



# B O S T O N

## BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

### Town and Country Planning Act 1990

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#### APPLICATION DECISION NOTICE

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**Application Reference: B/21/0245**

**Applicant:** Mr & Mrs Fravigar  
The Old Horseshoes  
Sheepgate  
Leverton  
Boston  
PE22 0AR

**Agent:** Mr Carl Forman  
For-Ward Planning Consultancy Ltd  
45, Newbridge Hill  
Louth  
LN11 0NQ

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:-

**Outline application including access with all other matters (Appearance, Landscaping, Layout and Scale) reserved for later approval for the erection of 2no. dwellings at The Old Horseshoes, Sheepgate, Leverton, Boston PE22 0AR**

and in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **REFUSE Outline Planning Permission for the said development for the following reasons;-**

1. The application site falls outside of a settlement boundary and is located within the countryside. There is a significant lack of information submitted to provide a sufficient and sound justification for residential development of two dwellings in this location. The development has not been proven to be necessary to its location or meet the sustainable needs of the area. Therefore, the development would lead to the addition of two dwellings in an unsustainable location, contrary to the spatial objectives set out in Policy 1 of the South East Lincolnshire Local Plan (2011-2036). The lack of an essential need being demonstrated also means the proposal is contrary to Sections 2 and 5 of the National Planning Policy Framework (2021).

2. The development would consolidate the residential dwelling to the west and the further dwelling to the east, leading to an increased urban appearance to this rural, countryside location. The resultant effect would substantially erode the character and appearance of the countryside and open rural landscape. The provision of two dwellings on the site would also lead to an over development of the site which would negatively impact the character of the area. The development, therefore, fails to meet the criteria of sustainable development. As such the development would be contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036) and Sections 2 and 12 of the National Planning Policy Framework (2021) which seeks to secure a high standard of design that is sympathetic to the character of an area.



3. The application site is located within a flood risk area. Policy 4 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework requires development in such areas to demonstrate that they would be acceptable in relation to flood risk. The Flood Risk Assessment fails to suggest appropriate mitigation and as such, fails to demonstrate how the proposal will be safe from flooding through appropriate flood resilient construction. The current finished floor levels would not comply with the Environment Agency's standing advice and as such, would not make the development safe from flooding for its lifetime. The proposed development would not be safe and acceptable on flood risk grounds and, therefore, fails to accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework (2021).

**Refused Plans:**

- 422-21-01 Site Location Plan and Indicative Proposed Block Plan

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Dated: 30 July 2021



**Mike Gildersleeves**  
**Assistant Director – Planning**  
**Boston Borough Council and East Lindsey District Council**



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### IMPORTANT NOTES

This consent does not constitute permission under the Party Wall etc Act 1996, nor any Building Regulations approval under the Building Act 1984.

We may have attached other documents or copy letters to this decision notice. While these do not form part of the Council's formal decision they should be used or read in conjunction with it. They contain useful or essential information, which you require to be aware of and may necessitate further actions on your part.

### PLANNING APPEALS

If you are aggrieved by the decision or any of the conditions attached to a consent you may pursue an appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. However, it is suggested that you speak, in the first instance, to the Planning Officer who dealt with your application for further advice.

If you wish to appeal you can submit online at [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision), however if you wish to apply by post the address is: The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate customer support team: 0303 444 5000

Email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

For householder or minor commercial planning applications you must appeal within **12 weeks** from the date on the decision notice. For all other types of planning application then you must do so within **6 months** from the date of the decision notice.

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 Authority based its decision on a direction given by him.

### PURCHASE NOTICE

If either the Local Planning Authority or the Secretary of State for Communities and Local Government refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable 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 Part VI of the Town and Country Planning Act 1990.

### PROPOSED DEMOLITION

The provisions of Section 80 of the Building Act 1984 require that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control department (01205 314295) beforehand, and work shall not commence until the Local Authority have given Notice under Section 81, or the relevant period of 6 weeks has expired.

**THIS IS A LEGAL DOCUMENT - PLEASE RETAIN IN A SAFE PLACE, PREFERABLY WITH YOUR DEEDS**

