

South Kesteven District Council

Development Management
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Domestic Transformations Ltd
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NG31 9DX

REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990

Part I – Particulars of application

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| Application No: | S16/2788 |
| Date Received: | 20th December 2016 |
| Applicant: | Mr D Timms |
| Proposal: | Change of use of Public House to residential |
| Location: | Former Thorold Arms Main Street Marston Lincolnshire NG32 2HH |
| Decision/Date | 14th February 2017 |

Part II – Particulars of decision

The South Kesteven District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been refused** for the carrying out of the development referred to in Part I hereof, for the following reason(s):

- 1 The proposed change of use would lead to the loss of a public house and shop which is a community facility. No evidence has been submitted to demonstrate that the public house is no longer viable, that efforts have been made to secure the re-use of the building or to assess the impact of the closure of the facilities would have on the community. There are also no alternative facilities available in the village. The proposed change of use would result in the loss of a community facility and therefore the proposal is contrary to Policy SAP1 of the Site Allocations and Policies DPD and paragraph 28 & 70 of the NPPF.

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Note(s) to Applicant:

1. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.
2. In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. It is considered there was a fundamental objection that could not easily be overcome and therefore no discussions took place. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.



**Paul Thomas
Executive Manager
Development And Growth
14th February 2017**

GENERAL DEVELOPMENT PROCEDURE ORDER 2015 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 and 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 the service of the enforcement notice or within six months of the date of this notice (whichever period expires earlier).

If you want to appeal against other decisions, except for Householder which are 12 weeks, then you must do so within 6 months of the date of this notice. Appeals should be submitted using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0303 444 5000

Email: enquiries@planning-inspectorate.gsi.gov.uk

Website: <https://www.gov.uk/appeal-planning-decision>

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 they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor 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 District 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.