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John & Maureen Biggadike Foundation
The Laurels
27 Stockwell Gate West
Whaplode
Spalding
PE12 6WG

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H13-1066-23 **Date of Decision:** 15th April 2024

Applicant: John & Maureen Biggadike Foundation
The Laurels
27 Stockwell Gate West
Whaplode
Spalding
PE12 6WG

Location: Moulton Park High Road Moulton

Description: Change of use from agricultural parkland to parkland for recreational use by the community

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

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

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 and/or documents:

Application Form
Site Location Plan
Transport Statement

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

3 Notwithstanding the details hereby submitted or stated, prior to its installation, details of any proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 Notwithstanding the details stated within this submission, details of the parking areas shall be submitted to and approved in writing by the Local Planning Authority, prior to their installation. The details shall include:
- the specific dimensions for the area of parking
- the materials to be used
- the access arrangements to and from the site (including the arrangement between vehicle and pedestrian access); and
- any means of securing the closure of the access gates.

The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 No floodlights or other forms of external lighting shall be installed to serve the proposed use/development, without first gaining the approval, in writing, of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

6 Prior to the first use of the application site hereby permitted, details of the proposed hours of opening and closing, in addition to details of securing the access gates/arrangements during periods of closure, shall be submitted to, and approved in writing, by the Local Planning Authority.

The site shall not operate or be open to the public outside of the hours so approved and shall be retained thereafter.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

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7 The existing hedge(s) along the boundaries of the application site shall be retained and maintained. 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 hedges on the site, in the interests of the visual amenity of the locality. 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 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, December 2023.

8 Prior to the first use of the application site hereby permitted, a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the location of bat and bird boxes to encourage wildlife development. The agreed scheme shall be implemented prior to the completion of the development.

Reason: In the interests of the protection of local wildlife.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

9 With the exception of the formation of the car park hereby permitted, during the carrying out of development, no site clearance shall take place between March and September (inclusive of both months stated) and no such works shall take place should the presence of bird nesting be found.

Reason: To ensure that birds and their nests are protected during the nesting season.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, December 2023.

10 No Local Area of Play or play equipment shall be installed within the application site, without gaining express planning permission from the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the appearance of the development, the visual amenity and character of the area within which it is set and in the interests of residential amenity.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11 Notwithstanding the provisions of Schedule Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity

and character of this part of the Conservation Area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, December 2023.

12 Notwithstanding the provisions of Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out other than those expressly authorised by this permission, without express planning permission first having been granted by the Local Planning Authority.

i) the erection of any small ancillary building, works or equipment; or
ii) the erection of any wall, fence or other means of enclosure.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure and further built form, in the interests of the appearance of the development and the visual amenity and character of this part of the Conservation Area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, December 2023.

13 At each time interval as detailed within this condition below, a statement detailing:

- The application sites current extent of use for recreational purposes, including an approximation of footfall;
- The current access and parking arrangements for the site;
- The extent of parking of vehicles on nearby or surrounding highways, associated with the permitted use;
- The need for additional parking provision to serve the site; and
- Any further provision to ensure increased highway safety for the site

shall be submitted to, and approved in writing by the Local Planning Authority.

Time Intervals:
- Firstly, before 5 years from the date of this permission.
- Secondly, between 5 years and 10 years from the date of this permission.

Following receipt of the details required by this condition, if at any point, the use hereby permitted is considered, in the opinion of the Local Planning Authority, to result in inadequate or unsuitable highway impacts in the form of highway safety or parking provision, the use shall cease until such time that appropriate mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

The site shall not operate until such time that the mitigation measures so approved are implemented, and shall be retained thereafter.

Reason: To ensure that the Local Planning Authority retains control over highway matters, in the interests of the highway safety and the residential amenities of nearby occupiers.

This Condition is imposed in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 9 and 12 of the National Planning Policy Framework, December 2023.

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
Assistant Director - Planning and Strategic Infrastructure
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.