

Mr Kris Baxter, Studio 11 Architecture  
The Boathouse  
Harbour Square  
Nene Parade  
Wisbech  
PE13 3BH

Council Offices  
Priory Road  
Spalding  
Lincolnshire  
PE11 2XE

Admin 01775 764723  
DC Officers 01775 764703  
facsimile 01775 762937

planningadvice@sholland.gov.uk  
www.sholland.gov.uk

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **SECTION 73 MODIFICATION**

**Reference:** H05-0612-15 **Date of Decision:** 12th October 2015  
**Applicant:** Sat Leisure  
C/O Studio 11 Architecture  
The Boathouse, Harbour Square  
Nene Parade  
Wisbech  
PE13 3BH  
**Location:** Heron Cottage Camping And Caravanning Frostley Gate Holbeach Spalding  
**Description:** Proposed replacement of 19 touring/camping pitches to 16 static caravan pitches - approved under H05-0862-13. Modification of condition 2 (approved layout) and wording to Condition 5 (occupancy)

**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 before 22 January 2017.

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:  
Dwg.nos. 1953/01A and 1953-04 accompanying planning application ref. H05-0862-13;  
Dwg.no. 236.SL.01 (Rev B);  
Flood Risk Assessment (reference GCB/Sats Leisure) accompanying planning application ref. H05-0862-13;  
Details of Flood Warning and Evacuation Procedure accompanying planning application ref. H05-0862-13.

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

- 3 The static caravans to be installed upon the site shall be in accordance with details accompanying condition compliance application ref. H05-0088-15.

Reason: To ensure that the static caravans are of satisfactory appearance, in the interest of the visual amenities of the rural locality.

This Condition is imposed in accordance with Policies LT7 and SG14 of the South Holland Local Plan 2006.

- 4 A maximum of 25 static caravans shall be allowed on the caravan site (as outlined in red and blue on dwg. no. 1953/01A accompanying planning application ref. H05-0862-13) at any one time.

Reason: To define the terms of the permission and to ensure that the nature, scale and appearance of the development is acceptable.

This Condition is imposed in accordance with Policy LT7 of the South Holland Local Plan 2006.

- 5 The static caravans on the caravan site (as outlined in red and blue on dwg. no. 1953/01A accompanying planning application ref. H05-0862-13) shall be used as holiday accommodation only and shall not be occupied during the period 1 February to 28 February in any one year. They shall not be occupied as a person's sole or main place of residence.

Reason: To ensure that the development is restricted to short term holiday use only and not used for residential purposes. Residential use would be contrary to the provisions of Policy HS7 of the South Holland Local Plan 2006 and Section 6 of the National Planning Policy Statement 2012, which seek to control new residential development in the open countryside.

- 6 An up-to-date register of the names, main home addresses, visiting dates and length of stay of all visitors to the caravan site (as outlined in red and blue on dwg. no. 1953/01A accompanying planning application ref. H05-0862-13) shall be maintained at all times and be available for inspection by the Local Planning Authority at all reasonable times.

Reason: To ensure that the development is restricted to holiday use only and to prevent static caravans from being used for residential purposes. Residential use would be contrary to the provisions of Policy HS7 of the South Holland Local Plan 2006 and Section 6 of the National Planning Policy Statement 2012, which seek to control new residential development in the open countryside.

- 7 No more than 33 touring caravans/tents shall be allowed on the whole of Herons Cottage Caravan Park (as outlined in blue on dwg. no. 1953-01A accompanying planning application ref. H05-0862-13) at any one time. The touring caravans/tents shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence.

Reason: To define the terms of the permission and to ensure that the nature, scale and appearance of the development is acceptable.

This Condition is imposed in accordance with Policy LT7 of the South Holland Local Plan 2006.

- 8 External lighting to be installed on the premises shall be in accordance with details accompanying condition compliance application ref. H05-0088-15.

Reason: In the interests of visual and residential amenity.

This Condition is imposed in accordance with Policies LT7 and SG13 of the South Holland Local Plan 2006.

- 9 The development hereby permitted shall be carried out entirely in accordance with the approved Flood Risk Assessment (reference GCB/SATS Leisure, dated September 2013) accompanying planning application ref. H05-0862-13. In particular:
- Each of the caravans shall be secured to the ground to prevent them becoming mobile during a flood event.
  - The floor levels of the static caravans shall be set 500mm above the existing ground level.

Reason: To reduce the risk and impact of flooding on the development and future

occupants.

This Condition is imposed in accordance with advice within Section 10 of the National Planning Policy Framework, 2012.

- 10 Foul water drainage facilities upon the site shall be installed in accordance with details accompanying condition compliance application ref. H05-0088-15 prior to occupation of any static caravan.

Reason: To ensure the provision of satisfactory facilities for the disposal of foul water, in the interest of the amenities of the locality.

This Condition is imposed in accordance with Policy SG12 of the South Holland Local Plan 2006.

- 11 Landscaping of the site shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced in accordance with details accompanying condition compliance application ref. H05-0088-15. 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 Policy SG18 of the South Holland Local Plan 2006.

#### Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the application 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 in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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 an application will also need to be made to South Holland District Council for an amended Caravan Site Licence under the Caravan and Control of Development Act, 1960.



**Paul Jackson**  
**Place Manager**  
**South Holland District Council**

12th October 2015

#### **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](mailto: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 |                                   |                            |

### 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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

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 it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

### **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.