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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H22-1055-16 **Date of Decision:** 12th December 2016

Applicant: Mr C Bustance
Wimberley Hall Farm
Stone Gate
Weston
Spalding Lincs
PE12 6HR

Location: Wimberley Hall Farm Stone Gate Weston Spalding Lincs

Description: Proposed conversion of existing farm buildings to farm shop, including erection of a replacement building. Approved under H22-0922-08 - Continuation without complying with Condition 2 to allow farm shop to be operated by the owner of Wimberley Hall Farm or a tenant(s).

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:
Amended dwg. no. AK0107A accompanying planning permission ref. H22-0922-08 received 5 January 2008.
Amended dwg. nos. AK0108B, AK0112B and AK0114B accompanying planning permission ref. H22-0922-08 received 4 February 2008.
Amended dwg. no. AK0113C accompanying planning permission ref. H22-0922-08 received 9 February 2008.
1:2500 site location plan and dwg. no. AK0106 accompanying planning permission ref. H22-0922-08 received 20 August 2008.
Historic evaluation (dated 11 June 2009) and additional information from the applicant accompanying planning permission ref. H22-0922-08 received 16 June 2009 and 9 July 2009 respectively.

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

2 The farm shop shall be operated solely by the owner(s) or a tenant(s) of Wimberley Hall Farm. Goods sold from the site shall be restricted to agricultual/horticultural produce.

Reason: Having regard to the location outside any develoment boundary an unrestricted retail use would be contrary to South Holland Local Plan Policy EC11, plus national guidelines restricting unrelated uses in the open countryside.

3 The premises shall not be open to customers outside the following hours, unless agreed otherwise in writing by the Local Planning Authority.
- 0900 hours to 1800 hours on Mondays to Saturdays (inclusive).
- 1000 hours to 1700 hours on Sundays and Bank Holidays.

Reason: In the interest of the amenities of the locality.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

4 The development shall be constructed in accordance with the external materials schedule accompanying condition compliance application ref. H22-0916-09.

Reason:In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies EC4, SG14 and SG20 of the South Holland Local Plan 2006.

5 All external roofing material shall be traditonal natural red clay pantiles and thereafter be 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 EC4, SG14 and SG20 of the South Holland Local Plan 2006.

6 All rainwater goods shall be of cast iron construction and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason:In the interests of the architectural composition 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 EC4, SG14 and SG20 of the South Holland Local Plan 2006.

7 The guttering to the development hereby permitted shall be fixed to the external walls by means of gutter spikes/rise and fall brackets and no fascia boarding shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason:In the interests of the architectural composition 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 EC4, SG14 and SG20 of the South Holland Local Plan 2006.

8 The colour of the rainwater goods shall be black unless agreed otherwise in writing by the Local Planning Authority.

Reason:To ensure that the Local Planning Authority retains control over this detail 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 EC4, SG14 and SG20 of the South Holland Local Plan 2006.

9 All external doors utilised in the development shall conform to the details accompanying condition compliance application ref. H22-0916-09.

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 EC4, SG14 and SG20 of the South Holland Local Plan 2006.

10 The window frames to be utilised in the development shall be installed in accordance with details accompanying condition compliance application ref. H22-0916-09 and thereafter so maintained.

Reason:In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies EC4, SG14 and SG20 of the South Holland Local Plan 2006.

11 All glazed screens and timber cladding shall be installed in accordance with details accompanying condition compliance application ref. H22-0916-09.

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 EC4, SG14 and SG20 of the South Holland Local Plan 2006.

12 The parking area shown on the submitted plans shall be made available for use by customers when the farm shop is open.

Reason: To ensure the provision of satisfactory parking facilities, in the interest of highway safety.
This Condition is imposed in accordance with Policies SG15 and SG16 of the South Holland Local Plan 2006.

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



Paul Jackson
Place 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		

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

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.