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## **TOWN AND COUNTRY PLANNING ACT 1990**

### **FULL**

**Reference:** H23-0841-20 **Date of Decision:** 18th December 2020  
**Applicant:** Mr & Mrs M Smith  
C/O 4 Evergreen Close  
Drain Bank North  
Spalding  
PE12 6BF  
**Location:** Foxes Lowe Hurdletree Bank Whaplode St Catherine Spalding  
**Description:** Change of use from paddock to travellers site for applicants' and family only  
(part retrospective)

**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:  
1:1250 Location Plan  
137488/1  
137488/2  
137488/3  
Planning Statement submitted by Fraser Dunchurch Ltd

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

- 2 This permission shall operate for the benefit of Mr and Mrs M. Smith and their immediate family. The static/touring caravans hereby approved shall be removed in their entirety from the site and the residential occupation cease at such time as Mr & Mrs M. Smith cease to occupy the site.

Reason: Permission has been granted based on the personal circumstances and

justification of the applicants'. Occupation of this site by non-gypsy/traveller individuals or families would be contrary to established national and local policies of rural restraint.

This Condition is imposed in accordance with Policies 1, 2 and 20 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019 and 'Planning Policy for Traveller Sites, 2015'.

- 3 No more than 1 static caravan and 3 touring caravans shall be sited on the land at any one time and no storage or sales of materials, machinery, vehicles, waste or other commercial uses or processes, shall take place on the site.

Reason: To define the terms of the permission, in the interests of the appearance of the development, levels of residential amenity and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019 and 'Planning Policy for Traveller Sites, 2015'.

- 4 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 other than approved by virtue of this permission:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of extensions including 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;
- iv) the erection of walls, fences or other means of enclosure.

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.

- 5 The existing hedging along the boundaries of the site shall be retained and maintained at a height of at least 3 metres. In the event of the existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants 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.

Reason: To ensure the protection of the existing hedging on the site, in the interests of the amenities of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

- 6 The following flood mitigation measures shall be incorporated within the development:
- The static caravan shall be secured to the ground to prevent it becoming mobile during a flood event;
  - The floor level of the static caravan and utility room shall be set a minimum of 300mm above the existing ground level.

Note: The applicants' are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Reason: To reduce the risk and impact of flooding on the development and future occupants.

This Condition is imposed in accordance with advice within Section 14 of the National Planning Policy Framework, 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 applicants' are advised of the requirement to apply for a site licence in accordance with the Caravan Sites and Control of Development Act, 1960.



**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](mailto: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](mailto: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.