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## **TOWN AND COUNTRY PLANNING ACT 1990**

### **APPROVAL REQUIRED BY CONDITION OF PERMISSION**

**Reference:** H09-0439-23 **Date of Decision:** 24th January 2024

**Applicant:** Harrison & Cooke Ltd  
Unit B 4 Bear Lane  
Short Street  
Spalding  
PE11 1EW

**Location:** Land North Of Tudor Lodge Fen Road Holbeach Spalding

**Description:** Details of external materials, surface water disposal, landscaping & tree planting, construction management and deposit of mud. (Conditions 3, 4, 8, 13 and 14 of H09-0980-21)

**South Holland District Council hereby give notice that CONSENT HAS BEEN GRANTED for the details submitted for the purpose of conditions attached to the planning permission.**

#### **Notes:**

The determined plans are:

Application Form  
TL-SH-PSP-AR-01 rev B  
Schedule of External Materials  
Construction Management Plan dated May 2023

#### Information from the IDB

The submitted details do not include evidence about the viability of disposal of surface water via infiltration, and whether or not this is feasible. The IDB recommends ground infiltration testing in line with BRE Digest 365 if onsite material is considered favourable

for infiltration. If infiltration is not feasible, and surface water is to be discharged to a watercourse, consent would be required from the IDB under Byelaw 3. Any discharge should be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDs). The board is unlikely to grant consent for discharges in excess of the greenfield rate.

If treated foul water is to be discharged to a watercourse, the consent of the Internal Drainage Board would be required under Byelaw 3.

Should the proposals change to include works to alter the watercourses, or if works are proposed to alter the watercourses at any time in the future, consent from the IDB would be required under the Land Drainage Act 1991 (Byelaw 4).

If any works in future are to occur within 9 metres of the Board Maintained Watercourse, consent from the IDB would be required under Byelaw 10.

#### Information from Environmental Protection

Working hours should be restricted to 7.30am to 6pm Mondays to Fridays, 8am until 1pm on Saturdays and at no time on Sundays and Bank Holidays.



**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](mailto: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](mailto: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.