



# 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/20/0208

Applicant: L Rudkin  
27, Crosslands  
Donington  
Spalding  
PE11 4TU

Agent: G R Merchant Ltd  
4, Wrights Mews  
12A Park Road  
Holbeach  
Spalding  
PE12 7EE

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

**Erection of one detached dwelling (re-submission of B/20/0076) at Land adj to The Rookery, Rookery Road, Bicker, Boston, PE20 3DB**

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

1. The proposal would see the erection of a two-storey dwelling within the side garden area of a non-designated heritage asset known as 'The Rookery'. If allowed the proposal would overdevelop the site and further erode the setting of this asset, causing significant harm to the asset's character, appearance and identity as well as to the immediate character of the area. The proposal would therefore fail to preserve and enhance the asset and its setting, and the wider area, and be contrary to Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036), and contrary to Section 16 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework (2019) with particular reference to paragraphs 184, 189, 190, 192, and 197.
2. The proposed dwelling by reason of massing and close proximity to the neighbouring property, 'Ashdene' would result in a significant overbearing and overshadowing effect which would have a significant detrimental impact on the level of amenity of the occupiers of the adjacent dwelling. The proposal therefore fails to protect neighbour amenity and is considered contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and contrary to Section 12 'Achieving Well-designed Places' of the National Planning Policy Framework (2019) with particular reference to paragraph 127.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Dated: 01-Oct-2020

A handwritten signature in black ink, appearing to be 'MG' with a stylized flourish underneath.

**Mike Gildersleeves**  
**Growth Manager**

**IMPORTANT NOTES****PLANNING APPEALS**

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 the Environment 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 the easiest way of submitting an appeal is 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 the Environment 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**