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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H14-0523-26 **Date of Decision:** 18th September 2026
Applicant: Venture Business Space Limited
 Studio 140
 Monocle
 184 Ferensway
 Kingston Upon Hull
 HU1 3UT
Location: The Bell Inn 33 Church Street Pinchbeck Spalding
Description: Change of use of former public house to a shop (Class E) including part demolition, single storey rear extension & external works

South Holland District Council, in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended), hereby give notice that permission has been GRANTED (or equivalent) for the development referred to above, 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:

30340-GGP-XX-XX-DR-C-9001 Rev P02 - Existing Impermeable Area Plan
 30340-GGP-XX-XX-DR-C-9002 Rev P02 - Proposed Impermeable Area Plan
 30340-GGP-XX-XX-DR-C-9003 Rev P02 - Existing Drainage Plan
 30340-GGP-XX-XX-DR-C-9004 Rev P02 - Proposed Surface Water Drainage Plan
 30340-GGP-XX-XX-DR-C-9005 Rev P02 - Proposed Foul Water Drainage Plan

30340-GGP-XX-XX-DR-C-9006 Rev P02 - Proposed Kerbing Plan
 30340-GGP-XX-XX-DR-C-9007 Rev P02 - Proposed Levels Plan
 30340-GGP-XX-XX-DR-C-9008 Rev P02 - Typical Details 1 of 2
 30340-GGP-XX-XX-DR-C-9009 Rev P02 - Typical Details 2 of 2
 30340-GGP-XX-XX-DR-C-9010-Rev P02 - Proposed Attenuation Tank Details
 30340-GGP-XX-XX-DR-C-9011 Rev P02 - Proposed Outfall Details
 8738s/PA03F - Proposed Site Block Plan
 Bat Survey Report - April 2026
 Preliminary Ecological Appraisal with Preliminary Roost Assessment - April 2026
 Archaeological Assessment - April 2025
 R01214 - Retail Statement - 3 September 2026
 May 2026 V3 - Transport Statement
 Version1.1 - Noise Impact Assessment - 21 November 2025
 Biodiversity Net Gain Assessment - May 2026
 Statutory Biodiversity Metric Calculation Tool
 Tree Survey - 01-05-2025
 27.05.2026 - Lighting Design Rev 2
 Statement of Lighting Design

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

- 3 The net retail sales area of the development shall not exceed 225 square metres and shall be confined to the area identified for retail sales on the approved floor plan. The retail sales area shall thereafter be retained in accordance with the approved plans.

Reason: To ensure that the scale and extent of retail sales remains consistent with the development approved.

This Condition is imposed in accordance with Policy 24 of the South East Lincolnshire Local Plan 2019.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any Order or Statutory Instrument revoking and re-enacting that Order), the premises shall be used only as convenience store (Class E) and for no other purpose.

Reason: To ensure that the Local Planning Authority retains control over the future use of the premises/site in the interests of retail provision.

This Condition is imposed in accordance with Policy 24 of the South East Lincolnshire Local Plan, 2019.

- 5 The premises shall not be open to customers outside the hours of 06:00 to 23:00 on any day.

Reason: To safeguard the amenities of neighbouring occupiers and the wider locality, and to ensure that the development does not give rise to unacceptable impacts associated with activity at the premises outside the specified hours.

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 development, a Delivery and Servicing Management Plan shall

be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

- a) delivery routes, delivery frequency and the maximum size of vehicles to be used;
- b) the use and management of the rear servicing area;
- c) arrangements to ensure that vehicles enter and leave the site in forward gear;
- d) unloading arrangements;
- e) measures to prevent unnecessary vehicle engine idling;
- f) the management and use of refrigeration units and reversing alarms; and
- g) arrangements for the management of deliveries and servicing during busy periods.

The development shall thereafter be operated in accordance with the approved Delivery and Servicing Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that deliveries and servicing are appropriately managed so as to minimise traffic, noise, disturbance and other impacts on the surrounding area, and to safeguard the amenities of neighbouring occupiers.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.

- 7 Prior to the first use of the development, all acoustic mitigation measures specified in the approved Noise Impact Assessment, Version 1.1, dated 21st November 2025, shall be fully implemented and thereafter retained and maintained for the lifetime of the development.

The cumulative rating level arising from refrigeration, air-conditioning, extraction and all other fixed plant associated with the development shall not exceed the noise limits established in the approved Noise Impact Assessment at the nearest noise-sensitive premises.

Reason: To protect the living conditions and amenity of nearby residents and other noise-sensitive premises from unacceptable levels of noise arising from the operation of the development.

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

- 8 Prior to the first use of the development, the lighting scheme shall be installed in accordance with the approved Lighting Design Rev 2 - Statement of Lighting Design dated 27th May 2026, and shall thereafter be retained and maintained in accordance with the approved details.

No additional external lighting, including lighting to buildings, access routes, servicing areas or car parking areas, shall be installed without the prior written approval of the Local

Planning Authority.

All car park lighting shall be switched off within 30 minutes of the premises closing to customers, except for approved essential security or emergency lighting, which may remain operational as necessary.

Reason: To minimise light spill, glare and associated disturbance to neighbouring occupiers and the surrounding area, and to protect residential amenity and the character of the locality.

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

- 9 Prior to the commencement of any development hereby permitted, a Construction Management Plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction

The development hereby permitted shall thereafter be undertaken in accordance with the approved Construction Management Plan and Method Statement.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

- 10 Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance.

Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. 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, in the opinion of the Local Planning Authority, shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

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, and that Biodiversity Net Gain will be achieved.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

- 11 The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

- 12 Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.

B) Details of the phasing and implementation of the habitats

C) Details of the management operations necessary to achieving aims and objectives.

D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.

F) Details of the persons responsible for the implementation and monitoring.

G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

H) Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details.

Reason: To meet the requirements in delivering the Mandatory Biodiversity Net Gain and to ensure net gain in biodiversity is provided on site.

This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

- 13 No demolition, alteration, roof works or tree works capable of affecting bats shall commence until a Bat Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of:
- a) the timing and supervision of works;
 - b) precautionary working methods, including soft-strip techniques;
 - c) replacement roosting provision;
 - d) measures to ensure sensitive lighting;
 - e) post-construction monitoring; and
 - f) responsibilities for the implementation and management of the mitigation measures.

The approved Bat Mitigation Strategy shall thereafter be implemented in full and maintained in accordance with the approved details.

Reason: To safeguard protected species and ensure that appropriate mitigation measures are implemented to avoid, minimise and compensate for potential impacts on bats arising from the development.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.

- 14 The mitigation and enhancement measures set out in Section 1, pages 3-7 of the Preliminary Ecological Appraisal shall be implemented in full, except where any measure is superseded by the approved Bat Mitigation Strategy.

All ecological features identified within the approved measures shall be installed prior to the first use of the development and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure that appropriate measures are implemented to protect and enhance biodiversity and ecological features affected by the development.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.

- 15 Before the commencement of the development hereby permitted beyond oversite (above ground level), a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity 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.

- 16 Prior to the first use of the development, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

- a) registration for and receipt of relevant flood warnings;
- b) the responsibilities of the operator and staff in the event of a flood warning;
- c) safe evacuation routes and arrangements; and
- d) procedures for the evacuation and management of staff and customers.

The development shall thereafter be operated in accordance with the approved Flood Warning and Evacuation Plan. The Plan shall be kept up to date and shall remain available to the operator and occupiers of the premises at all times.

Reason: To ensure that appropriate measures are in place to manage flood risk and protect the safety of staff and customers in the event of flooding.

This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.

- 17 The finished floor level of the new extension must be no lower than 3.20m AOD. Flood-resistant and resilient measures identified in the approved Flood Risk Assessment must be incorporated before first use and retained.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place. This does not constitute final approval of detailed site levels.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework 2026.

- 18 Prior to the first use of the development, the access, visibility splays, footway and kerbing shall be completed in accordance with the details shown on the approved highway drawings. The access, visibility splays, footway and kerbing shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure that safe and suitable access to the development is provided and maintained, and to safeguard the interests of highway safety and the users of the highway.

This Condition is imposed in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan 2019.

- 19 The development hereby permitted shall not be brought into use before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. 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, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 20 Before any development beyond oversite is commenced, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2026.

- 21 The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle,

in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. 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 Policy 30 of the South East Lincolnshire Local Plan, 2019.

22 Where trees are shown on dwg. no. 8738s/PA03F (Proposed Site Block Plan) to be retained on site they shall be protected during construction work as follows:

i)chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,

ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;

iii)no services shall be routed under the spread of the crowns of the trees to be retained;

iv)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;

v)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.

Reason: To ensure the protection of trees on the site.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, 2026.

23 Prior to the installation of the portico, detailed drawings and specifications of the proposed portico, including its materials, dimensions, design and architectural detailing, shall be submitted to and approved in writing by the Local Planning Authority. The portico shall thereafter be installed in accordance with the approved details.

Reason: To ensure that the appearance, design and materials of the portico are appropriate to the character and appearance of the development and surrounding area. This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.

- 24 No works shall commence until a Level 2/3 Historic Building Record of the building has been undertaken by a suitably qualified heritage professional and submitted to and approved in writing by the Local Planning Authority.

The approved Historic Building Record shall thereafter be deposited with the Lincolnshire Historic Environment Record, in accordance with the approved details.

Reason: To ensure that a suitable record is made of the historic building prior to alteration or loss, and to preserve and enhance the understanding of the historic environment. This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.

- 25 The existing hanging sign on the west elevation shall be retained in situ and shall not be removed, altered or relocated unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve an important historic feature of the building and to safeguard the character and appearance of the heritage asset and its surroundings. This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.

- 26 Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in 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 Sections 12 and 16 of the National Planning Policy Framework, 2026.

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>

Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Holland District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP before development is begun). This is over and above the information submitted and considered as part of this application, and will be required before development is begun, because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

For clarity, the Local Planning Authority do not consider that any of the exemptions apply in this case. As such, the development hereby permitted will be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.



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 team for further information on 01775 764557 or bcadmin@sholland.gov.uk

BUILDING REGULATIONS 2010:

The plans given approval as part of this application, may require the provision of additional information or amendment to show compliance the relevant requirements of the Building Regulations 2010. Typical circumstances include, highly glazed extensions achieving compliance with requirement L1 (Conservation of fuel and power) which may influence the areas of glazed elements/ building elevations, or requirement B1 (Means of warning and escape) which may influence an internal layout for fire safety purposes. Please contact the Building Control team 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://appeal-planning-decision.service.gov.uk/before-you-start>. 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.