

D Thwaites  
1 Gainsborough  
The Street  
Chilcompton  
BA3 4HB

## NOTIFICATION OF DECISION

### PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (AS AMENDED) PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1990 (AS AMENDED)

**Application Type:** Listed Building Consent **Application No:** 2023/1127/LBC

**Location of Development:** 1 Gainsborough The Street Chilcompton Radstock Somerset

**Description of Proposal:** Erection of single-storey side and rear extensions.

**Application submitted by:** D Thwaites

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Somerset Council, hereby **GRANT** the application described above subject to the following:

#### Condition(s)

1. **Standard Time Limit - Listed Building Consent (Compliance)**

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. **Plans List (Compliance)**

This decision relates to the following drawings and documents:

001 Location Plan  
002 Existing Site Plan  
003 Proposed Site & Roof Plan  
004 Existing Ground Floor Plan  
005 Proposed Ground Floor Plan  
006 Existing Elevations  
007 Proposed Elevations  
Heritage and Design and Access Statement (revised)  
- received 27th September 2023

Reason: To define the terms and extent of the permission.

3. **GARDEN ROOM - Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the garden room element of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

4. **GARDEN ROOM - Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the garden room element of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

5. **GARDEN ROOM - Ducts, Pipes, Rainwater Goods - Submission of Details (Bespoke Trigger)**

No ducts, pipes, rainwater goods, vents or other external attachments to the garden room element of the development shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. All such attachments shall thereafter be retained in that form.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

6. **LINK - Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the link element of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

7. **LINK - Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the link element of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

8. **LINK/GARAGE/WORKSHOP - Ducts, Pipes, Rainwater Goods - Submission of Details (Bespoke Trigger)**

No ducts, pipes, rainwater goods, vents or other external attachments to the link/garage/workshop elements of the development shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. All such attachments shall thereafter be retained in that form.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

9. **Joinery Details - Submission of Details (Bespoke Trigger)**

No piece of internal or external joinery (of any material), including rooflights, on the garden room, link or garage/workshop shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such

details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

10. **LINK & GARAGE/WORKSHOP - Occupation (Compliance)**

The link element of the development shall not be occupied until all the works to the garage/workshop hereby described and approved have been completed.

Reason: In order to ensure that the improvement works to the garage/workshop, which are essential to allow it be linked to the listed building, are implemented, in the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

11. **GARDEN ROOM - Attachment to no.2 Gainsborough and Boundary Wall - Submission of drawn details (Bespoke Trigger)**

No construction of the garden room element of the development shall commence until drawn details illustrating the junctions between the garden room, the boundary wall and no.2 Gainsborough have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage assets in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

12. **Materials - Making Good and Details of Cowl (Bespoke)**

Prior to the installation of the new cowl (for the cooker extract) in place of the existing flue, a method statement for the works of making good after the removal of the flue, and details of the new cowl, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

**Informative(s):**

1. **Condition Categories**

Your attention is drawn to the conditions in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters with which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs. Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request or 34GBP where it relates to a householder application. The request must be made in writing or using the Standard Application form (available on the council's website [www.somerset.gov.uk](http://www.somerset.gov.uk)). For clarification, the fee relates to each request for the discharge of conditions and not to each condition itself.

There is no fee for the discharge of conditions on a Listed Building Consent, planning permission for relevant demolition in a Conservation Area or Advertisement Consent, although if the request concerns conditions relating to both a planning permission and Listed Building Consent then a fee will be required.

2. The responsibility for ensuring compliance with the terms of this approval rests with the persons responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
3. In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework by working in a positive, creative and proactive way.
4. The planning authority is required to erect a site notice on or near the site to advertise development proposals which are submitted. Thank you for erecting this on our behalf. Please would you ensure that any remaining notices in respect of this decision are immediately removed from the site and suitably disposed of? Your cooperation in this matter is appreciated.
5. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and not brought to the council offices. When applying for the approval of materials you must state precisely where on site any samples have been made available for viewing.
6. Please note that your proposed work may also require building regulations approval, which is a separate consent process to the consideration of a listed building consent application. The council's building control team are available to provide building regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found at <https://buildingcontrol.somerset.gov.uk/>.

Date of Decision: 10 October 2023

Mickey Green  
Executive Director  
Climate and Place

## NOTES

### Appeals to the Secretary of State

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or to approve it subject to conditions, you may appeal to the Secretary of State under:

- Section 78 and 79 of The Town and Country Planning Act 1990,
- Section 20 of The Planning (Listed Building and Conservation Area) Act 1990,
- Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012,
- Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 or
- Section 195 of the Town and Country Planning Act 1990

You must appeal **within the following timescales**:

- **28 days** from the date on the decision notice for works to trees covered by Tree Preservation Orders (TPO) using the form available here:

[Appeal a decision about a tree preservation order: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **8 weeks** from the date on the decision notice for Advertisement Consent using the form available here: [Appeal a decision about consent to display an advertisement: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **12 weeks** from the date on the decision notice for householder applications using the form available here:

[Appeal a householder planning decision: Overview \(www.gov.uk\)](http://www.gov.uk)

- **12 weeks** from the date on the decision notice for minor commercial applications using the form available here:

[Appeal a minor commercial development decision: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **6 months** from the date on the decision notice for Listed Building Consent using the form available here:

[Appeal a listed building consent decision: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- There is **no time limit** for submission of an appeal for a Certificate of Lawfulness or a Listed Building Certificate of Lawfulness using the form available here:

[Appeal a decision about a lawful development certificate: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **6 months** from the date on the decision notice for all other applications using the form available here: [Appeal a planning decision \(www.gov.uk\)](http://www.gov.uk)

You can contact the Planning Inspectorate's customer support team if you need help using the online service above by email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk) or telephone: 0303 444 5000 Monday to Friday, 9:00am to 12:00pm (noon) (except public holidays).

### Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they 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 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 and/or Section 32 of The Planning (Listed Building and Conservation Area) Act 1990.

### Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990, Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in respect of Tree Preservation Orders, Section 203 of The Town and Country Planning Act 1990.

## Notes in Respect of All Applications

- Although Planning Permission or Advertisement Consent may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building, Listed Building Consent may also be required before the work can commence.
- If Planning Permission has been granted for the development, should this involve any work within the highway such as the construction of a vehicular access, the consent of the Somerset Council, as Highway Authority should also be obtained - [Roads, travel and parking \(somerset.gov.uk\)](#)
- This permission does not authorise you to stop up or divert a public right of way to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from: [Public Rights of Way \(somerset.gov.uk\)](#)
- If planning permission has been granted for development involving the creation of one or more properties needing new addresses you will need to contact the Street Naming and Numbering department of Somerset Council, for assignment of the official address/es. Details are available at [Street naming and numbering \(somerset.gov.uk\)](#)