Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant	**Name and Address of Agent (if any)**
Mr B Moylan	Mr Hugh Platt
Island Lane Farm	Fox Bennett
Ashby Road	6 Lewis Court
Stapleton	Thorpe Way
Leicester	Enderby
Leicestershire	Leicester
LE9 8JE	Leicestershire
	LE19 1SD

Part I - Particulars of Application

Date of Application	Application No.
7 January 2011	11/00006/CONDIT

Particulars and location of development :

REMOVAL OF CONDITION NO.1 OF PLANNING PERMISSION 05/00029/CONDIT

Island Lane Farm Ashby Road Stapleton Leicester Leicestershire

Part II - Particulars of decision

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and be acceptable in terms of the countryside location and would not have a material detrimental affect on the amenities enjoyed by the occupiers of neighbouring dwellings.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 and NE5

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. This permission relates to the variation of condition 5 of planning permission reference 05/00029/CONDIT dated 09 March 2005, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 11/00006/CONDIT [the current application] save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the local planning authority.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Design and Access Statment and application received on 15 February 2011.

The reasons for the conditions are :-

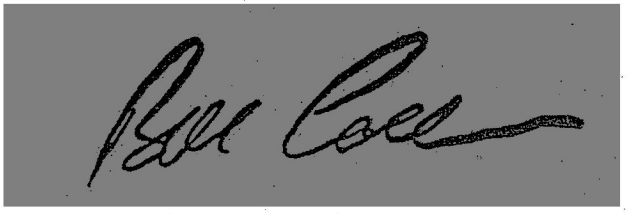
1. To define the permission and to ensure that all other conditions attached to the original consent still apply.

2. For the avoidance of doubt and in the interests of proper planning.

NOTES TO APPLICANT :-

1. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.



Date : 11 April 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by telephoning 0117 372 6372). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has 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 the 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 as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.

4. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, 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 the carrying out of any development which has been or would be permitted, he may serve on the Council 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.

5. 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.

6. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."

2 The buildings to which these requirements apply are :-

a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.

b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.

c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

HINCKLEY & BOSWORTH BOROUGH COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
B Moylan
Island Lane Farm
Ashby Road
Stapleton
Leicester
LE9 8JE

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	Application No.
12.01.05	05/00029/CONDIT

Particulars and location of development :

VARIATION OF PLANNING CONDITION 1 OF APPLICATION 02/01015/COU TO ALLOW CONTINUED USE OF OUTBUILDINGS FOR STORAGE WORKSHOP AND OFFICE AND IMPROVEMENTS TO FARM ACCESS

Island Lane Farm Ashby Road Stapleton Leicester LE9 8JE

Part II - Particulars of decision

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. This permission shall operate solely for the benefit of Mr B Moylan and shall not run with the premises.

2. The premises shall not be used other than for the purpose falling within Class B8 of the Town and Country (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instruments revoking and re-enacting that Oeder with or without modification.

3. The workshop shall at all times remain incidental to the storage barns and no separate trade or business shall be carried out therefrom.

4. There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site.

5. The business shall only be open between the hours of 8.00 am and 5.30 pm Mondays to Fridays and between the hours of 8.30 am and 1.00 pm on Saturdays and at no times on Sundays.

6. The parking and turning area indicated on the approved plan shall be kept available at all times that the site is in use.

7. Any proposed vehicular access gates shall be set back a minimum distance of 5 metres from the highway boundary and shall be made to open inwards only.

The reasons for the conditions are :-

1. But for the special circumstances of the applicant, the Local Planning Authority would not have been prepared to grant permission.

2&3 To ensure that the use remains compatible with the surrounding area.

Continued

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE REVERSE SIDE OF THIS FORM

4. In the interests of visual amenity.

5. To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

6. To ensure that adequate off-street parking and turning facilities are available in the interests of highway safety and to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7. To enable a vehicle to stand clear of the highway to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

NOTES TO APPLICANT :-

1. This permission does not grant approval under the Building Act 1984 and the Building Regulations 1991 for which a separate application may be required. You are advised to contact the Building Control Section.

2. The premises must fully comply with the Health and Safety at Work Act 1974.



Date :- 09.03.05

Proper Officer of the Council