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T A C Architects
14 Old Fendyke Road
Weston Hills
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PE12 6DD

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H08-0438-21 **Date of Decision:** 17th June 2021

Applicant: Mr & Mrs P Waudby
Tythe Barn
Station Road
Gosberton
Spalding
PE11 4JB

Location: Tythe Barn Station Road Gosberton Spalding

Description: Conversion of barns into dwelling including extension, demolition of barns and erection of detached outbuilding - approved under H08-1074-15. Modification of Condition 2 to allow amendments to previously approved plans.

South Holland District Council hereby give notice that permission 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:

Accompanying H08-0438-21:
21/577/PA/004A
17/500/PA/002A

Accompanying H08-1074-15:
1578 01 B
1578 03 A
1578 04 A
Flood Risk Assessment (prepared by C. Mason, dated September 2015)
Ecology and Protected Species Survey (prepared by Scarborough Nixon Associates Ltd, dated August 2015)

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

2 As indicated on dwg. no. 21/577/PA/004A, the previously approved outbuilding shall not be constructed and only the proposed garage shall be built.

Reason: For the avoidance of doubt

3 The development hereby permitted shall be carried out in accordance with the elevational and cross sectional plans approved by virtue of condition compliance application ref. H08-1170-17. No works of demolition/reconstruction or replacement of the existing fabric of the building(s) shall be undertaken other than those works so approved.

Reason: Planning permission is only granted for conversion of the existing building(s) by virtue of the architectural and historic quality of the building(s). 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 East Lincolnshire Local Plan, 2019.
This Condition is imposed in accordance with Policies 1 and 23 of the South East Lincolnshire Local Plan, 2019.

4 The development shall be constructed in accordance with the materials details approved by virtue of condition compliance application ref. H08-1170-17.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity 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.

5 The design of all external doors and door frames to be utilised in the development shall be as per the details approved by virtue of condition compliance application ref. H08-1170-17 and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity 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.

6 The window frames to be utilised in the development hereby permitted shall be as per the details approved by virtue of condition compliance application ref. H08-1170-17 and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity 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.

DC_FINAL_DECISION - ODB:14

7 All new window frames, glazing bars and external door frames (with the exception of the roof lights to the northern roof slope of the northern element of the barn conversion) shall be of timber construction, stained cream and thereafter so maintained.

Reason: In the interests of the architectural composition and appearance of the development and the visual amenity 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.

8 The development hereby approved shall be carried out in accordance with the landscaping scheme approved by virtue of condition compliance application ref. H08-1170-17. 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.

9 The design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be as per the details approved by virtue of condition compliance application ref. H08-1170-17 and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity 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.

10 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 composition and appearance of the development and the visual amenity 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.

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

Reason: In the interests of the architectural composition and appearance of the development and the visual amenity 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.

12 Site and floor levels of the buildings and hard surfaced areas shall be in accordance with the details approved by virtue of condition compliance application ref. H08-1170-17

DC_FINAL_DECISION - ODB:14

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

13 The development hereby permitted shall be carried out in general accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority.

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, 2019.

14 Before the development is commenced beyond oversite, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

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.

15 Providing ground conditions are suitable, septic tank effluent shall be disposed of via a sub- soil irrigation system, no part of which shall be within 10 metres of a watercourse, ditch or surface water drain. If ground conditions are unsuitable for the disposal of septic tank effluent via a soakaway system, full details of an alternative method of foul drainage shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development hereby granted. The septic tank and sub-soil irrigation system or other approved foul drainage facilities shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution. 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 Policy 30 of the South East Lincolnshire Local Plan, 2019.

16 Mitigation measures in respect of protected species shall be carried out in accordance with the approved Ecology and Protected Species Survey, prepared by Scarborough Nixon Associates Ltd (dated August 2015).

Reason: In the interest of nature conservation and because owls and bats are protected under the Wildlife and Countryside Act, 1981.
This Condition is imposed in accordance with advice within Section 15 of the National Planning Policy Framework, 2019.

17 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) the erection of walls, fences or other means of enclosure;
iv) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
v) cladding, rendering or painting external walls.
vi) the addition of a first floor to the garage building.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 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



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.