

North Kesteven District Council
Town and Country Planning Act 1990
PLANNING PERMISSION

Name and Address of applicant:

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Name and Address of agent:

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PART 1 - PARTICULARS OF APPLICATION

Date of application: 06/08/2008

Application No: N/23/0806/08

Particulars and location of application: Conversion of agricultural barns to form holiday accommodation, conversion of agricultural barn to form dwelling at Land at Moor Farm, Black Lane, Doddington

PART II - PARTICULARS OF DECISION

The District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted.

The summary reason for granting planning permission is as follows:

The proposal is considered acceptable as it will increase the provision of bed and breakfast accommodation (inclusive of disabled persons accommodation), for which there is currently an undersupply in this part of the District and it will further help improve access to the countryside and to local leisure and tourism attractions.

The site is well screened by the existing bund, mature trees and boundary hedgerow, ensuring that its visual impact in the open countryside is negligible. It is considered that the proposal conserves the essential character and appearance of this rural location. The elements of new build and reinstatement are sympathetic to the character of the original buildings. Further, the residential element is considered acceptable as it forms part of the wider mixed use scheme.

Continued.....

Date: 2 October 2008

Council Offices
Sleaford, Lincs

Signed:



**Head of Planning, Economic and
Cultural Services**

IMPORTANT NOTICE – THIS AFFECTS THIS PLANNING PERMISSION

The planning 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 both 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.

If you are in doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact North Kesteven District Council Planning Department for clarification prior to the commencement of any works.

The provision of replacement barn owl habitat ensures that the proposal will be of no detriment to this protected species, and it is further considered that any additional vehicle movements generated by the development can be safely accommodated on the local highway network.

Finally, the use of planning conditions ensures that the bed and breakfast accommodation is occupied solely as seasonal holiday accommodation, and not on a permanent residential basis, which would otherwise be unacceptable in the open countryside.

As such, the proposal accords with Policies C2, C5, C18, E5, DC7, LW8 and T4 of the adopted North Kesteven Local Plan 2007 and Policy T4 of the Lincolnshire Structure Plan.

The permission hereby granted is subject to the following conditions:

Condition 1:

The development must be begun not later than the expiration of 3 years beginning with the date of this permission.

Reason 1:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2:

No development shall take place on any part of the site to which any part of this permission relates, until samples of the materials to be used in the construction of the new external surfaces of the application buildings have been submitted to and agreed in writing by the district planning authority. Development shall only be carried out in accordance with the approved details.

Reason 2:

To ensure a satisfactory external appearance in the interests of visual amenity to accord with policies C2 and C18 of the Local Plan.

Condition 3:

No development shall take place on any part of the site to which any part of this permission relates, until a suitable scheme of foul and surface water drainage provision has been submitted to and agreed in writing by the district planning authority. The scheme shall be implemented in accordance with the agreed scheme prior to the completion of the development.

Reason 3:

To ensure adequate drainage provision to accord with policies C14 and C16 of the Local Plan.

Condition 4:

Prior to the commencement of any development, a detailed scheme of phasing and implementation for the proposed development shall be submitted to and approved in writing with the District Planning Authority. Thereafter the development shall proceed fully in accordance with the approved phasing and implementation scheme.

Reason 4:

To ensure that the holiday accommodation is not used at any time for unauthorised permanent residential occupation to accord with policy DC5 and DC7 of the Local Plan.

Condition 5:

No development shall take place on any part of the site to which any part of this permission relates until details of boundary treatment have been submitted to and agreed in writing by the district planning authority. Such details to indicate the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before first occupation/use or in accordance with an agreed timetable. Development shall be carried out in accordance with the approved details.

Reason 5:

In the interests of privacy and visual amenity to accord with policy C19 of the Local Plan.

Condition 6:

No development shall take place until full details of both and hard and soft landscape works have been submitted to and agreed in writing by the district planning authority. These works shall be carried out entirely with the approved details and shall include:

- Proposed finished levels
- Means of enclosure
- Car Parking lay-outs
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing details
- Minor artifacts and structures (eg furniture, play equipment, refuse storage, signs, lighting etc.)
- Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc including lines/manholes, supports)
- Retained historic landscape features and proposals for restoration where relevant

Soft landscape works shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities were appropriate
- The implementation programme.

All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 - 1992 Part1–Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS40-43-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason 6:

To ensure the satisfactory appearance of the site in the interests of visual amenity to accord with policy C19 of the Local Plan.

Condition 7:

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the District Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason 7:

To ensure that satisfactory landscaping works are carried out and are subsequently properly maintained to accord with policy C19 of the Local Plan.

Condition 8:

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest unless agreed otherwise in writing with the District Planning Authority.

If within a period of 5 years from the date of planting any tree, shrub, Hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reason 8:

To ensure the satisfactory appearance of the site in the interests of visual amenity to accord with policy C19 of the Local Plan.

Condition 9:

No site clearance, demolition or conversion works associated with Barn 2 shall be commenced until full details of the mitigation and enhancement strategy for barn owls have been submitted to and approved in writing by the District Council.

The mitigation strategy shall include temporary roosting provision for use by barn owls while the Barn is being developed and the new permanent nesting site is being constructed. This temporary provision shall be implemented as soon as possible and shall be in place for an agreed period, with all timings to be informed by the specialist barn owl method statement advice. The permanent nesting provision shall be in the form of either a barn owl loft or a barn owl tower.

Reason 9:

To safeguard the conservation of a habitat or protected species dependent on the habitat in accordance with policy LW8 of the adopted Local Plan.

Condition 10:

No works or development shall take place until a scheme for protection of the retained trees (section 7 BS5837-2005-Tree Protection Plan) have been submitted and agreed in writing by the district planning authority. This scheme shall include:

- (a) A plan showing details and positions of the Ground Protection Areas.
- (b) Details and position of Tree Protection Barriers (section 9 BS5837-2005). Tree protection barriers should be erected prior to each construction phase commencing and shall remain in place, and undamaged for the duration of that phase – these to be retained and maintained until all equipment, machinery and surplus materials have been removed from the site.
- (c) Details of special engineering required to accommodate the protection of retained trees (section 7 BS5837-2005) e.g. in connection with foundations, bridging, water features and surfacing.

(d) Details of working methods to be employed for the installation of drives and paths within the Root Protection Areas of any retained tree on or adjacent to the application site.

(e) Details of timing for the various phases of works or development in the context of the tree protection measures.

Reason 10:

To ensure the retention of features which are important to the character and amenity of the surrounding area to accord with policy LW4 of the Local Plan.

Condition 11:

Prior to the commencement of construction of any use hereby permitted, the vehicular access to Black Lane shall be improved in accordance with drawing number 1961/A1/03d dated 29th September 2008.

Reason 11:

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

Condition 12:

Prior to the first occupation of the development hereby permitted, details of the proposed landscaped bunds, to include dimensions, cross section/s and the materials to be incorporated into the bund, shall be submitted to and approved by the District Planning Authority.

The approved scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest unless agreed otherwise in writing with the District Planning Authority.

Reason 12:

To ensure the satisfactory appearance of the site in the interests of visual amenity to accord with policy C19 of the Local Plan.

Condition 13:

All windows and doors shall be in timber and thereafter retained in that form. No development shall take place on any part of the site to which any part of this permission relates until, details of the windows and doors shall be provided at a scale of 1:20 for the agreement in writing of the district planning authority. The details shall also indicate the finish of the windows and doors.

Reason 13:

To ensure a satisfactory external appearance in the interests of visual amenity to accord with policies C2 and C18 of the Local Plan.

Condition 14:

No development hereby permitted, shall be carried out otherwise than in accordance with the application as amended by the revised plan referenced 1961/A1/03d, received by the district planning authority on 29th September 2008.

Reason 14:

For the avoidance of doubt because amended plans were submitted subsequent to the receipt of the application.

Condition 15:

The holiday accommodation hereby permitted shall be occupied for holiday purposes only and shall at no time be occupied as a person's sole, or main place of residence.

Reason 15:

To ensure that the holiday accommodation is not used for unauthorised permanent residential occupation to accord with policy DC5 of the Local Plan.

Condition 16:

The bed and breakfast accommodation units shall not be sold off separately, and shall be operated and managed by a sole proprietor who shall be living on site within the permanent residential accommodation identified within Barn 1.

Reason 16:

To ensure that the holiday accommodation is not used for unauthorised permanent residential occupation to accord with policy DC5 of the Local Plan.

Condition 17:

The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual bed and breakfast units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the District Planning Authority.

Reason 17:

To ensure that the holiday accommodation is not used for unauthorised permanent residential occupation to accord with policy DC5 of the Local Plan.

Condition 18:

The holiday accommodation the subject of this application shall not be occupied between 5th January and 5th February inclusive in any calendar year.

Reason 18:

To ensure that the accommodation hereby approved is used as seasonal holiday accommodation only, and is not used for unauthorised permanent residential occupation.

Condition 19:

All works associated with the development shall take place outside the bird nesting season – March through to the end of August inclusive – unless otherwise agreed in writing with the District Planning Authority. If it is necessary for works to be undertaken outside this time period, a report from a qualified ecologist confirming the absence of nesting birds shall be submitted to the District Planning Authority.

Reason 19:

To safeguard the conservation of a habitat or protected species dependent on the habitat in accordance with policy LW8 of the adopted Local Plan.

Condition 20:

A suitably qualified ecologist shall be present on site to supervise the removal of the roof from Barn 2.

Reason 20:

To safeguard the conservation of a habitat or protected species dependent on the habitat in accordance with policy LW8 of the adopted Local Plan.

Condition 21:

The arrangements shown on the approved plan referenced 1961/A1/03d dated 29th September 2008 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the site is in use.

Reason 21:

To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

Condition 22:

The vehicular access shall incorporate 6 metres radii tangential to the nearside edge of the carriageway of Black Lane and notwithstanding the submitted plans (in particular 1961/a1/03d) the minimum width of the access shall be 6 metres.

Reason 22:

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

Condition 23:

No trees, shrubs or hedges within the site, which are shown as being retained on the approved plan shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the district planning authority. Any works approved shall be carried out in accordance with BS 3998 (Tree Work).

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the district planning authority.

Reason 23:

To ensure the retention of features which are important to the character and amenity of the surrounding area to accord with policy LW4 of the Local Plan.

Condition 24:

Notwithstanding the provisions of Schedule 2, Part 5, Classes A and B of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no caravans shall be placed on any part of the site, unless planning permission for such development has been granted by the district planning authority.

Reason 24:

To protect the residential and visual amenities of the area and highway safety to accord with policies C5 and T4 of the Local Plan.

Informatives:

1. Alternative arrangements for the depositing of sample materials at the application site for inspection by Planning Officers can be made by contacting the Planning Department on 01529 414155. This arrangement will prevent samples having to be deposited direct to the Council Offices.
2. The applicants attention is drawn to the fact that no part of the development hereby permitted will enjoy permitted development rights by virtue of its classification as a mixed use scheme.

3. Condition 12 (the submission of details relating to the landscaped bunds) should be read in tandem with Conditions 6 & 7.
4. The submitted ecological survey undertaken by ESL identifies that the site is an established Barn Owl breeding site. A specialist method statement will be required in respect of the discharge of Condition 9, which should be compiled by a Barn Owl specialist.

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1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for Transport, Local Government and the Regions in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for Transport, Local Government and the Regions, The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from their website www.planning-inspectorate.gov.uk. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him
 2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Transport, Local Government and the Regions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990
 3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.