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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H19-0837-24 **Date of Decision:** 11th December 2024

Applicant: P Cooper
Caravan
68 Broadgate Road
Sutton St Edmunds
Spalding
PE12 0LT

Location: Caravan 68 Broadgate Road Sutton St Edmund Spalding

Description: Conversion of barns 1 & 2 into 2 dwellings, including extension to barn 2 and conversion of barn 3 into domestic store - part retrospective - approved under H19-0678-22. Modification of Conditions 3, 6 & 16 to allow the conditions to relate to barns 1 and 2 separately

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 15th May 2026.

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:

H19-0837-24

Application Form
PP-1000
PP1107
PP1105

PP1106
Section 73 Statement, prepared by Swann Edwards Architecture, dated September 2024

H19-0711-23

PP-1103
Geo-Environmental Desk Study by Goldfinch Environmental Ltd (Report Ref. 0806/1) dated November 2021.

H19-0678-22

100
110
111
PP-1100
PP-1101
PP-1102
Design and Access Statement by Swann Edwards Architecture (job No. SE-1667) dated July 2022
Flood Risk Assessment by Geoff Beel Consultancy (Ref. GCB/Swann Edwards) dated July 2022
Preliminary Roost Appraisal by Glaven Ecology (Ref. 105-2200-GE-SE) dated October 2022
Structural Survey Report (Barn 1) by WE Consulting Engineers (Ref. WECE/22/204/1) dated January 2023
Structural Survey Report (Barn 2) by WE Consulting Engineers (Ref. WECE/22/204/2) dated January 2023

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

3 Notwithstanding the provisions of Schedule 2, Part 1, Class A and Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order or Statutory Instrument revoking and re-enacting that Order), no enlargements, improvements or other alterations to the dwellinghouses, and no construction of porches, other than those illustrated on the plans and forming part of the application hereby authorised by this permission, shall be carried out without planning permission first having been granted by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control of the future development, additions and alterations, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the historic assets.
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, December 2023.

4 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order or Statutory Instrument revoking and re-enacting that Order), no window, dormer window, rooflight or other shall be inserted into the properties, other than those illustrated on the

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plans and forming part of the application hereby authorised by this permission.

Reason: To prevent overlooking and to safeguard amenity of nearby occupiers, in the interests of the amenity of nearby residents.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

5 Notwithstanding the provisions of Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order or Statutory Instrument revoking and re-enacting that Order), no window, dormer window, rooflight or other development consisting of an alteration to the roofs of the properties, other than those illustrated on the plans and forming part of the application hereby authorised by this permission, shall be constructed without Planning Permission first having been granted by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over the future development, additions and alterations, 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 and Section 12 of the National Planning Policy Framework, December 2023.

6 Before the commencement of any further work on Barn 1, elevational and cross sectional plans of the buildings to be converted at a scale of not less than 1:100 illustrating the extent of any proposed demolition and reconstruction including the proposed replacement of any of the existing roof structures and roof timbers relating to Barn 1 shall be submitted to and approved in writing by the Local Planning Authority. No works of demolition/reconstruction or replacement of the existing fabric of the buildings shall be undertaken other than those works so approved.

Note: You are advised that should it become necessary during conversion to undertake works beyond those approved by this condition then this planning permission may become invalid and the development treated as the erection of a new building(s) which will necessitate the submission of a planning application for such. That application will be considered under relevant local planning policies and may not be acceptable.

Reason: Planning permission is only granted for conversion of the existing buildings by virtue of the architectural/historic quality of the buildings. Significant alteration and reconstruction would be tantamount to the erection of a new dwelling(s) in the open countryside which would be contrary to the National Planning Policy Framework, December 2023, and Policies 1 and 29 of the South East Lincolnshire Local Plan, 2019.
This Condition is imposed in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

7 The works hereby permitted, to be carried out on Barn 2, shall be completed in accordance with the details contained within PP1105.

Note: You are advised that should it become necessary during conversion to undertake

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works beyond those approved by this condition then this planning permission may become invalid and the development treated as the erection of a new building(s) which will necessitate the submission of a planning application for such. That application will be considered under relevant local planning policies and may not be acceptable.

Reason: Planning permission is only granted for conversion of the existing buildings by virtue of the architectural/historic quality of the buildings. Significant alteration and reconstruction would be tantamount to the erection of a new dwelling(s) in the open countryside which would be contrary to the National Planning Policy Framework, December 2023, and Policies 1 and 29 of the South East Lincolnshire Local Plan, 2019.
This Condition is imposed in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

8 Within 3 months of the date of occupancy of Barn 2 the existing static caravan shall be removed from the site.

Reason: To define the terms of the permission and to ensure a satisfactory development.
This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.

9 Prior to practical completion of either Barn 1 and 2, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site 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 shall be made good as and when necessary.

Note: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site.

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.

10 Before any further work is carried out on Barn 1 a schedule of external materials of construction of buildings and hard surfaced areas relating to Barn 1 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.

Note: The external roofing material shall be traditional slates or pantiles (not concrete).

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, 3 and 29 of the South East

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Lincolnshire Local Plan, 2019.

11 The works hereby approved on Barn 2 shall be carried out in accordance with the schedule of materials outlined in PP1106.

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, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

12 Details of the design of all external doors and door frames to be utilised in relation to Barns 1 and 2 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), threshold and lintol detailing, and means of opening. The doors and door frames shall be constructed in timber and installed in accordance with the approved details.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the 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.

13 Details of the window frames to be utilised in relation to Barns 1 and 2 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.

Note: The windows shall be side hung flush casement windows with central mullions where appropriate.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the 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.

14 All new window frames, glazing bars and external door frames relating to Barns 1 and 2 shall be of timber construction and thereafter so maintained.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the 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.

15 The rainwater goods utilised in relation to Barns 1 and 2 shall be coloured black and thereafter so maintained.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

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This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

16 The guttering relating to Barns 1 and 2 shall be fixed to the external walls by means of gutter spikes/rise and fall brackets and no fascia boarding shall be used.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the 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.

17 Barn 3 shall be used solely as a domestic store/workshop and not for commercial purposes. All work involving the use of power tools/equipment shall be carried out with the doors closed.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, December 2023.

18 Prior to the occupation of the dwellings hereby permitted, the vehicle access crossing serving the permitted development shall be improved by the provision of a bituminous surfaced construction that shall first be approved in writing by the Local Planning Authority.

Reason: To ensure the provision of safe and suitable means of access to the permitted development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

19 The driveway/parking areas shall be surfaced in either gravel or road planings.

Reason: To ensure a satisfactory development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

20 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of planning application H19-0678-22.

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 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

21 Before work is commenced on the roof of Barn 1 full details of the proposed means of foul and surface water disposal in relation to Barn 1 shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full prior to practical completion.

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

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This Condition is imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

22 Before work is commenced on the roof of Barn 2, full details of the proposed means of foul and surface water disposal in relation to Barn 2 shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full prior to practical completion.

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, 4 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

23 No further development shall 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) As identified as being required following the completion of the desk-top study approved under H19-0711-23, 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.
ii) 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 Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

24 If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 23 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have

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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 objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

25 Prior to practical completion of either dwelling 1.8m high closeboarded fencing shall be erected along the boundary between Barn 2 and the southern boundary and shall thereafter be retained in its entirety.

Reason: To ensure a satisfactory development and protect the amenity of neighbouring residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

26 Biodiversity enhancement measures (including bat boxes) shall be installed on site in accordance with details outlined within the Preliminary Roost Appraisal prior to occupation of any dwelling to which it relates and shall thereafter be retained.

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 Policy 28 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, December 2023.

27 Prior to practical completion of either Barn 1 or 2 a Barn Owl box and a Little Owl box shall be installed on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. They shall thereafter be retained on site and be permanently made available for use for that purpose.

Reason: To ensure the protection of Barn and Little Owls in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, December 2023.

28 All floodlights, including the 100W dawn to dusk flood light, should be angled downwards to prevent light from spilling onto neighbouring property and to avoid light pollution.

Reason: To preserve residential amenity and prevent light pollution.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 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

The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail developmentmanagement@lincolnshire.gov.uk.

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.

The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

The Local Planning Authority has been advised that neighbouring property(s) has an easement/right of way over the site.

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.

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.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

The biodiversity gain condition does not apply in relation to a section 73 planning permission where the original planning permission to which the section 73 planning permission relates was exempt by virtue of paragraph (1) - previous application submitted prior to the requirement for biodiversity net gain introduced.

As such, the development hereby permitted will not 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 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.