

Mr Tim Smith
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Spalding Lincs
PE11 4HB

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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H08-0339-16 **Date of Decision:** 16th June 2016

Applicant: Mr Tim Smith
Tull Grange
Cawood Lane
Gosberton
Spalding Lincs
PE11 4HB

Location: Cressy Hall Farm Barns Cawood Lane Gosberton Spalding Lincs

Description: Proposed change of use of existing barns to form two residential units, reinstatement of former farm buildings for residential use and erection of garaging

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:
Dwg. No's. Site location plan, Aerial Photograph, 650/01-0D/01, 650/1-FP 01, 650/01-00/02, 650/01-0D/03, 650/01-0D/07, 650/01-0D/04, 650/1-E/01 20-04-16, 650/01-0D/06, 650/01-0D/05, 650/1-01, Design and Access Statement (March 2016), Structural Survey Neil Clarke and Associates (26 October 2005).

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

- 3 Before the commencement of development hereby granted, full details of the materials of construction and design of all means of enclosure, including details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The walls, fences and other means of enclosure as approved (shown on Dwg. No. 650/1/E/01) shall be erected prior to the occupation of the dwellings to which they relate.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the special architectural, historic and visual integrity of the host listed building.

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

- 4 Before the commencement of the development 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 in its entirety within a period of 12 months beginning with the date on which development is 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 ten 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 applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped and that that landscaping is given time to become established, 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.

- 5 Before the commencement of the development hereby permitted a schedule of external materials of construction of hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the schedule and samples so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the special architectural, historic and visual integrity of the host listed building.

This Condition is imposed in accordance with Policy SG20 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 6 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;

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 special architectural, historic and visual integrity of the host Listed Building.

This Condition is imposed in accordance with Policies SG20 of the South Holland Local Plan 2006, and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 7 No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

- 8 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 7 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 9 A copy of the final report required in connection with Condition 7 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of

the National Planning Policy Framework, 2012.

- 10 Before the commencement of the development hereby permitted the applicant shall submit to and have approved in writing by the Local Planning Authority details of bird and bat boxes to be installed in, on and around the buildings on the site in accordance with recommendations set out in the Protected Species Update Report and updated Bat and Barn Owl Survey. The development shall be carried out in accordance with the details so approved and thereafter so maintained.

Reason: To mitigate the impact of the development on protected species.

This Condition is imposed in accordance with national guidance set out in Section 11 of the National Planning Policy Framework 2012.

- 11 Prior to the commencement of development updated reports are to be submitted and approved in relation to the Bat and Barn Owl Survey (dated October 2005) received in connection with application H08-0453-07 and Protected Species Update Survey (dated 26 March 2013) received in connection with approval H08-0073-13.

Reason: To mitigate the impact of the development on protected species.

This Condition is imposed in accordance with national guidance set out in Section 11 of the National Planning Policy Framework 2012.

- 12 The Structural Survey undertaken by Neil Clarke and Associates (26 October 2005) is to be updated and submitted for approval prior to development taking place.

Reason: To ensure that the buildings remain capable of conversion without the need for extensive rebuilding.

This Condition is imposed in accordance with national guidance set out in Section 11 of the National Planning Policy Framework 2012.

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 as timely a manner as possible in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx

Note(s):

Where a Condition requires the approval of a sample (for example a brick, tile or surfacing material) you should arrange for the sample to be delivered to the application site for inspection and approval by the case officer. We are unable to accept samples delivered to the Council's offices.



Paul Jackson
Place 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		

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.