

REFUSAL OF PLANNING PERMISSION

(pursuant to an outline or full application)

APPLICATION NO: PA/2020/416

Address/Agent:

Mr Joseph Jackson
Fortynine Design

www.northlincs.gov.uk

Church Square House
30-40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

Applicant: Mr Joseph Jackson, Fortynine Design

North Lincolnshire Council hereby gives notice that the application received on 28/02/2020 to:

erect five poultry buildings and associated works on land north of Piggery, Ermine Street, Appleby, DN15 0AD

has been considered and that permission for this development has been **REFUSED** for the following reasons:

1.

The proposed development would be located in close proximity to sensitive receptors. The separation distance from the intensive poultry units and nearby residential dwellings is insufficient to mitigate unacceptable impacts upon the amenity of these residents. The proposal is therefore contrary to policies RD2, RD15 and DS1 of the North Lincolnshire Local Plan, policy CS18 of the North Lincolnshire Core Strategy, policy AP5 of the Appleby Neighbourhood Plan and paragraph 183 of the National Planning Policy Framework.

2.

The applicant has failed to demonstrate sufficiently that reasonable alternatives to the proposal site do not exist. The proposed development is considered to represent an inappropriate use of this land resulting in the destruction of the archaeological remains on the site and the total loss of archaeological evidence without sufficient justification. The proposal is therefore contrary to policies CS2 and CS6 of the North Lincolnshire Core Strategy, policies DS1, RD2 and HE09 of the North Lincolnshire Local Plan, and paragraphs 183 and 197 of the National Planning Policy Framework.

3.

The proposal would give rise to significant environmental impacts in relation to odour, dust and bioaerosols. The applicant has not demonstrated that this development would not give rise to unacceptable impacts upon nearby sensitive receptors, nor has the applicant explored the cumulative impacts of this proposal with other similar facilities within the vicinity. The proposal is considered contrary to policies DS1, DS11, RD2 and RD16 of the North Lincolnshire Local Plan, Policy CS18 of the North Lincolnshire Core Strategy as well as paragraphs 170 and 180 of the National Planning Policy Framework.

4.

Insufficient information has been provided to allow a proper assessment in relation to the likely impacts upon residents in terms of noise. The proposal therefore, is contrary to policies DS1 and DS11 of the North Lincolnshire Local Plan as well as paragraph 170 of the National Planning Policy Framework.

Dated: 15 January 2021

Signed:

A solid black rectangular box used to redact the signature of the official.

Chris Barwell

Acting Group Manager – Development Management and Building Control

Informative:

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

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 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.
- 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 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

Please note however:

If your application was for **householder development** (dwelling house extensions, alterations, garages, swimming pools, walls, fences, vehicular access, porches, satellite dishes etc) or for a minor commercial application then you must do so **within 12 weeks** 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 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.
- 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](#)

Purchase Notices

- If either the local planning authority or the Secretary of State 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 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 V1 of the Town and Country Planning Act 1990.