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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H16-0854-25 **Date of Decision:** 8th January 2026

Applicant: South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Location: Castle Sports Complex Albion Street Spalding Lincolnshire

Description: Demolition of existing swimming pool building following the construction of a two storey extension including basement area to existing Castle Sports Complex building to provide new and upgrade indoor leisure and health related facilities including two new swimming pools, plant area and changing rooms. Reconfiguration of existing building to provide new and upgraded sports facilities and physical activity facilities and related supporting services. Provision of a new 3G artificial turf pitch (ATP), an Informal Outdoor Games Area (IOGA), other outdoor play areas, an informal running trail/track, a health and well being garden and an outdoor splash pad relating to the new swimming pool. The provision of supporting infrastructure including additional car parking and landscaped areas - Approved under H16-0462-24. Modification to Condition 2 to allow amendments to previously approved plans & modification to Conditions 3, 7 & 25 to allow amendment to wording

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 17th January 2028.

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:

24-0414(G-213319) 01 - Pitch Site Plan
24-0414(G-213319) 02 - Pitch Development Layout
24-0414(G-213319) 03 - Pitch Components
24-0414(G-213319) 05 - Acoustic Board Elevations
M00514-ONE-ZZ-XX-D-L-0002 Rev P22 - Proposed Site Plan
M00514-SBA -00 -00 -DR-A -0104 Rev P07 - Proposed Site Plan - H&WH
M00514-SBA-00-00-DR-A-0105 Rev P06 - Site Phasing Plan
M00514-SBA -01 -00 -DR-A -0100 Rev P03 - Existing Location Site Plan - H&WH
M00514-SBA-02-00-DR-A-0131 Rev P04 - Proposed Ground Floor Plan
M00514-SBA-02-01-DR-A-0132 Rev P04 - Proposed First Floor Plan
M00514-SBA-02-02-DR-A-0133 Rev P04 - Proposed Roof Plan
M00514-SBA-02-B1-DR-A-0130 Rev P03 - Proposed Basement Plan
M00514-SBA-02-ZZ-DR-A-0136 Rev P06 - Proposed Elevations - 1 of 2
M00514-SBA-02-ZZ-DR-A-0137 Rev P06 - Proposed Elevations - 2 of 2
Landscape Proposals, Site Masterplan - Comparison & Site Masterplan
SHH-BWB-GEN-XX-RP-TR-0005 Rev P02 - Transport & Infrastructure Planning
SHH-BWB-XX-XX-RP-TR-0008 Rev P02 - Transport Technical Note
M00514-ENG-XX-ZZ-RP-C-0002 - Rev P05 - Flood Risk Assessment
15th July 2025 - Preliminary Ecological Appraisal
RT-MME-160845-02 Rev B - Arboricultural Impact Assessment
AAL2023155 - November 2023 - Archaeological Desk-Based Assessment
SQ-1167.1 - Biodiversity Net Gain Report
May 2024 - Rev 4 - Construction Environmental Management Plan
JUL 2024 - Version 3 - Construction Phase Plan
AG3565-23-AR81 - May 2024 - Ground Investigation Report
M00514 - August 2025 Rev P02 - Planning Amendments
M00514-DER-XX-XX-RP-N-0704 Rev P01 - Ventilation Extraction Statement
M00514-DER-XX-XX-RP-N-0704 Rev P01 - External Lighting Report
PC-23-0226-RP1-Rev B - Environmental Survey & Preliminary Acoustic Design
RMS-PR-060b Rev A - Materials & Waste
August 2025 Rev 04 - Planning Statement

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

3 Prior to the first use of the development hereby permitted within Phase 1, as shown on drawing no. M00514-SBA-00-00-DR-A-0105 Rev P06, the access, and parking and turning facilities as shown within the Proposed Site Plan (ref. M00514-SBA-00-00-DR-A-0104 Rev P07) within the Phase 1 area, including as 'E1', shall be completed in their entirety and made available at all times during use. They shall there after be retained.

Prior to the first use of any development hereby permitted within subsequent Phases 2, 3 or 4, as shown on drawing no. M00514-SBA-00-00-DR-A-0105 Rev P06, the access, parking and turning facilities as shown within on the Proposed Site Plan (ref. M00514-SBA 00-00-DR-A-0104 Rev P07) within the Phase 3 area, including as 'E2', shall have been completed in their entirety and made available at all times during use. They shall there after be retained.

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Reason: In the interests of highway safety and the amenity of nearby residents.
This Condition is imposed in accordance with Paragraph 116 of the National Planning Policy Framework (December 2024).

4 The development, including construction shall take place in accordance with the method statement for the demolition and construction approved under H16-0462-24. The demolition and construction works shall be carried out in accordance with the approved method

Reason: In the interests of highway safety and the amenity of nearby residents.
This Condition is imposed in accordance with Paragraph 116 of the National Planning Policy Framework (December 2024).

5 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement approved under H16-0462-24. The agreed methods shall be adhered to throughout the process of construction.

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

6 Demolition/ground works/construction works/ deliveries and collections during the construction phase of the development, shall not take place outside the following hours:

-Monday to Friday 08.00 - 18.00hrs
-Saturday 08.00 - 13.00hrs
-There shall be no work on Sundays or Public Holidays

Reason: In the interests of highway safety and the amenity of nearby residents.
This Condition is imposed in accordance with Paragraph 116 of the National Planning Policy Framework (December 2024) and Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

7 The development shall be carried out in accordance with the surface water drainage scheme that was approved under H16-0742-25.The approved scheme shall be completed and implemented in line with the approved details.

Reason: To ensure that the site can be adequately drained
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2024.

8 No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of tactile crossing points at the Albion Street access and The Green junction) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted

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development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

9 No building hereby permitted shall be first occupied until details of the noise from fixed plant and machinery (which shall not exceed the background noise level by more than 5dB(A) when measured as a 15-minute L(A)eq on any residential boundary not within the applicant's ownership) have been submitted to and approved in writing by the local planning authority.

Reason: To ensure development would not result in unacceptable impact on residential amenity.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

10 The foul water drainage strategy shall be carried out in accordance with H16-0462-24. The approved scheme shall be completed and implemented in line with those agreed details.

Reason: To ensure development would not result in unacceptable risk of pollution
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2024.

11 Prior to its installation, details of the 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, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

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.

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.

12 Notwithstanding the approved plans , no development shall commence other than work to the H&WH building and internal roads and parking areas contained within Phase 1 as shown on drawing number M00514-SBA-00-00-DR-A-0105 Rev P06, until a full hard and soft landscaping plan is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.

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This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

13 Notwithstanding the maintenance details submitted as part of the application, before the first occupation of the development hereby permitted, a schedule of landscape maintenance in perpetuity shall have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation, long-term design objectives, management responsibilities and maintenance schedules for all landscape areas.

The approved landscape maintenance schedule shall be fully implemented.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

14 Where trees are shown 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 Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

15 The development shall be carried out in accordance with the Employment, Skills and Local Procurement Strategy approved under H16-0462-24.

Reason: To ensure that the development provides opportunities for local employment and training opportunities.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

16 Notwithstanding the submitted Environmental Survey & Preliminary Acoustic Design (dated 24 May 2024), before the development hereby permitted is first occupied, full details of all proposed boundary treatment, including extending the proposed acoustic fence at both ends to the west of the AGP, shall be submitted to and approved in writing by the Local Planning Authority.

The approved boundary treatments shall be erected before the development is first brought into use and thereafter retained in that form.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the residential amenity of the overall development, to prevent noise pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework (December 2024).

17 Notwithstanding the submitted lighting details, before the development hereby permitted is first occupied, details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include times when the external lighting will be switched on. Only external lighting that is in accordance with the approved details, shall be provided on the application site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external lighting provided on the application site. Thereafter, all lighting shall be installed in accordance with the approved details.

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 and 3 of the South East Local Plan, 2019 and the provisions of the National Planning Policy Framework (December 2024).

18 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by Engenuiti dated 01/11/24 forming part of this planning application, in particular the following measures shall be fully implemented before the property is first occupied:

-Mitigation measures for all flood depths include utilising flood resilient design, construction and materials. For depths up to 0.3m a water exclusion strategy is to be adopted, minimising water entry and maintaining structural integrity by incorporating flood barriers. For depths 0.3-0.6m water is to kept out in full or in part. For depths above 0.6m water is to be allowed through the building via water passages.
-A Flood Warning and Evacuation Plan for the proposed development for site users to follow in the event of flooding when the site is in use. If warning of a flood is received ahead of the event, site users should avoid the proposed development.
-These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the

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lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

19 The programme of archaeological work, including the Written Scheme of Investigation shall be carried out in accordance with the details provided for and agreed under H16-0462-24.

Reason: To ensure that the development conserves any potential heritage assets. This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

20 The development shall be carried out in accordance with the ecological compensation package, approved under H16-0742-25.

Reason: In the interest of Protected Species.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework (December 2024).

21 No work shall commence other than the redevelopment of the H&WH building and parking contained within Phase 1 as shown on drawing number M00514-SBA-00-00-DR-A-0105 Rev P06 until the submission of a biodiversity gain plan and habitat management and monitoring plan (HMMP) to be approved by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: In the interest of Protected Species.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework (December 2024).

22 The development shall be carried out in accordance with the Community Use Agreement (CUA) approved under H16-0462-24.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sports.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

23 The indoor and outdoor sports facilities approved in Phase 1 as shown on drawing No: M00514-ONE-ZZ-XX-D-L-0002 Rev P22 shall be provided in full and in accordance with the approved details contained in the plans and supporting documentation listed in condition no. 2 (approved plans condition). All of the indoor and outdoor sports facilities in Phase 1 shall then be made available for use prior to any work commencing on Phase 2.

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Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and which delivers sufficient benefits to sport to outweigh the loss of playing field.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019 and national guidance contained the National Planning Policy Framework (December 2024).

24 Use of the Artificial Grass Pitch hereby approved shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches
(c) A surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority, That strategy shall be implemented in accordance with the approved details and thereafter retained.
(d) Sample of boundary treatments materials for the AGP.

The agreed details shall thereafter be implemented and retained.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy 32 and the NPPF.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019 and national guidance contained the National Planning Policy Framework (December 2024).

25 Prior to the first use of any part of phase 1 a scheme to demonstrate suitable access for a fire appliance and associated equipment has been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

a) Suitable access and turning for fire truck to meet entrance of sports centre building
b) Hardstanding capable of withstanding 18 tonnes vehicle up to entrance of sports centre building.

The development shall be carried out in accordance with the approved details.

Reason: In the interests Fire Safety.
This condition is imposed in accordance with Paragraph 116 of the National Planning Policy Framework (December 2024).

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

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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://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.