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## TOWN AND COUNTRY PLANNING ACT 1990 PRIOR NOTIFICATION

**Reference:** H13-0446-15      **Received:** 15th May 2015  
**Applicant:** Mr W and Mrs A Ravell  
Woodgate Farms Ltd  
Snake Hall  
190 Eaugate Road  
Moulton Chapel  
Spalding  
PE12 0XJ  
**Location:** Agricultural Barn At Eaugate Road Moulton Eaugate  
Spalding  
**Description:** Change of use of agricultural building into dwelling.

**South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):**

- 1 Change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouse) is only permitted development under Class Q(a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 if the proposal complies with specific criteria. These include the curtilage being a piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. The curtilage shown on Drawing Number 2485-007 is significantly larger than is allowed under the provisions of Class Q(a) and, as such, the proposal cannot be considered permitted development.
- 2 Building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouse) are only permitted development under Class Q(b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 if the proposal complies with specific criteria. In this instance it is considered that the likely works required to convert the building into a liveable dwelling will go beyond that deemed reasonably necessary by Class Q. For example, the introduction of new structural elements, such as a whole new first floor and stair case. There is also considerable doubt as to whether the existing building is structurally sound to enable it to be converted without substantial alteration tantamount to forming a second structure within the building to make it liveable and to provide structural support, including for the new upper floor, and for insulation. As such, the proposal is



considered to be contrary to the provisions of Class Q(b) and, as such, cannot be considered permitted development.

**Notes:**

The determined plans are:

Dwg. nos. 2485-001, 2485-002, 2485-004, 2485-005, 2485-006, 2485-007 and 2485-008.



**Paul Jackson**  
**Planning Manager**  
**South Holland District Council**

19th June 2015

**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		

### 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.