

Mrs Rachel Blake
44 Spalding Road
Deeping St James
Peterborough
PE6 8NJ

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H09-0385-20 **Date of Decision:** 25th June 2020

Applicant: Mrs Rachel Blake
44 Spalding Road
Deeping St James
Peterborough
PE6 8NJ

Location: Adjacent: Rosemead Stotons Gate Holbeach Spalding

Description: Proposed conversion of barn to dwelling - approved under H09-0798-18 (allowed on appeal). Modification of Condition 2 to allow amendments to previously approved plans.

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 6 August 2022.

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:

The following accompanying application H09-0798-18:

SD17-038/1;

SD17-038/3;

Flood Risk Assessment by Geoff Beel Consultancy dated February 2018;

Protected Species Survey by Andrew P. Chick dated August 2018;

Contamination Assessment;

Preliminary Structural Report (ref. 32618) by SRC dated October 2018.

The following accompanying application H09-0385-20:
A101;
A102.

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

- 3 No works shall be carried out to the building until full details of the extent of demolition and reconstruction works to the brick built elements of the barn have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

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 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 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 1 and 23 of the South East Lincolnshire Local Plan, 2019.

- 4 No works shall be carried out to the building until details of at least two Barn Owl nesting boxes (including the intended location of where they will be installed) have been submitted to and approved in writing by the local planning authority. The approved nesting boxes shall be installed at least one month before any other works on site takes place and shall be retained on site as such for the life of the development.

Reason: In the interest of nature conservation and because Barn Owls are a protected species.

This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

- 5 The development shall only be carried out in accordance with the protected species survey report by Andrew Chick dated August 2018 accompanying planning application ref. H09-0798-18 (or any such subsequent report submitted to and approved in writing by the local planning authority).

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, 2019.

- 6 The finished floor level of the development shall be set at 300mm above the existing ground level and shall incorporate flood resilient construction measures to at least 300mm above the finished floor level.

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

- 7 All new and replacement brickwork utilised in carrying out the development hereby permitted shall match as closely as possible that of the principal existing building on the site in terms of the type of brickwork, mortar mix and method of bonding.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

- 8 All new window frames, glazing bars and external door frames shall be of timber construction and have a stained dark brown finish. The joinery shall not be replaced with any alternative material and finish without the prior permission of the local planning authority.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

- 9 Prior to the fixing of any external elements of the roof, full details of the materials to be used in the external finish of the roof shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

- 10 Prior to the first occupation of the dwelling full details of a scheme of landscaping and tree planting at the site (including the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance) shall be submitted to and approved in writing by the local planning authority.

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.

- 11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the end of the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the first occupation or substantial completion of the

dwelling, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority expressly gives written consent to any variation.

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.

- 12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise first agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To address any pollution to ensure a satisfactory development.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

- 13 Notwithstanding any the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development shall be carried out without the prior express planning permission of the local planning authority.

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 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

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@planninginspectorate.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.