Swann Edwards Architecture Ltd
Fen Road
Guyhirn
Wisbech
PE13 4AA

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

PRIOR NOTIFICATION

Reference: H18-1034-21 **Date of Decision:** 24th February 2022

Applicant: Mr & Mrs Farley
Fenacre Farm
92 Peters Point Road
Sutton Bridge
Spalding
PE12 9UX

Location: Fenacre Farm 92 Peters Point Road Sutton Bridge Spalding

Description: Conversion of barn into dwelling

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

1 It has not been satisfactorily demonstrated that the proposal would not involve new structural elements. As such, it is considered that the proposed works fail to satisfy the requirements of paragraph Q.1(i). As a consequence, the proposal is not permitted development under Class Q(b) of Part 3 of Schedule 2 of The Town & Country Planning (General Permitted Development) Order, 2015.

Moreover, the building to which the application relates is within an area classified as Flood Zone 3 on the Environment Agency Maps and within an area categorised as "Danger for All" in The South East Lincolnshire Strategic Flood Risk Assessment (SFRA).

This proposal is for a change of use to a dwelling with ground floor sleeping accommodation. The South East Lincolnshire SFRA standing advice states that "the proposal should be referred to the Environment Agency with a supporting Flood Risk Assessment (FRA), which demonstrates that the proposal will be safe for its lifetime. The Environment Agency is likely to object to proposals including ground floor habitable accommodation. The FRA should aim to identify mitigation measures in line with those required for new build development of the same type, as far as this is practicable".

The submitted FRA acknowledges the hazard mapping depths of 0.5 metres and 1.0 metre and proposes that the "finished floor level (FFL) is 0.4 metres above ground level with 0.6 metres of flood resistant construction above. An easily accessible loft space with velux window will be incorporated into the design". However, the flood risk standing advice for new residential properties with hazard depths of 0.5 metres to 1 metre is "FFL must be set 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth." Therefore, the proposed flood risk mitigation is not in accordance with the flood risk standing advice.

Notes:

The determined plans are:
PP 1000 Rev B;
100 (Survey Drawing);
Design and Access Statement (Job No. SE-1589) dated May 2021;
Preliminary Structural Report by Shields Wilson (Document Ref. SW 21-185-REP-01) dated August 2021;
Flood Risk Assessment by Ellingham Consulting Ltd (Ref. ECL0505/Swann Edwards Architecture) dated June 2021.



Phil Norman
Planning 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

DC_FINAL_DECISION - ODB:14

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.