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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H07-0549-21 **Date of Decision:** 9th August 2021

Applicant: Mr S Kennally
C/O Robert Doughty Consultancy Ltd.
32 High Street
Helpringham
Sleaford
NG34 0RA

Location: North View Fishing Lakes North Road Gedney Hill Spalding

Description: Stationing of 17 additional cabins and static caravans for use as tourism accommodation

South Holland District Council hereby give notice that permission 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:
817-8-PL-LP01;
817-8-PL-SP01;
817-8-PL-SP02;
817-8-PL-GA01;
817-8-PL-PL01;
Design and Access Statement by Robert Doughty Consultancy (Document Ref. 817 8 DAS LMS) dated May 2021.

Flood Risk Assessment by RM Associates (Version 1) dated March 2021.

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

3 The cabins and static caravans hereby permitted shall be used as holiday accommodation only and 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 1 of the South East Lincolnshire Local Plan, 2019 and Section 5 of the National Planning Policy Framework, 2021.

4 An up-to-date register of the names, main home addresses, visiting dates and length of stay of all visitors to the holiday units hereby permitted 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 short term holiday use only and not used for residential purposes. Residential use would be contrary to the provisions of Policy 1 of the South East Lincolnshire Local Plan, 2019 and Section 5 of the National Planning Policy Framework, 2021.

5 Prior to the occupancy of any cabin and static caravan hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. 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.

Note: The scheme should include native hedge/tree planting to the east of units 12 -17.

Reason: To ensure that the development is adequately landscaped, in the interests of the character and appearance of the area and also biodiversity.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

6 Details of any additional external illumination to be installed on the site, including details of luminance and fields of illumination, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the holiday unit(s) to which it relates. There shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

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7 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment, including/plus the following flood mitigation measures:
- Lodges and caravans shall be fixed securely to the ground via steel chains affixed to concrete pads;
- Finished floor levels shall be set no lower than 300mm above the existing ground levels;
- Preparation and display on site of a flood warning and evacuation plan.
The flood mitigation measures shall be fully implemented prior to occupancy of the unit to which they relate and shall thereafter be retained.

Note: The applicant is advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

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 with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

8 Prior to occupancy of any cabin or static caravan hereby permitted, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full prior to occupancy of the unit to which they relate.

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, 2021.

9 Prior to the siting of any cabin or static caravan hereby permitted an ecological survey shall be carried out to determine the presence, or otherwise, of protected species upon the site and the results of such a survey shall be submitted to the Local Planning Authority. If protected species are present a working design, method and timetable to mitigate any harm to the species involved shall be submitted to and approved in writing before any works of demolition are commenced and thereafter be carried out in accordance with the approved details prior to occupation.

Reason: In the interest of nature conservation.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

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

Your attention is drawn to correspondence from the Lincolnshire Wildlife Trust dated 5 August 2021 relating to the scheme.

The applicant is reminded that an application may 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.



Phil Norman
Planning 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.