Origin Design Studio Ltd
Brunel House
Deepdale Enterprise Park
Nettleham
Lincoln
LN2 2LL

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

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

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H08-0949-23 **Date of Decision:** 21st December 2023

Applicant: Mr & Mrs C Wheeler
C/O Origin Design Studio Ltd
Brunel House
Deepdale Enterprise Park
Nettleham
LN2 2LL

Location: Tawny Lodge Cheal Road Gosberton Spalding

Description: Proposed dwelling, extension/conversion to the existing cold store barn and demolition of existing agricultural barn, change of use of additional land to residential garden curtilage and temporary siting of caravan during construction phase - approved under H08-0271-23. Modification of Condition 2 to allow amendments to previously approved plans and modification of Condition 5 relating to preliminary ecological appraisal

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 (as amended):

H08-0271-23
Flood Risk Assessment by Origin Design Studio Ltd (Ref. J1798 Rev. A01 - 17 March 2023)

H08-0974-23
J1931 Rev A01 dated 30 October 2023

H08-0949-23

J1931-PL-10 Rev P02
J1931-PL-12 Rev P02
J1931-PL-13 Rev P02
J1931-BR-01 Rev A07
J1931-BR-02 Rev A02
J1931-BR-10 Rev A08
J1931-BR-11 Rev A07
J1931-BR-15 Rev A07
J1931-BR-16 Rev A07
Preliminary Ecological Appraisal by CGC Ecology (Revision V.2) amended 11 September 2023

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

2 The approved scheme of landscaping 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.

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, and that Biodiversity Net Gain will be achieved.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

3 The development must be carried out strictly in accordance with the recommended mitigation measures within the Preliminary Ecological Appraisal (Revision 2) produced by CGC Ecology.

Reason: In the interest of nature conservation and protected species.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2023.

4 The approved ecological mitigation measures shall be constructed/installed in accordance with the details so approved prior to the development being brought into use and shall thereafter be retained.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2023.

5 A barn owl nest box shall be erected on site in accordance with the approved details prior to occupation of the dwelling. It shall thereafter be retained on site and be permanently made available for use for that purpose.

Reason: To ensure the protection of Barn Owls in accordance with the provisions of the Wildlife & Countryside Act, 1981.

DC_FINAL_DECISION - ODB:14

This Condition is imposed in accordance with advice within the National Planning Policy Framework, 2023.

6 The development hereby permitted shall be carried out in accordance with the measures set out in the approved Flood Risk Assessment, unless otherwise agreed in writing by the Local Planning Authority, including/plus the following measures:
- Finished floor levels shall be set 300mm above existing ground level;
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.
The mitigation measures shall be fully implemented prior to occupation.

Notes
The applicant is advised to refer to the following document for information on flood resilience and resistance techniques that could be incorporated into the development: "Improving Flood Performance of New Buildings - Flood Resilient Construction" (Department for Communities and Local Government, 2007).
Future occupants are 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, 2023.

7 The occupation of the temporary caravan shall cease on the date of the occupation of the dwelling and the removal of the caravan hereby approved shall be completed within three months of the cessation of occupation of the caravan(s).

Reason: To ensure the development is undertaken in accordance with stated intentions and in the interest of the flood safety of the caravans' occupants.
This Condition is imposed in accordance with Policies 1 and 4 of the South East Lincolnshire Local Plan, 2019.

8 Foul and surface water drainage systems shall be implemented in full in accordance with the approved details before there are any flows into the receiving systems.

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, 2023.

9 The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.

DC_FINAL_DECISION - ODB:14

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

10 The use of the outbuilding shall remain incidental to the use of the dwelling hereby permitted. It shall not be used for commercial purposes or as an independent dwelling.

Reason: To enable the Local Planning Authority to assess whether such uses would be acceptable on policy, amenity and highway grounds. Independent occupation of the building would be tantamount to the formation of a new dwelling in the open countryside which would be contrary to national guidance contained in Section 5 of the National Planning Policy Framework, 2023 and Policy 1 of the South East Lincolnshire Local Plan, 2019.
This Condition is imposed in accordance with Policies 1, 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

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 and can only be implemented as a consequence of meeting the provisions of that Agreement.

Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

The applicant is reminded that it is an offence under the Wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

Your attention is drawn to correspondence from the Welland and Deeping Internal Drainage Board dated 6 June 2023 accompanying application ref. H08-0271-23. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.



Phil Norman
Head of Planning
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		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

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.