Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr John Price
C/o Agent

Name and Address of Agent (if any)
Philip Brown Associates Ltd
Mr Philip Brown
74 Park Road
Rugby
Warwickshire
CV21 2QX

Part I - Particulars of Application

Date of Application	**Application No.**
9 September 2008	08/00891/FUL

Particulars and location of development :

CHANGE OF USE OF LAND TO THE KEEPING OF HORSES AND A RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS AND FORMATION OF ACCESS.

Land At Stoke Lane Stoke Lane Higham On The Hill 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 Circular 01/2006, would not result in a detriment to the character and appearance of the locality and would not be to the detriment of residential amenity or to highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- NE5, T5 and RES13

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

2. Prior to the first arrival of any caravan on site, a visibility splay of 2.4 metres by the maximum achievable across the sites frontage shall be provided to the south of the new access at the junction of the access with Stoke Lane and a minimum splay of 2.4 metres by 59 metres shall be provided to the north. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

3. Prior to the first arrival of any caravan on site, the turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

4. Prior to the first arrival of any caravan on site, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

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

5. Prior to the first arrival of any caravan on site, the vehicular access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the Highway boundary and shall be so maintained at all times.

6. Prior to the arrival of the first caravan on site, the proposed access shall have an effective width of a minimum of 6 metres for a distance of at least 5 metres behind the Highway boundary. The access drive once provided shall be so maintained at all times.

7. In accordance with the detail shown on the approved plan, labelled LPA-01 as submitted with the application, the existing vehicular access shall be closed permanently within one week of the first arrival of a caravan on the site and the verge and boundary hedging re-established to the satisfaction of the local planning authority in consultation with the Highway Authority.

8. Prior to the first arrival of any caravan on site, the vehicular access to the site shall be provided with 4 metre control radii on both sides of the access.

9. Notwithstanding the submitted details if any gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.

10. Proposed site shall be used only in connection with the Applicant's own livestock and no livery/riding school nor other business nor commercial use is permitted.

11. No development shall commence until details of improvements to the existing bus stop outside the site have been submitted to and approved in writing by the local planning authority. Improvements shall include an area of hard standing in accordance with County Council specification. The approved improvements shall be completed prior to the arrival of the first caravan on site.

12. No additional caravans and/or mobile homes, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan and Sites Act 1968, other than those approved by this permission, whether for storage or human habitation shall be placed onto the land whether for temporary or permanent purposes without the prior written approval of the Local Planning Authority.

13. There shall be no trade or business use carried out on the caravan site hereby permitted, in particular no trading in breaking of or similar operation to scrap metal, timber, motor vehicles or other waste materials.

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) surfacing materials;
(ii) planting plans (including existing planting (trees and hedgerow);
(iii) written specifications;
(iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
(v) implementation programme.

15. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

16. No horse manure or other waste materials shall be burnt on the site at any time.

17. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

18. There shall be no more than one vehicle (other than private motor cars) for each caravan stationed on site at any one time.

The reasons for the conditions are :-

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1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety, in accordance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

3. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users, in accordance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

4. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users, in accordance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

5. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), in the interest of highway safety and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

6. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, in the interest of highway safety and in accordance with the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

7. To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points, in the interest of highway safety and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

8. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway, in accordance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

9. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, in the interest of highway safety and the requirements of Policy T5 Hinckley and Bosworth local Plan.

10. Although the level of traffic likely to be generated by stables is acceptable in Highway safety terms, more traffic-intensive livery within the site would be inappropriate due to the limitations of the vehicular access and/or the local road network, in the interests of highway safety and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

11. To promote the use of the bus stop by the applicants and in the general interests of highway safety and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

12. For the avoidance of doubt and in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

13. To protect the character and appearance of the countryside to accord with policy BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

14. To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

15. To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

16. To safeguard the amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

17. It is only because of the justification supplied in respect of the needs of gypsies and travellers, and the guidance contained in Circular 01/2006, that planning permission has been granted for this use.

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18. To prevent unnecessary vehicle storage at the site, to the detriment of visual amenity and the character and appearance of the countryside and the intentions of Policy NE5 of the Adopted Hinckley and Bosworth Local Plan.

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.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. The approved plans relevant to this decision are those submitted with the application, labelled: LPA-01 and LPA-02.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 3 November 2008

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