

**TOWN AND COUNTRY PLANNING ACT, 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION
FOR PERMISSION TO CARRY OUT DEVELOPMENT**

To : **Mr & Mrs Browne
c/o Mr John Harrison
HarrisonHIX Architecture And Surveyors
81 Bondgate
Darlington
DL3 7JT**

The above named Council being the Planning Authority for the purposes of your application received on 21 December 2018, in respect of proposed development for the purposes of:

Proposal : Full Planning Permission for Conversion of Redundant Agricultural Barn Buildings to 3 No Residential Dwellinghouses
**Location : Busks Farm
Leyburn Road
Middleham
Leyburn
North Yorkshire
DL8 4PS**

have considered your said application and have **GRANTED** permission for the proposed Development subject to the general condition (to ensure compliance with Sections 91 to 94 of the Town and Country Planning Act, 1990) that :

The development hereby permitted shall be begun on or before 18th July 2022.

and subject to the following conditions :-

1. The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof :
 - a) application forms and certificates;
 - b) ecology report by MAB Environment and Ecology Ltd. Dated October 2018;
 - c) design and access and planning statement by Lavingham Planning Consultants;
 - d) proposed elevations and floor plans ref: PP01;
 - e) proposed site plan ref: PP03 Rev A;

- f) section through site existing and proposed ref: PP06;
- g) structural report by Harrison HIX dated 30th November 2018;
- h) viability assessment by Harrison HIX dated 30th November 2018;
- i) location plan;
- j) Phase 1 Contamination Assessment; and
- k) Contamination Report by SOLMEK dated August 2018.

Reason for Condition

To ensure that the development is carried out in accordance with the approved particulars and plans.

2. With respect to any condition that requires the prior written approval of the Local Planning Authority, the works thereby approved shall be carried out in accordance with that approval or in accordance with any minor modifications thereof that may be approved in writing by the Local Planning Authority.

Reason for Condition

To ensure that the development is carried out in accordance with the approved particulars and plans.

3. Prior to the commencement of any part of the development a detailed method statement confirming how the approved conversion works are to be carried out shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include full details of the extent of repair, rebuilding and underpinning of existing walls and works to the roof structure as well as the steps to be taken to ensure the retention of the existing structure during the course of the development. Thereafter the conversion shall be carried out entirely in accordance with the approved method statement.

Reason for Condition

This planning permission has been granted for the conversion of the building in circumstances where a new building or replacement building would not be appropriate. The condition is therefore imposed to ensure that the extent of the approved works is carefully controlled throughout the development.

4. Notwithstanding the provisions under Article 3, Schedule 2, Part 1, Classes A - H; Part 2, Classes A - F: and Part 14, Classes A to I of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent Order revoking and re-enacting that Order, no development of the types covered under these Classes shall be undertaken without the prior submission to, and approval by, the Local Planning Authority of a formal application for planning permission.

Reason for Condition

In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to these matters.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements :

- i) The existing access shall be improved by being widened and reconstructed in accordance with the approved Drawings and Standard Detail Number E2 (Construction Depths Only).

- (ii) The final surfacing of any private access within 10 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason for Condition

To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

INFORMATIVE NOTE :

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120 metres to the north west and 160 metres to the south east measured along both channel lines of the A6108 from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

In the interests of highway safety.

INFORMATIVE NOTE :

An explanation of the terms used above is available from the Highway Authority.

7. No part of the development shall be brought into use until the approved vehicle

access, parking, manoeuvring and turning areas :

- a. have been constructed in accordance with the submitted drawing Reference Number PP03 Revision A;
- b. have been constructed in accordance with Standard Detail Number E2 (Construction Depths Only); and
- c. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of :

- a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and,

- b) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason for Condition

To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

9. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. If deemed necessary a scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason for Condition

To prevent risk from contamination.

10. If contamination is found or suspected at any time during development that was not previously identified, all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11 has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted to and approved by the Local Planning Authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason for Condition

To prevent risk from contamination.

11. The development shall be carried out in accordance with the proposed bat and breeding bird protection measures set out in section 9 of the MAB Environment and Ecology Ltd. Report submitted with the application.

Reason for Condition

To prevent harm to protected species.

12. The boundary fencing proposed in the application shall be completed prior to the first occupation of the dwellings unless otherwise approved in writing by the Local Planning Authority.

Reason for Condition

In the interests of the appearance of the development and neighbour amenity.

13. All new stonework and repairs to existing stonework shall be undertaken in natural reclaimed stone. All stonework shall be laid, coursed and flush pointed in a manner to match precisely the existing stonework of the building. All pointing of stonework shall be undertaken with a lime/cement/sharp sand mix in proportions of 1:1:6 and then brush finished.

Reason for Condition

In the interests of the appearance of the proposed development.

14. Samples of the roof covering (including ridge tiles) to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development.

Reason for Condition

In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

15. All new guttering and downpipes shall be dark in colour and shall be fixed by means of spiked rise and fall brackets without the use of fascia boards.

Reason for Condition

In the interests of the appearance of the proposed development having regard to Policy CP13 (High Quality Design) of the Richmondshire Local Plan Core Strategy 2014.

16. Proposed windows, glazed openings, and doors, shall be inset to provide an external wall reveal to match that of original openings in the building.

Reason for Condition

In the interests of the appearance of the development.

17. All new rooflights shall be Conservation style and shall be fitted flush with the roof line.

Reason for Condition

In the interests of the appearance of the proposed development having regard to Policy CP13 (High Quality Design) of the Richmondshire Local Plan Core Strategy 2014.

18. Windows, glazed openings and doors shall have frames which are finished in a dark, muted or heritage colour treatment and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason for Condition

In the interests of the appearance of the development.

NOTE TO APPLICANT :

In determining this application for planning permission and in imposing the above conditions the Local Planning Authority has had regard to relevant policies of the Development Plan and to all relevant material considerations including the National Planning Policy Framework and National Planning Policy Guidance. The following policies of the Development Plan are relevant to this decision :

Richmondshire Local Plan 2012/2028 Core Strategy

SP3 : Rural Sustainability

CP1 : Planning Positively

CP3 : Achieving Sustainable Development

CP5 : Providing a Housing Mix

CP6 : Providing Affordable Housing

CP8 : Achieving Rural Sustainability

CP12 : Conserving and Enhancing Environmental and Historic Assets

CP13 : Promoting High Quality Design

REASONS FOR DECISION :

The buildings are capable of conversion and the proposed scheme is well designed and materially finished and will not harm the character of the barns or their setting. The proposal has acceptable access and parking and turning provision and will not harm the amenities of neighbours, and will not harm protected species or the environment and will not pose a contamination risk. The proposal will not flood or cause flooding, and will deal with surface water drainage in a sustainable manner. The proposal will not compromise private access rights with regard to water supply and treatment and will not compromise the nearby Public Footpath. The proposal meets the requirements and expectations of the Development Plan and the National Planning Policy Framework and the national Planning Practice Guidance.

INFORMATIVE NOTE - AMENDMENTS TO APPROVED SCHEME AND DISCHARGE OF PLANNING CONDITIONS :

Please note that there are formal processes that need to be completed in order to seek/obtain approval for any amendments to this approval. A fee is payable for dealing with any such proposal. Further guidance is available at : <http://www.communities.gov.uk/publications/planningandbuilding/greaterflexibilityguidance> or you can discuss this with Natalie Snowball as the Case Officer who dealt with this application.

In order for this permission to be lawfully implemented, the above conditions need to be formally discharged at the appropriate stage of development, especially any condition that requires matters to be approved in writing prior to the commencement of other works. A fee is charged for this service, but multiple conditions can be discharged on one application which means that only one fixed fee would be payable - otherwise a fee has to be paid for each individual application.

Footnote :

In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.



**Bart Milburn
Planning and Community Development
Manager**

Date : 19 July 2019

Note:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the Council in whose area the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local Acts, order, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

Appeal to the Secretary of State

- * If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- * If you want to appeal, then unless the application is for a "householder development" in which case any appeal must be submitted within 28 days, you must do so within six months of the date of this notice. However, if an enforcement notice has been served in the last two years regarding this development, then the time limit for submitting an appeal is reduced to 28 days. An appeal can be made using a form which you can get from The Planning Inspectorate at Room 325, Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- * The Secretary of State can allow a longer period of 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 appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notes

- * If either the local planning authority or the Secretary of State for the Environment refused permission to develop land or grants it 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 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 District 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.

Compensation

- * 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 Part IV and V and related provisions of the Town and Country Planning Act 1990.