

Mr A Werbinski
Risegate Farm
Hedgefield Hurn
Gosberton Risegate
Spalding Lincs
PE11 4JE

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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H08-0863-16 **Date of Decision:** 17th October 2016

Applicant: Mr A Werbinski
Risegate Farm
Hedgefield Hurn
Gosberton Risegate
Spalding Lincs
PE11 4JE

Location: Risegate Farm Hedgefield Hurn Gosberton Spalding

Description: Conversion of agricultural barns into single dwelling, including new garage workshop and sleeping accommodation. Demolition of stable and garage

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:
01.Location Plan, 2. Existing Floor Plan, 03. Existing Elevations, 04 Existing Cross Section, 05 Proposed floor plan, 06 Proposed Elevation, 07 Proposed side elevation, 08 Proposed Cross Section, and 09 Proposed cross section.
Structural Survey (prepared by MK Design Associates, dated 10 June 2016).
Ecology Survey (prepared by Scarborough Nixon Associates Ltd, dated June 2016).

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

- 3 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.

- 4 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 3 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.

- 5 A copy of the final report required in connection with Condition 3 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.

- 6 Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

Reason: To reduce the risk of flooding of the development. 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 national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 7 The 1.2m high timber post and rail fencing as approved (shown on Dwg. No. 01.Location Plan) shall be erected prior to the first occupation of the development hereby permitted.

Reason: 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 Policy HS16 of the South Holland Local Plan 2006.

- 8 Any gates to the vehicular access shall be set back a minimum of 6.0 metres from the nearside edge of the carriageway of Hedgefield Hurn and shall not open over the highway.

Reason: To enable calling vehicles to wait clear of the carriageway of Hedgefield Hurn in the interests of safety.

This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 9 Prior to the commencement of construction of any building(s) or commencement of the use, the vehicular accesses to Risegate Farm and Morcon shall be improved in accordance with drawing number 01.Location Plan.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site. 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 Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 10 The scheme of landscaping and tree planting shown on dwg. no. 01.Location Plan shall be carried out in its entirety within a period of twelve 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 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.

- 11 The brickwork to the garage block hereby permitted shall be constructed in English Garden Wall bond, at a ratio of one course of headers to every three courses of stretchers.

Reason: In the interests of the development's architectural and historic integrity, and the character and visual amenity of the locality in which it is set.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 12 A one metre square freestanding panel of brickwork showing the type of brick and mortar mix to be used in the construction of the development hereby permitted shall be constructed on site and approved by the Local Planning Authority before the commencement of the development hereby permitted. All new brickwork and mortar repairs shall match the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style, unless otherwise agreed in writing by the Local Planning Authority. The brickwork panel so constructed shall be retained on the site until the development hereby approved has been completed.

Note: The applicant is advised that a buff coloured mortar (using white Portland cement or similar and yellow/orange sand) with a flush, 'bagged' finish to reveal the aggregate in the mix will be appropriate.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of its architectural and historic integrity, and the character and visual amenity of the locality in which it is set.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 13 The rainwater goods utilised in the development hereby permitted shall be of metal construction coloured black, and carried on gutter spikes/rise and fall brackets and thereafter so maintained.

Reason: In the interests of the development's architectural and historic integrity, and the character and visual amenity of the locality in which it is set.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 14 All new window frames, glazing bars and external door frames shall be of timber construction, stained dark brown 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 Policy SG14 of the South Holland Local Plan, 2006.

- 15 Prior to the commencement of the development hereby permitted, and notwithstanding the submitted details, details of the design of all external doors and door frames to be utilised in the development shall be submitted to and approved in writing by the Local Planning Authority. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing, threshold and lintol detailing, means of opening and finish. All external doors and door frames used in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over this detail of the development in the interests of its architectural and historic integrity, and the character and visual amenity of the locality in which it is set.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local

Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 16 Prior to the commencement of the development hereby permitted, and notwithstanding the submitted details, details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing, cill and lintol detailing, means of opening and finish. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over this detail of the development in the interests of its architectural and historic integrity, and the character and visual amenity of the locality in which it is set.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 17 Before the commencement of the development hereby permitted full details, including samples if so required, of the proposed roof light(s) shall be submitted to and approved in writing by the Local Planning Authority. The roof light(s) shall be installed in accordance with the approved details and thereafter so maintained.

Note: The applicant is advised that metal framed, flush-fitting 'conservation' roof lights will be appropriate.

Reason: To ensure that the Local Planning Authority retains control over this detail of the development in the interests of its architectural and historic integrity, and the character and visual amenity of the locality in which it is set.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 18 Notwithstanding the approved drawings, large scale details (at a scale of at least 1:10) of the following features shall be submitted to and be approved in writing by the Local Planning Authority and no work shall commence in advance of that approval. These details shall provide for a cross sectional detailed drawing at 1:10 scale for each feature and the development shall be constructed in accordance with the details so approved:
- Threshing door opening glazed screens, which shall provide for the repair and retention of the existing threshing doors and vertical timber post (the glazed screens should be set in reveal behind the timber post);
 - Glazed screen, timber posts and yokes to the lounge;
 - Timber beam, post and yoke to the car port;
 - Retention of existing timber frames and metal grilles to windows of Bedroom 3;
 - Repair and retention of existing timber window shutters, or if beyond repair, replacement on a like-for-like basis re-using the existing ironmongery.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of its architectural and historic integrity, and the character and visual amenity of the locality in which it is set.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 19 Before the commencement of the development hereby permitted, elevational and cross sectional plans of the buildings at a scale of not less than 1:100 illustrating the extent of any proposed demolition and reconstruction including the proposed replacement of any of the existing roof structure and roof timbers shall be submitted to and approved in writing by the Local Planning Authority. No works of demolition/reconstruction or replacement of the existing fabric of the buildings shall be undertaken other than those works so approved.

Note: You are advised that should it become necessary during conversion to undertake works beyond those approved by this condition then this planning permission may become invalid and the development treated as the erection of a new building which will necessitate the submission of a planning application for such. That application will be considered under relevant local planning policies and may not be acceptable.

Reason: Planning permission is only granted for conversion of the existing buildings 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 6, 7 and 12 of the National Planning Policy Framework, 2012, and Policies HS7 and HS16 of the South Holland Local Plan, 2006. 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 Policies HS16 and SG20 of the South Holland, Local Plan 2006.

- 20 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation 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 Policy SG14 of the South Holland Local Plan, 2006.

- 21 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 without the prior written approval of the Local Planning Authority:
- 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 consisting of an addition or alteration to the roof;
- iv) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
- v) the painting, rendering or cladding of the exterior of the buildings.

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 Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 22 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), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site without the prior written consent of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of the area within which it is set.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 23 Before the first occupation of the development hereby permitted the applicant shall erect a barn owl nest box in accordance with the recommendations set out in the Ecology and Protected Species Survey dated June 2016 determined as part of this application. The nest box shall thereafter be so maintained.

Reason: To mitigate the impact of the development on a species specially protected by law.

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

note

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>

Applicants are advised to refer to the document 'Improving Flood Performance of new buildings - Flood Resilient Construction' (Department for Communities and Local

Government, 2007).

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.