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Tilney All Saints
Kings Lynn Norfolk
PE34 4RY

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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H18-1215-19 **Date of Decision:** 12th February 2020

Applicant: Mr & Mrs Hoyles
C/O Trundley Design
Salgate Barn
Islington Road
Tilney All Saints Kings Lynn Norfolk
PE34 4RY

Location: Barn At Land Adjacent: Westmere Farm New Road Sutton Bridge Spalding

Description: Convert existing disused barn to provide 4 bed two storey dwelling with extension for daily management, operation and security of established agricultural facility - approved under H18-0751-19 - Modification of Condition 7 relating to construction of new access road.

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

1 The development must be begun not later than 13 November 2021.

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:
17-P57-PL001;
17-P57-PL002 accompanying application ref. H18-0886-18;
17-P57-PL003 accompanying application ref. H18-0886-18;
17-P57-PL004 accompanying application ref. H18-0886-18;
17-P57-PL010 accompanying application ref. H18-0751-19;
17-P57-PL011 accompanying application ref. H18-0751-19;

Flood Risk Assessment by Geoff Beel Consultancy (ref: GCB/Trundley) dated October 2018 accompanying application ref. H18-0886-18;
Historic Buildings Survey Report by Allen Archaeology Ltd (report no. AAL2019049) dated April 2019 accompanying application ref. H18-0751-19;
Site Investigation Report (ref. C14691) by Ground Engineering dated April 2019 accompanying application ref. H18-0751-19;
Remediation Plan (ref. C14691A(1)) by Ground Engineering dated October 2019 accompanying application ref. H18-0751-19;
Bat/Ecology Report by Applied Ecology Ltd dated July 2019 accompanying application ref. H18-0751-19.

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

3 Notwithstanding the provisions 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.

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

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

4 The approved scheme of landscaping accompanying application ref. H18-0751-19 shall be carried out in its entirety within a period of twelve 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.

5 The approved scheme of boundary treatment accompanying application ref. H18-0751-19 shall be implemented in full before the development is first brought into use.

Reason: 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.

6 The brickwork of the development hereby permitted shall match as closely as possible that of the principal existing building in terms of brick type, bond and mortar mix.

Reason: To ensure that the Local Planning Authority retains control over these details 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, 3 and 23 of the South East Lincolnshire Local Plan, 2019.

7 With the exception of works carried out to the roof no other works shall be carried out to the building until the new access road has been constructed to at least base course level in accordance with details accompanying application ref. H18-0751-19. The finished surface of the roadway shall be constructed prior to occupation of the dwelling.

Reason: To achieve a satisfactory form of development with good vehicular access in the interest of amenity and highway safety. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment accompanying application ref. H18-0886-18, unless otherwise agreed in writing by the Local Planning Authority. In particular the following measures shall be fully implemented before the property is first occupied:
a) Finished floor levels shall be as follows:
i) 4.13m above Ordnance Datum (AOD) in respect of the principle (existing) building and east extension (gym and play room);
ii) 3.98m AOD in respect of the west extension (utility room, boot room and plant room);
iii) 3.53m AOD in respect of the office and quality control/washroom;
b) Demountable defences shall be incorporated within external openings to 600mm above finished floor level;
c) Safe refuge for occupants shall be provided via a first floor.

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

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 national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

9 Before the dwelling is occupied two full copies of a full closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To address any pollution to ensure a satisfactory development.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

10 The approved facilities for the disposal of foul and surface water accompanying application ref. H18-0751-19 shall be implemented in full prior to occupation.

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 national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

11 The development hereby permitted shall be carried out strictly in accordance with the recommendations within the Bat/Ecology Report by Applied Ecology Ltd dated July 2019 accompanying application ref. H18-0751-19, unless agreed otherwise.

Reason: In the interest of nature conservation and in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This Condition is imposed in accordance with advice within Section 15 of the National Planning Policy Framework, 2019.

12 Work shall not commence on the building during the period of March to September inclusive.

Reason: To ensure that the development is not commenced during the Barn Owl nesting season in accordance with the provisions of the Wildlife and Countryside Act, 1981.
This Condition is imposed in accordance with advice within Section 15 of the National Planning Policy Framework, 2019.

13 At least 1 month before any work is commenced on the building a barn owl box shall be constructed on site in accordance with details accompanying application ref. H18-0751-19. It shall thereafter be retained on site and be permanently made available for use for that purpose.

Reason: To ensure the protection of Barn Owls in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This Condition is imposed in accordance with advice within Section 15 of the National Planning Policy Framework, 2019.

14 Prior to the building being brought into use a bat box shall be constructed on site in accordance with details accompanying application ref. H18-0751-19. It shall thereafter be retained on site and be permanently made available for use for that purpose.

Reason: To ensure the protection of bats in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This Condition is imposed in accordance with advice within Section 15 of the National Planning Policy Framework, 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 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

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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.