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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73A CONTINUATION

Reference: H21-1167-20 **Date of Decision:** 4th May 2021
Applicant: Mr J Butler
Buttercup Barn
Parsonage Lane
Tydd St Mary
PE12 0JA
Location: Buttercup Barn Parsonage Lane Tydd St Mary Spalding
Description: Proposed conversion of existing redundant agricultural buildings into new dwelling - approved under H21-0550-19. Modification of Condition 2 to allow amendments to previously approved plans.

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans accompanying application ref. H21-0550-19:
1:1250 Location Plan;
1:200 Block Plan;
18-1090-100;
18-1090-101;
18-1090-102;
18-1090-103;
18-1090-104D;
18-1090-105C;
18-1090-107C;
18-1090-108C;
18-1090-109C;
18-1090-110C;
Historic Building Recording by Cotswold Archaeology dated March 2019;
Protected Species Report by Brindle & Green (ref. BG19.119.1) dated July 2019.

As amended by the following:

18-1090-106D;

18-1090-111;

17/01/02.

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

- 2 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 over and above those approved by virtue of this planning permission.

- 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.

- 3 The existing frontage hedge shall be retained at a height of at least 1 metre (apart from the access point). In the event of the existing hedge dying it shall be replaced within 6 months by hedging of the same species. Such replanting shall be maintained by the owner or owners of the land on which it is situated for the period of five years beginning with the date of completion of the planting and during that period all losses shall be made good as and when necessary. The replanting shall be allowed to reach a height of at least 1 metre and thereafter retained at that height.

Reason: To ensure that the development includes boundary hedge planting, 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.

- 4 The development hereby permitted shall incorporate the following flood mitigation measures:

- i) Finished floor levels shall be in accordance with details shown on dwg. no. 18-1090-104D accompanying application ref. H21-0550-19;
- ii) Provision of a staircase leading to a safe refuge within the roof space, including associated roof light(s);
- iii) The building shall be designed to incorporate flood resistant/resilient measures and construction techniques, including 0.6 metre demountable flood barriers on doorways/glazed screens;

The flood mitigation measures shall be provided in accordance with the approved details

prior to the development hereby permitted being brought into use.

Note: The eventual occupiers are advised to sign on to the Environment Agency's Floodline Warnings Direct Service.

Reason: To ensure that the risk of flooding to the development and future occupants is mitigated whilst ensuring that the dwelling has a satisfactory relationship with existing development.

This Condition is imposed in accordance with national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

- 5 Facilities for the discharge of foul and surface water development shall be installed in accordance with details shown on dwg. no. 17/01/02 accompanying the application prior to occupancy.

Reason: To ensure a satisfactory form of development and to prevent flooding and pollution.

This condition is imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.

- 6 Within 6 months of the date of occupancy a hard surfaced vehicular crossover strip shall be formed at the site's entrance in accordance with details to be agreed by Lincolnshire Highway Authority.

Reason: To ensure the provision of a satisfactory access and to prevent material from transgressing onto the highway, in the interest of highway safety.

This condition is imposed in accordance with Policies 2 and 3 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>

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk



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@planninginspectorate.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.