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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H03-0552-20 **Date of Decision:** 15th September 2020

Applicant: Mr R Sainsbury
Shrubbery Farm
Main Road
Deeping St Nicholas
Spalding
PE11 3DJ

Location: Shrubbery Farm Main Road Deeping St Nicholas Spalding

Description: Conversion of barns and livestock unit into 5 bed dwelling

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application form
Design and Access Statement July 2020
Structural Inspection Report SAL-20-047 June 2020
Ecology and Protected Species Survey July 2020
BS5837:2012 - Trees in relation to design, demolition and construction. Tree constraints detail in relation to The Shrubbery, Deeping St Nicholas. 11/06/2020
SF-EX-PL-05

SF-EX-PL-01A
SF-EX-PL-02
SF-EX-PL-03
SF-EX-PL-04
SF-PR-PL-02
SF-PR-PL-03
SF-PR-PL-04

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Prior to commencement of the development hereby approved, a full photographic building recording of the site shall be carried out which contains:

1 A general view or views of the building in its wider setting.
2 The building's external appearance.
3 The overall appearance of the principal rooms and circulation areas.
4 Any external or internal detail, structural or decorative, which is relevant to the building's design, development and use, with scale where appropriate.
5 Any machinery or other plant, or evidence of its former existence.
6 Any dates or other inscriptions; any signage, makers' plates or graffiti which contribute to an understanding of the building. A transcription should be made wherever characters are difficult to interpret.
7 Any fixtures and fittings
8 Copies of maps, drawings, views and photographs, present in the building and illustrating its development or that of its site.

This photographic Building recording should also contain a written account which provides the precise location of the property as an address and in the form of a National Grid Reference. A note of any statutory designations and the date of recording with the name(s) of the recorder(s) and the location of any archive material.

Prior to the development hereby approved, the photographic building recording report shall be submitted to and approved in writing by the Local Planning Authority and submitted to the Lincolnshire County Council Historic Environment Record for archiving within 3 months of completion.

Reason: To ensure that the heritage significance of the host property is properly recorded in its undeveloped state.
This condition is imposed in accordance with Section 16 of the National Planning Policy Framework.

4 All works of demolition/reconstruction or replacement of the existing fabric of the building shall be undertaken strictly in accordance with the approved details and thereafter so maintained.

Reason: Planning permission is only granted for conversion of the existing buildings by virtue of the architectural and historic quality of the buildings. Significant alteration and reconstruction would be tantamount to the erection of a new dwelling in the open countryside which would be contrary to national guidance contained in Sections 5, 12 and 16 of the National Planning Policy Framework, 2019, and Policies 1 and 23 of the South

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East Lincolnshire Local Plan, 2019. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 1 and 23 of the South East Lincolnshire Local Plan, 2019 and the advice within the National Planning Policy Framework, 2019.

5 All external materials used in the development shall conform to the details so approved and thereafter so maintained.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019 and the advice within the National Planning Policy Framework, 2019.

6 All external window frames and doors shall be installed strictly in accordance with the approved details and thereafter so maintained.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019 and the advice within the National Planning Policy Framework, 2019.

7 The rainwater goods utilised in the development hereby permitted shall be coloured black and of metal construction and thereafter so maintained.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019 and the advice within the National Planning Policy Framework, 2019.

8 Before the building is occupied a Barn Owl loft shall be installed in accordance with the approved details within the Ecology and Protected Species Survey July 2020. It shall thereafter be retained within the building and be permanently made available for use for that purpose.

Reason: To ensure the protection of Barn Owls in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This condition is imposed in accordance with advice within the National Planning Policy Framework, 2019.

9 Before the building is occupied three integral bat roost units shall be installed within the building. These should be placed on the northern or southern elevations of the buildings and installed following manufacturers' guidelines and shall be installed in accordance with the details set out within the Ecology and Protected Species Survey July 2020. The bat boxes shall thereafter be retained within the building and be permanently made available for use for that purpose.

Reason: To ensure the protection of Bats in accordance with the provisions of the Wildlife

& Countryside Act. 1981.
This condition is imposed in accordance with advice within the National Planning Policy Framework, 2019.

10 The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019 and the advice within the National Planning Policy Framework, 2019.

11 The details of the means of surface water and foul water disposal shall be implemented in full before the development hereby permitted is first brought into use in accordance with drawing ref SF-PR-PL-02, and shall be maintained for the duration of the use hereby permitted.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

12 The scheme of landscaping, method of building adjacent to trees and the tree works shown on dwg. no. SF-PR-PL-02 and identified within "BS5837:2012 - Trees in relation to design, demolition and construction. Tree constraints detail in relation to The Shrubbery, Deeping St Nicholas 11/06/2020" and shall be carried out in compliance with these documents. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the advice within the National Planning Policy Framework, 2019.

13 Where trees are shown on dwg. no. SF-PR-PL-02 to be retained on site they shall be protected during construction work as follows:

i)chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be

made,
ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii)no services shall be routed under the spread of the crowns of the trees to be retained;
iv)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v)if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the advice within the National Planning Policy Framework, 2019.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of the area within which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the advice within the National Planning Policy Framework, 2019.

Notes:

The Local Planning Authority has acted positively and proactively in determining this

application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health..



Phil Norman
Planning and Building Control Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

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 grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

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@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

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 the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant 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 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 the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.