

## SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager  
To: Planning Committee  
Author: Mark Simmonds  
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 1 appeal decision(s) have been received, the results are as follows:

Appeals Dismissed:	1
Appeals Allowed:	0
Appeals Part Allowed:	0

1.2 Since the 1st April 2017 199 planning appeal decisions have been received of which 146 have been dismissed, which equates to a success rate of 73.37%

### 2.0 PLANNING APPEALS DISMISSED

1-8 Teagans Close, Spalding	H16-1092-22 - Mr J P Browne APP/A2525/W/23/3315993
Oscar Patman	Decision Date: 07 Nov 23
<p>The Appeal related to the Councils refusal of an application to discharge contaminated land conditions. The Inspector explained the background</p> <p>In compliance with condition 7 i and ii, Phase I and Phase II Geo[1]Environmental Assessments were completed and submitted to the local planning authority. These assessments identified levels of lead within the soil which if not addressed could pose an unacceptable risk to the health of future occupiers. In such situations potential routes of exposure include children indirectly ingesting soil off their hands as a result of playing in the garden, and the consumption of homegrown vegetables or fruit. As a result, a capping system in the form of hardstanding was recommended for the site together with the importation of clean top soil for the garden areas. The Council accepted these recommendations. The dwellings were subsequently built and have been occupied since 2017. 5. The application that has resulted in this appeal seeks approval of a closure report required by condition 7 iii.</p> <p>The Inspector found that the submitted evidence indicates that the remediation to the rear gardens of all eight dwellings has not been successfully carried out.</p>	

The Inspector concluded thus;

I conclude that the submitted information demonstrates that levels of contamination are likely to be present within the gardens of the dwellings on the appeal site which mean that, contrary to policies 2, 3 and 30 of the Local Plan and the Framework, they are unsuitable for residential use. As a result, without appropriate remediation the living conditions of the residents of these properties with regard to the protection of their health will be of a lower standard than it is reasonable to expect.

The Appeal was therefore DISMISSED.

### 3.0 PLANNING APPEALS ALLOWED

None

### 4.0 ENFORCEMENT APPEALS DISMISSED

None

### 5.0 ENFORCEMENT APPEALS UPHELD

None

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Background Papers - Planning Application and Enforcement Working Files

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