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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H13-0965-19 **Date of Decision:** 18th November 2019

Applicant: Naylor Flowers Ltd
C/O Robert Doughty Consultancy Ltd
32 High Street
Helpringham
Sleaford Lincs
NG34 0RA

Location: Vickers Park Washway Road Moulton Marsh Spalding

Description: Use of land for the stationing of agricultural workers' accommodation

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 The static caravans, lodges and any ancillary structures shall be removed from the site at or before 5 years from the date of this permission.

Reason: Permission has been granted to provide short term accommodation to serve the needs of the holding. Also, the static caravans/lodges are of a temporary nature and by reason of their materials may become dilapidated and cause injury to the amenities of the locality. A temporary permission enables the Local Planning Authority to review the situation with regard to these issues.
This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
1246-3_PL_LP01;
1246-3_PL_BP01;
1246-3_PL_BP02E;

1246-3_PL_GA01;
1246-3_PL_GA02;
1246-3_PL_GA03;
Flood Risk Assessment by RM Associates (Version 1) dated September 2019;
Flood Evacuation & Warning Plan.

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

3 The static caravans shall only be occupied by seasonal workers employed in agricultural operations on land within the control of the applicant. The applicant shall maintain occupancy records of the static caravans, which shall be made available for inspection by the Local Planning Authority at any time.

Reason: To prevent the static caravans being used as permanent unrestricted residential accommodation.
This Condition is imposed in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

4 The occupancy period of the static caravans/lodges hereby permitted shall be restricted to between the 1 February and 31 October (inclusive) in any one year.

Reason: To define the terms of the permission and also to reduce the risk of loss of life during a possible flood event.
This Condition is imposed in accordance with Policies 1 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

5 Prior to the development hereby permitted being brought into use a scheme of landscaping and tree planting for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include:
i) Details of the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance;
ii) Details of which of the existing trees on site are to be retained or removed.
Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6 None of the existing trees to be retained on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

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Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

7 The existing hedge along the western boundary of the site shall be retained at a height of at least 2 metres. In the event of the existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants 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 the protection of the existing hedge on the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

8 The development hereby permitted shall be carried out in general accordance with the approved Flood Risk Assessment plus the following mitigation measures:
- Finished floor levels of the static caravans/lodges shall be set at 300mm above surrounding ground levels;
- The static caravans/lodges shall be secured to the ground using an adequate mechanism such as chains and/or ground anchors.

Note: Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Reason:To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed in accordance with national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

9 Prior to occupation of the static caravans/lodges full details of the disposal of foul and surface water from the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be fully implemented in accordance with the approved details prior to the static caravans/lodges being brought into use.

Reason: To ensure that satisfactory foul and surface water drainage facilities are provided on site, in the interest of the amenities of the locality.
This Condition is imposed in accordance with Policy 2 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 by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

You are reminded that a Caravan Site License is required under Section 5 of the Caravan Sites and Control of Development Act, 1960.



Phil Norman
Planning and Building Control 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		

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.