



# B O S T O N

## BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

### Town and Country Planning Act 1990

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#### APPLICATION DECISION NOTICE

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#### Application Reference: B/23/0053

Applicant: Shelley Fountain  
Leyland  
322A Willington Road  
Kirtan End  
Boston  
PE20 1NU

Agent: Mr Jonathon Metcalfe  
AM2 Architects  
Suite 2, Navigation Business Centre  
48 Millgate  
Newark  
NG24 4TS

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:

**Change of use from agricultural to domestic garden space and change of use from storage space to residential annexe at Leyland, 322A Willington Road, Kirtan End, Boston, PE20 1NU**

And in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **GRANT Full Planning Permission** for the said development subject to **compliance with the following condition(s)**:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the application received on 08-Feb-2023 and the associated unnumbered plans entitled:

- Location Plan – Received 8th February 2023;
- Proposed Location Plan and Site Plan – Received 8th February 2023; and
- Proposed Elevations, Floor Plans and Roof Plan – Received 8th February 2023.

Reason: To ensure that the development is undertaken in accordance with the approved details and to comply with Policies 1, 2, 3, 4 and 30 of the South East Lincolnshire Local Plan 2019.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or e-enacting that Order with or without modification), no development shall take place within Class E of Part 1 of Schedule 2.

Reason: To protect the amenity of neighbouring dwellings and the character and appearance of the area, in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.

4. If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with and to accord with Policy 30 of the South East Lincolnshire Local Plan 2019.

5. The annexe accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling at Leyland, 322A Willington Road, Kirton End, Boston PE20 1NU as identified by the site edged blue on the approved Location Plan and Site Plan.

Reason: To ensure the accommodation is used in accordance with the intentions identified in the application, to prevent the creation of an additional dwelling on the site, and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

6. Notwithstanding the details shown on the approved plans, prior to first use of the annexe hereby permitted, the dormer window shown on the building's east-facing elevation shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) or equivalent scale, and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and 332 Willington Road in order to preserve the privacy of adjoining occupiers in accordance with the requirements of Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

7. The development hereby approved shall be carried out in accordance with the materials specified within the application form and following drawings:

- Proposed Elevations, Floor Plans and Roof Plan – Received 8th February 2023

The materials shall be implemented and thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Date: 16-May-2023**



**Mike Gildersleeves**

**Assistant Director – Planning & Strategic Infrastructure**

**Boston Borough Council, East Lindsey District Council and South Holland District Council**



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## 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**, 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 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 service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- **Householder applications** - if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. Further information is available at [www.gov.uk/appeal-householder-planning-decision](http://www.gov.uk/appeal-householder-planning-decision)
- **Minor commercial applications** - if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **All other decisions – Full Planning Permission** - if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. Further information is available online at [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision).
- Appeals can be made online at [www.gov.uk/planning-inspectorate](http://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 a development order.
- **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. [www.gov.uk/government/collections/casework-dealt-with-by-inquiries](http://www.gov.uk/government/collections/casework-dealt-with-by-inquiries)
- **Proposed Demolition** - The provision of Section 80 of the Building Act 1984 require that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control department (01205 314295) beforehand, and work shall not commence until the Local Authority has given Notice under Section 81, or the relevant period of 6 weeks has expired.
- **Before you dig** – we recommend that you use the Free Enquiry service – [www.LSBUD.co.uk](http://www.LSBUD.co.uk) – this site allows you to submit enquiries about activities and work that you are planning, which may have an impact on National Grid Gas and Electricity Transmission Network and other utilities.

THIS IS A LEGAL DOCUMENT – PLEASE RETAIN IN A SAFE PLACE, PREFERABLY WITH YOUR DEEDS



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