

# South Kesteven District Council

## Development Management

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## REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990

### Part I – Particulars of application

Application No:	S14/0539/EIAFP
Date Received:	22-Aug-2014
Applicant:	Mr Baggaley Baggaley Farms
Proposal:	Installation of a single wind turbine with a hub height of 60m, blade diameter of 53m and maximum tip height of 86.5m with associated ancillary equipment (amended version of previously withdrawn scheme S13/1963)
Location:	Top Farm, Back Lane, Foston, Grantham, Lincolnshire, NG32 2LA
Decision/Date:	Refused - 12 November 2014

### 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):

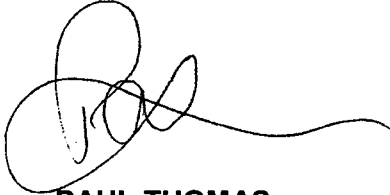
1. The proposal would result in harm to the setting of a number of high graded heritage assets in the area, both individually and as a group. It is considered that whilst the harm is less than substantial, the public benefits of the proposed wind turbine would be outweighed by the harm caused. The environmental impact of the proposal is therefore not acceptable and cannot be made acceptable through mitigation so is contrary to Section 12 of the National Planning Policy Framework, DCLG - Planning Practice Guidance for Renewable and Low Carbon Energy, Policies EN1 & EN3 of the South Kesteven Core Strategy, and the South Kesteven Wind Energy SPD.

Continued ...

There are fundamental objections to the proposal and it is considered that these cannot be overcome. Therefore consideration has not been delayed by discussions which cannot resolve the reasons for refusal and a decision has been issued in a timely fashion. As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework.

**Note(s) to Applicant:**

- A. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.

A handwritten signature in black ink, appearing to read 'PT', with a long horizontal flourish extending to the right.

**PAUL THOMAS**  
**Executive Manager**  
**Development & Growth**

Date: 12 November 2014

### **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: 01173 726372 Fax: 01173 728443  
Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)  
Website: [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

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.

