians Association, the Police House, the Sessions House and would neither preserve nor enhance the character and appearance of the Spalding Conservation Area. Although the Inspector concluded that the proposed development would cause less than substantial harm to these heritage assets, it was not considered that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the NPPF and Policies 3 and 29 of the South East Lincolnshire Local Plan.	

### 3.0 PLANNING APPEALS ALLOWED

None

### 4.0 ENFORCEMENT APPEALS DISMISSED

ENF-23-18-E09 Mr A Lilley – Polly Harris-Gorf

Damark, Ryefield Lane, Holbeach Fen	APP/A2525/C/19/3221019
Without planning permission the change of use of the land from use for agriculture to a use as a caravan site and associated access.	Decision Date: 8th January 2020
The Inspector concluded that the alleged change of use of the land from agricultural to use as a caravan site and the construction of the associated access has occurred. Therefore the appeal on ground (b) that the matters alleged in the Enforcement Notice have not occurred fails. The Inspector varied the Enforcement Notice to specifically seek the removal of caravans from the site. The compliance period of 6 months from the date of the appeal decision is 8 July 2020.	

### 5.0 ENFORCEMENT APPEALS UPHELD

None

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Background Papers - Planning Application and Enforcement Working Files

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