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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H22-0898-24 **Date of Decision:** 11th December 2024

Applicant: Crowtree Wigwams
Crowtree Farm
Wragg Marsh
Spalding
PE12 6HF

Location: Crowtree Wigwams Crowtree Farm Wragg Marsh Spalding

Description: Change of use of land for holiday accommodation approved under H22-0055-17. Modification of Condition 2 to allow amendments to previously approved plans.

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 carried out in accordance with the following approved plans and/or documents:

H22-0898-24

Application Form
4331-24 01A
Elevation, Layout and Foundations Plans

H22-0742-14

Flood Risk Assessment, dated August 2014, prepared by Geoff Beel Consultancy

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

2 The materials of the external surfaces (including brickwork, finish, roof tiles and windows) of the development hereby permitted shall be carried out in accordance with the details outlined within the application form and approved plans.

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

3 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (reference GCB/Davies & Co, dated August 2014, submitted under H22-0742-14) in particular the implementation of the flood warning and evacuation plan contained within the Fig 7 of the Flood Risk Assessment. In addition, details of the following mitigation measures shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this approval:

- A Flood Warning and Evacuation Plan.
- The means of securing all units of accommodation to the ground.
- Details of demountable defences to be provided to a height of 600mm to cover all ground floor doors.

The detailed mitigation measures so approved shall be fully implemented prior to occupation and thereafter maintained and the applicant shall confirm completion of the approved scheme, in writing to the Local Planning Authority, within one month thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed in accordance with guidance set out in Section 14 of the National Planning Policy Framework, December 2023.

4 No units of holiday accommodation shall be occupied between 1st November (or the following Sunday if half term extends into November) in any one year and 14th March in the succeeding year.

Reason: To reduce the risk of loss of life during a flood event.
This Condition is imposed in accordance with guidance set out in Section 14 of the National Planning Policy Framework, December 2023.

5 The accommodation hereby permitted shall not be used for purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, groups of persons or family for period(s) not exceeding a total of 28 days in any one financial year. The accommodation shall not be used as the main residence of any occupant.

Reason: To ensure that the development is restricted to holiday use only and that the accommodation is not used for residential purposes. Residential use would be contrary to the provisions of national guidance contained in Section 5 of the National Planning Policy Framework, December 2023, and to Policy 1 of the South East Lincolnshire Local Plan, 2019 which seeks to restrict residential development in the open countryside to that which is necessary to serve proven agricultural needs.

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6 An up-to-date register of the names, main home addresses, visiting dates and length of stay of all visitors to the site shall be maintained at all times and be available for inspection by the Local Planning Authority at all reasonable times.

Reason: To ensure that the development is restricted to holiday use only and to prevent the accommodation units from being used for residential purposes. Residential use would be contrary to the provisions of Policy 1 of the South East Lincolnshire Local Plan, 2019 and Section 5 of the National Planning Policy Framework, December 2023 which seek to control new residential development in the open countryside.

7 The storage and disposal of refuse shall be conducted in accordance with the details provided within H22-0280-17.

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

8 None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped, lopped or pruned.

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 Policy 28 of the South East Lincolnshire Local Plan, 2019, as well as Section 15 of the National Planning Policy Framework, December 2023.

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

Notices and a plan should be displayed on the site setting out the action to be taken in the event of an emergency. They should show where the public, fire brigade, ambulance and local doctors can be contacted, and the location of the nearest public telephone. The notices should also give the name and location/telephone number of the site operator or manager. Warning notices should be displayed giving advice about the operation of the flood warning system and the details of the flood evacuation plan.

The developer is advised to note the contents of the letter submitted under H22-0055-17 from the Environment Agency dated 6 February 2017.

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.