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G R Merchant Ltd
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PE12 7EE

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H05-0229-20 **Date of Decision:** 22nd April 2020

Applicant: Mr J Simmons
Mulberry Barn
Torrington Lane
Fleet
Spalding Lincs
PE12 8JN

Location: Mulberry Barn Torrington Lane Fleet Spalding

Description: Barn conversion and extension (commenced)

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

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

Application Form
Protected Species report July 2018
Protected Species report covering letter Jan 14th 2019
Phase 1 Desk Top Study February 2019 R0160/19
Structural Report 43516
Flood Risk Assessment January 2017
3597-19 02D
3597-19 01
Door & Window Detail

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

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (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 additional windows or doors and the installation of roof windows.
iv) additional or replacement fencing to the boundaries of the site.

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, 3 and 23 of the South East Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

3 The scheme of landscaping and tree planting for the site as shown on plan reference 3597-19 02D shall be carried out in its entirety within a period of 12 months beginning with the date on which development was commenced. 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, 3 and 23 of the South East Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

4 All new and replacement brickwork utilised in carrying out the development hereby permitted shall match as closely as possible that of the principal existing building on the site in terms of the type of brickwork, mortar mix and method of bonding.

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, 2 and 23 of the South East Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

5 The guttering to the development hereby permitted shall be fixed to the external walls by means of gutter spikes/rise and fall brackets and no fascia boarding shall be used.

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 Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

6 The development hereby permitted shall be carried out in accordance with the measures

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set out in the Flood Risk Assessment forming part of this planning application and the following mitigation measures:

- safe refuge shall be provided on the first floor;
- flood resilient construction shall be incorporated up to 300mm above finished floor level.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This condition is imposed in accordance Policies 2, 3 and 4 of the South East Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

7 The development hereby permitted shall be carried out strictly in accordance with the recommendations within the Protected Species report July 2018 and the protected Species report covering letter Jan 14th 2019.

Reason: In the interest of nature conservation and in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This condition is imposed in accordance Policy 28 of the South East Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

8 Development shall not be commenced on site during the period of March to October inclusive.

Reason: To ensure that the development is not commenced during the Barn Owl nesting season in accordance with the provisions of the Wildlife and Countryside Act, 1981.
This condition is imposed in accordance with advice within Policy 28 of the South East Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

9 The two barn owl boxes constructed on the site shall hereafter be retained on site and be permanently made available for use for that purpose. The boxes shall be repaired and/or replaced if they fall in to disrepair.

Reason: To ensure the protection of Barn Owls currently residing within the building and in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This condition is imposed in accordance Policies 23 and 28 of the South East Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

10 Before the building is occupied a Barn Owl loft shall be installed within the building in accordance with the details hereby approved. The Barn Owl loft 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 currently residing within the building and in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This condition is imposed in accordance Policies 23 and 28 of the South East Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

Notes:

Please contact the Lincolnshire County Council Streetworks and Permitting Team on

01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.

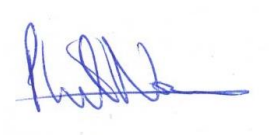
The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

The site is within the South Holland IDB Internal Drainage District (IDD) and therefore the Board's byelaws apply. The Byelaws for the Board (see link htt ps:/ / www.wlma.org.uk/ uploads/SHIDB Byelaws.pdf) and detailed maps of the district (see link https:// www .wlma.org.uk/ uploads/ 210-SHIDB Index.pdf) (including which watercourses are adopted by the Board) are available on the website of the South Holland IDB Internal Drainage District .

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 such as owls and bats 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).

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 by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

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



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.