



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

Mr Jeffrey Brabban
5 Glover Road
Totley Rise
Sheffield
S17 4HN

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Application For: Change of Use

NOTICE OF DECISION

Application No: 20/01122/COU

Applicant: Melanie Freeman

Agent: Mr Jeffrey Brabban

Proposal: Change of Use of a Residential Property to a Mixed Use Residential/Commercial Premises to Provide a Canine Hydrotherapy Facility

Site Address: Holmelea Top Street East Drayton Retford Nottinghamshire

The Council have considered the application and hereby **GRANT PLANNING PERMISSION** subject to the conditions which have been imposed for the reasons set out below:

CONDITIONS:

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

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be in accordance with the following approved plans:

- Site Location Plan, received 8th September 2020
- Site Plan and Pool Enclosure, Drawing Number P2009.02.001 Revision A, received 19th October 2022

Reason: For the avoidance of doubt.

3. Before the first operation of the business hereby permitted, the log cabin (caravan) shall be finished in timber cladding, as indicated in the applicant's agent's email of 5th November 2020.

Reason: To ensure the satisfactory appearance of the completed development, in the interests of the character and appearance of the Conservation Area.

4. The business hereby permitted shall continue for only as long as the associated dwelling is occupied by a person employed in that business.

Reason: The operation of the business from the application site would be unsatisfactory in its effect on the dwelling in question if it were isolated from the business activities.

5. The business hereby permitted shall be carried out only between the hours of 08 00 to 18 00 on Monday to Fridays, 09 00 to 13 00 on Saturdays and not at all on Sunday and Bank or Public Holidays.

Reason: To safeguard the amenities of dwellings located in the vicinity of the application site.

6. The vehicle parking and manoeuvring areas for both the residential property and the business hereby permitted, as indicated on the approved site layout drawing, shall be retained for the lifetime of the proposed mixed use of the site, unless agreed in writing by the Local Planning Authority. In that instance, the agreed scheme shall be retained for the lifetime of the proposed mixed residential/commercial use of the premises.

Reason: In the interests of highway safety.

7. The business hereby permitted shall operate on an appointment only basis with only one customer at the premises at any one time. The appointment basis should allow a 15 minute period between appointments to ensure two customers are not at the premises at any one time.

A register of all customers visiting the business hereby permitted shall be kept, including dates and time and duration of each appointment and the register shall be made available for inspection by the Local Planning Authority at 48 hours notice.

Reason: To enable the Local Planning Authority to monitor the business use hereby permitted, in line with approved planning policies and advice.

NOTES

- 1 The Council have granted this permission / consent subject to conditions which are considered essential. Where conditions require the agreement of certain details this agreement should be the subject of an application for those conditions to be discharged. Where conditions require agreement of any matter prior to certain works being carried out, the 'Discharge of Condition' application should be submitted and the conditions discharged before those works are carried out on site. **FAILURE TO DO SO COULD INVALIDATE THE PLANNING PERMISSION.** The Council reserve the right to refuse permission for the retention of development not carried out in accordance with the conditions and to take enforcement action to secure compliance with the conditions.

Your right to appeal to the Secretary of State for the Environment against any condition is indicated on the reverse side of the decision notice.

- 2 The applicant is advised that all planning permissions granted on or after the 1st September 2013 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

- 3 VIA East Midlands Countryside Access Team have made the following comments
 - There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
 - The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
 - If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
 - No materials or contractor's vehicles should be stored/parked on the path prevent access to or along the path at any time (unless a temporary closure of the path has been applied for and granted)

STATEMENT

The Local Planning Authority has worked positively and proactively with the applicant to seek solutions to problems arising from the application and as such planning permission/consent is granted on the basis of amendments to the originally submitted application.

Date: **19 February 2024**



John Krawczyk
Development Team Manager
Authorised Officer on behalf of Planning Services
Bassetlaw District Council

Note: Attention is drawn to the Notices attached

Grant of Planning Permission

Application Number: 20/01122/COU

This permission/approval/consent is given only under the Town and Country Planning Acts. It does not give approval under the Building Regulations.

If you are aggrieved by the decision of the District Planning Authority to grant permission/approval/consent subject to conditions, then you can appeal to the Secretary of State for the Environment.

If you want to appeal and your application was not for *householder development, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. An appeal in respect of an advertisement application must be made within eight weeks.

If you wish to appeal for a *householder development, you must do so within 12 weeks of the date of this notice.

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 the appeals solely because the local planning authority based its decision on a direction given by him.

If either the District Planning Authority or the Secretary of State for the Environment grants permission/approval/consent 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 reasonable 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. 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 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

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 by the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

* Householder application means – (a) an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, **but does not include** – an application for change of use; an application to change the number of dwellings in a building.

Other Acts and non-planning legislation may apply for example Right to Light or Party Wall Act etc. 1996, it is your responsibility to comply.