



# B O S T O N

## BOROUGH COUNCIL

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

### Town and Country Planning Act 1990

#### APPLICATION DECISION NOTICE

Application Reference: B/21/0379

Applicant: Mr John Lay  
242, Main Road  
Naphill  
High Wycombe  
HP14 4RX

Agent: Mr David Bates  
Domus Design Associates  
The Gatehouse  
Sonning Lane  
Sonning  
Reading  
RG4 6ST

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

**Division of existing residential dwelling to form an additional residential dwelling (Class C3) at 1, Grand Sluice Lane, Boston PE21 9HL**

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, by virtue of its position located to the rear and attached to an existing dwelling would result in a poor quality form of development which would be contrary to the established layout, character and appearance of the area. The development is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 126 of the NPPF which confirms that good design is a key aspect of sustainable development.
2. By reason of the proximity to the southern boundary and the lack of outlooks from internal space along with issues regarding usability of the first floor accommodation, occupiers of the proposed new dwelling would not have sufficient levels of amenity. The impact on the occupiers of the existing dwelling would also suffer from detrimental impacts on the level of amenity currently enjoyed due to the proposed segregation of the garden area. The proposal is therefore contrary to policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 130 f) of the NPPF which requires a high standard of amenity for existing and future users.



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).

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: 11-Oct-2021



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

## TOWN AND COUNTRY PLANNING ACT 1990

## 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 to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice**, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application** and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- **If this is a decision to refuse planning permission for a householder application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse planning permission for a minor commercial application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse express consent for the display of an advertisement**, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- **If this is a decision to refuse consent for works to a tree protected by a Tree Preservation Order**, if you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- **For all other decisions**, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- 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 a development order.
- **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.](#)
- **Proposed Demolition** - The provision 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 has 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