

# South Kesteven District Council

Development Management  
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SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

Mr M Sibthorp  
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Logan House  
Lime Grove  
Grantham  
Lincolnshire  
NG31 9JD

## APPROVAL OF PRIOR NOTIFICATION DETAILS

(Change Of Use – Agricultural to Dwelling)

Town and Country Planning (General Permitted Development) Order 2015 – Part 3 Class Q

### Part I – Particulars of details to be approved

Application No:	S24/1015
Date Registered:	12th June 2024
Applicant:	Mr G Fearn
Proposal:	Change of use of part of former agricultural building to 6no. dwelling units
Location:	Barn Adjacent To The Willows Main Street Fenton
Decision/Date	Approved Conditionally 6th August 2024

### Part II – Particulars of decision

The South Kesteven District Council hereby give notice that **approval has been granted** in respect of the details referred to in Part 1 notated above, subject to the following condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - i. Drawing No.MSP.1958 008A Site Location Plan
  - ii. Drawing No.MSP.1958 002B Block Plan
  - iii. Drawing No.MSP.1958/004A Proposed Floor Plans
  - iv. Drawing No.MSP.1958/005A Proposed Elevations

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

- 2 Prior to the occupation of the dwellings hereby permitted, a plan indicating the heights, positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed and neighbouring dwellings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 3 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the boundary treatments shall have been completed in accordance with the approved boundary treatment scheme.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed and neighbouring dwellings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 4 Before the development hereby permitted is commenced, a scheme relating to the survey of the land for contamination shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - i. A desk top study documenting all the previous and existing land uses of the site and adjacent land;
  - ii. A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
  - iii. A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring.
  - iv. Shall include the nomination of a competent person to oversee the implementation of the works.

Development shall be carried out in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Policies EN2 and EN4 of the adopted South Kesteven Local Plan and national guidance contained in the NPPF.

- 5 Before any part of the building to be converted is first occupied for residential purposes, farming/agricultural activities on the remainder of the farmyard will have ceased.

Reason: To protect the health and residential amenity of future occupants from potential contamination, noise and odours.

- 6 Prior to first occupation of any dwelling on the site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

- 7 'Construction work' shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials. Deliveries of construction materials shall only take place between 8:00 am and 5:00 pm, Monday to Friday and between 9:00 am and 5:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday.

Reason: To minimise the impact of potential noise on the existing residential dwellings and the surrounding area.

**Note(s) to Applicant:**

- 1 Development must be completed within a period of 3 years starting with the date of this prior approval.
- 2 The applicant is advised that the development must be carried out in accordance with the approved details
- 3 This consent applies only to that required by the Town and Country Planning Acts and does not include any permission or approval under any other enactment, bylaw or regulation.
- 4 The permission to which this notice refers MAY contain the requirement to comply with certain conditions PRIOR to any works being commenced, as well as conditions to be met DURING and AFTER the completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with (see enclosed card). If you are in any doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact South Kesteven District Council Development Management for clarification prior to the commencement of any works.
- 5 The approval of details reserved by any condition(s) (discharge of condition(s)) is now treated as a formal application and as such requires a separate discharge of conditions application to be submitted.
- 6 Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.
- 7 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.
- 8 Prior to the commencement of the development hereby permitted you are advised to contact the Divisional Highways manager, Lincolnshire County Council (telephone number: 01522 513100) to discuss the proposed works within highway limits.
- 9 All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The issuing of any Planning Permission or Prior Approval by the Local Planning Authority does not override the above act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.

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- 10 The site has the potential for use by bats. All bats and their roosts are fully protected by the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. We recommend that you consult Natural England before you do anything that might affect bats. Their enquiry service can be contacted on 0845 600 3078 or email [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

Emma Whittaker  
Assistant Director Of Planning  
6th August 2024

GENERAL DEVELOPMENT PROCEDURE ORDER 2015  
TOWN AND COUNTRY PLANNING ACT 1990

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 to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same, or substantially the same, land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same, or substantially the same, land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of the service of the enforcement notice **or** within six months of the date of this notice (whichever period expires earlier).

If you want to appeal against other decisions, except for Householders which are 12 weeks, then you must do so within 6 months of the date of this notice. Appeals should be submitted using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0303 444 5000 (Customer Services)  
Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)  
Website: <https://www.gov.uk/planning-inspectorate>

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 they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants 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 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 District 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 Part VI of the Town and Country Planning Act 1990.