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Holbeach
Spalding
PE12 7PW

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TOWN AND COUNTRY PLANNING ACT 1990 OUTLINE

Reference: H20-0622-24 **Date of Decision:** 5th March 2025
Applicant: Mr F Campling
26 Fishergate
Sutton St James
Spalding
Lincolnshire
PE12 0EN
Location: Adjacent To 2 Jarvis Gate Sutton St James Spalding Lincolnshire
Description: Proposed Residential Development - 2 Bungalows & New Access

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

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission, or two years from the approval of the last of the reserved matters, whichever is the later.

Reason: To ensure that the development is commenced in a timely manner, as required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 An application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Details of all reserved matters, as set out below, shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i) layout
- ii) scale
- iii) appearance of the building(s) (including a schedule of external materials to be used); and
- iv) the landscaping of the site (including boundary treatments that avoid root protection areas of protected trees).

Approval of all reserved matters, as detailed above, shall have been obtained from the Local Planning Authority in writing, before any development is commenced.

The development shall be carried out as approved.

Reason: To ensure the Local Planning Authority can control development in detail, and to ensure that the development is commenced in a timely manner, as required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Application Form

Location Plan

SD23-022/2 Rev C

Design and Access Statement by Status Design reference SD23-022/DAS

Jarvis topo 001

5437.Jarvis.Status.TCP

Flood Risk Assessment by Ellingham Consulting Ltd dated July 2024 reference ELC1166a/STATUS DESIGN

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

- 5 The development hereby permitted shall be limited to no more than 2 dwellings, and each dwelling shall not exceed one storey in height, nor be extended to be within the root protection areas of Trees Subject to Tree Preservation Orders as shown on the Tree Constraints Plan reference 5437.Jarvis.Status.TCP.

Reason: To ensure that the footprint of the two dwellings and garages is compatible with the existing character of development in the locality and to minimise the impact on trees which are subject to a Tree Preservation Order and the street scene.

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

- 6 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by Ellingham Consulting Ltd dated July 2024 reference ELC1166a/STATUS DESIGN forming part of this planning application, 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:

-the floor level of the dwellings should be 0.3m above surrounding ground levels.

- there should be 0.3m of flood resilient construction above finished floor levels.
- the eventual occupiers of the dwellings should be made sufficiently aware of the risk of flooding, and the standard of existing defences.
- the eventual occupiers should register for the Environment Agency's Floodline Warnings Service
- that surface water runoff is managed so that storm water will not affect the adjoining land or increase the risk of flood elsewhere

Note: The above approved plan does not constitute final approval of detailed site levels or finished floor levels.

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 Section 14 of the National Planning Policy Framework, December 2024.

- 7 Before the commencement of the development hereby permitted beyond oversight, a detailed levels survey of the site, recording existing levels above Ordnance Datum, including drawings to a scale of 1:100 or 1:50 showing existing and proposed ground levels of the site and the proposed floor levels of the buildings following construction of the two dwellings, together with details of the height and relative position of the dwellings and proposed boundary treatments in relation to the neighbouring properties, including hard surfaced areas, garden/amenity areas, the shared drive, including any mitigation measures arising as a consequence of (for example, increased height of boundary treatment or foul drainage) shall be submitted to and approved in writing by the Local Planning Authority. The submission shall be supported by cross-sectional drawings showing the relationship with adjoining dwellings and buildings, and in relation to neighbouring properties.

The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. 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.

Ground/site levels shall not be raised within the root protection areas of preserved trees as shown on drawing 5437.Jarvis.Status.TCP.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent 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 Policies 2, 3, 4 and 28 of the South East Lincolnshire Local Plan, 2019.

- 8 Before the commencement of the development hereby permitted beyond oversight, full

details relating to the construction of the vehicular access to the site from the public highway and the shared private drive to the two proposed dwellings, together with construction details of the stopping up of the existing field access to Jarvis Gate, using no-dig solutions and cellular web material details that minimise the impact on preserved trees, particularly within the root protection areas as shown on the Tree Constraints Plan reference 5437.Jarvis.Status.TCP shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Tree Officer and the Local Highway Authority. The details shall show excavation depths and methods, materials, the specification of works, and all other construction methods. The approved details shall be implemented in full and retained thereafter for the lifetime of the development.

Reason: in the interest of safety of the users of the site and of the public highway and to minimise adverse impacts on the root protection area of adjacent trees which are subject to a Tree Preservation Order.

This Condition is imposed in accordance with Policies 28 and 36 of the South East Lincolnshire Local Plan, 2019.

- 9 Within 7 days of the new access being brought into use, the existing field gate access onto Jarvis Gate shall be permanently closed, using a no dig solution, in accordance with details that shall first be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the site, in the interests of road safety and in order to minimise adverse impacts upon adjacent trees, including the adjacent Ash Tree which is subject to a Tree Preservation Order.

This Condition is imposed in accordance with Policies 2, 28 and 36 of the South East Lincolnshire Local Plan, 2019.

- 10 Before the commencement of the development hereby permitted beyond oversight 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 and Section 12 of 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.

Note: Boundary Treatments shall not be placed within the root protection areas of trees subject Tree Preservation Orders as shown on the Tree Constraints Plan reference 5437.Jarvis.Status.TCP. This may result in limited boundary treatments in some areas, or require hedging to be placed around gardens in preference to deep excavations for boundary treatments.

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 Before any development beyond oversight is commenced, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

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, December 2024.

- 13 Before any development beyond oversight is commenced, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.

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

- 14 None of the existing trees on the site, including the trees subject to a Tree Preservation Order, and shown on the Tree Constraints Plan reference 5437.Jarvis.Status.TCP shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. 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.

If within a period of ten years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority give their written consent.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.

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, December 2024.

- 15 When application is made to the Local Planning Authority for approval of reserved

matters, that application shall be accompanied by a scheme of landscaping showing the retention of existing trees on site, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development occupied. This shall include the trees to be retained along the flank of the boundary with number 12 Jarvis Gate, together with the existing trees which are subject to a group Tree Preservation Order.

The landscaping shall include an additional Horse Chestnut tree to be planted within the red line boundary to replace the tree that was removed in relation to application H20-0044-18.

The landscaping scheme shall include retention of all preserved trees on site, including all trees subject to tree preservation orders along the front of the site.

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 ten 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 applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development. The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 4 (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. 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 and 3 of the South East Lincolnshire Local Plan, 2019.

- 16 Where trees are shown on the Tree Constraints Plan reference 5437.Jarvis.Status.TCP, these shall be retained on site and 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, December 2024.

- 17 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 enlargement, improvement or other alteration to the dwellinghouses, and no construction of a porch, 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 over the future development, additions and alterations, in the interests of its architectural and visual integrity, levels of residential amenity, the visual amenity and character of the area and in the interest of trees, 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 2024.

- 18 Notwithstanding the provisions of Schedule 2, Part 2, Class A 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), no new walls, fences, gates or other means of enclosures, other than those illustrated on the indicative plans forming part of the application hereby approved or subsequently approved as a result of details associated with Condition 11 of this permission, shall be erected on the site, without Planning Permission first having been granted by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over means of enclosures in relation to the preserved trees on site and their root protection areas, in the interest of biodiversity, in the interests of the appearance of the development 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 2024.

- 19 Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 building, enclosure, swimming pool, other pool, or container used for domestic heating purposes, shall be constructed within the curtilage of the dwellinghouses or wider site 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 the preserved trees on site, biodiversity, the architectural and visual integrity of the development, 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 2024.

- 20 No lighting (either temporary or permanent) shall be erected or utilised on the front elevation of the properties or garages without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of amenity, to avoid light pollution, especially in relation to preserved trees on site and in the interests of biodiversity in relation to light sensitive species which may utilise the trees on site.

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

- 21 The development hereby permitted shall not be commenced 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.

The refuse and recycling storage shall not impinge on the root protection areas of the trees as shown on drawing 5437.Jarvis.Status.TCP.

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.

- 22 During the construction of the dwellings no machinery shall be operated, no processes shall be carried out and no deliveries shall be taken from the site, outside the hours of 7:30-18:00 Mondays-Fridays and 8:00-14:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents.

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

- 23 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

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 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

- 24 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.

This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

- 25 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.

- 26 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) Descriptions of the management operations necessary to achieving aims and objectives.

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

D) Details of monitoring needed to measure the effectiveness of management.

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

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

Reason: To meet the requirements of 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.

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.

Information about Preserved Trees on Site

Future occupiers of the site should be informed that planning permission was granted subject to the retention of preserved trees on site and the associated approved landscaping. Applications for the felling of the trees post development will not be permitted and occupation of the dwellings is at their own risk in terms of the effects of tree shading and adverse light effects. The latter will not be used as justification of felling of the preserved trees. The future owners of the dwellings should be made aware of the limitations of removing preserved trees before purchasing.

Your attention is drawn to Condition 1 and 2 of this permission and the time limits associated with these conditions. It should be noted that this site can only accommodate one access as shown on drawing SD23-022/2 Rev C due to the presence of numerous preserved trees on site which are subject to a Tree Preservation Order or which provide screening to the adjoining property number 12 Jarvis Gate. Whilst detailed drawings of the access will be required, the applicant should note the location of the single access to the site is fixed in principle.

Your attention is drawn to the letter from South Holland Internal Drainage Board dated 12/08/2024. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.



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.