

Mr Charles White
Swithland Agricultural Holdings
Swithland UK Ltd | Castle Business Park
| Pavilion Way
Loughborough
Leicestershire
LE11 5GW
Email:



Details of Application

APPLICATION NO: P/11/1427/2
PROPOSAL: Retention and modification of agricultural barn.
LOCATION: Phoenix Barn, Land adj 67 Main Street, Swithland, Leicestershire, LE12 8TG
APPLICANT: Mr. Charles White

Details of Decision

 Please Read All the Information in this Decision Notice.

Charnwood Borough Council has considered this application under the Town and Country Planning Act, 1990, and grants permission for the development described in the submitted documents and on any accompanying plans and drawings.

This permission is granted subject to the following Conditions and Reasons:-

1. In the event that the use of the building for agricultural purposes permanently ceases within 10 years of the date of its substantial completion the building shall be removed from the site and the site restored to its former condition not later than 6 months from the date of such permanent cessation.
REASON: Planning permission has only been granted on the basis that the building is essential for the purposes of the efficient long term operation of agriculture. If that need becomes obsolete, it is the opinion of the local planning authority that the building must be removed in the interests of reinstating the open character and appearance of the countryside.
2. No development shall be carried out on the site unless it is fully in accordance with the mitigation strategy, specified in the ecological appraisal dated 22 June 2011 as revised 21 July 2011 and approved as part of this application.
REASON: To ensure that important features of ecological interest are protected.
3. The development hereby permitted shall only be carried out in accordance with the submitted plans (drawing No. 09.2507.06 dated Nov 2009) and no first floor or mezzanine floor shall be constructed in the building other than as shown on the submitted plans without the prior consent of the Borough Council.
REASON: The plans include the removal of structures restricting the head height at ground floor level to allow the use of the building for agricultural purposes to take place thereby ensuring the use of the building for agricultural purposes can be maintained.
4. The building hereby permitted shall be demolished and materials resulting from the demolition shall be removed within 2 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
 - i. Within 28 days of the date of this decision a scheme for the landscaping of the site to include those details specified below shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation:
 - a) the treatment proposed for all ground surfaces, including hard areas;
 - b) full details of tree and shrub/hedge planting;
 - c) planting schedules, noting the species, sizes, numbers and densities of plants;
 - d) all existing trees, hedges and other landscape features, indicating clearly those to be removed.
 - ii. If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

REASON: To ensure that a satisfactory landscaping scheme for the development is agreed and that any none native trees/shrubs where considered to be inappropriate are removed from the site.

5. Any trees or plants required in accordance with condition 4 above which are removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, with or without modifications, no access shall be constructed to the land, or any bridge/culvert erected other than as shown on the approved drawing 09.2507.06. received on 22 July 2011 without the prior consent of the local planning authority.

REASON: To enable the local planning authority to consider the issues involved, in the interests of highway safety and visual amenity.

The requirements of these conditions must be complied with.

Note:-

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information.

<http://www.charnwood.gov.uk/pages/planapps>

The following notes should be taken into account when carrying out the development

1. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CT/1, CT/2 and CT/7 of the Borough of Charnwood Local Plan (adopted 12th January 2004); policies 1, 31,32 and 35 of the East Midlands Regional Plan (March 2009) and Planning Policy Statement 1 Delivering Sustainable Development, PPS4 Planning for Sustainable Economic Growth, PPS7 Sustainable Development in Rural Areas, PPS9 Biodiversity and Geological Conservation, PPS23 Planning and Pollution Control and PPS25 Development and Flood Risk have been taken into account in the determination of this application. The proposed development complies with the requirements of these saved Local Plan policies, Regional and National Policies and is acceptable in terms of its impact on the surrounding area.
2. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
3. In accordance with the condition 2 above and methodology detailed in the Protected Species Survey (dated 22 June 2011 & amended 21 July 2011) any work on the building shall only take place outside the bird nesting season to prevent disturbance to breeding birds and only take place during the winter months from November to March inclusive to ensure that bats and their roosts are not harmed by the development.



Richard Bennett
Head of Planning and Regeneration 11 November 2011

NOTES: P/11/1427/2

This notice grants planning permission only; it does not allow the demolition or work to a listed building, for which a separate consent is needed. If you are carrying out building work, you should check whether you need approval under the Building Regulations. Tel: 01509 634924 / 634757 or Email: building.control@charnwood.gov.uk

If you are carrying out works on highway land, you should check whether you need the approval of Leicestershire County Council. Tel: 0116 232 3232 or Email: information@leics.gov.uk You are also advised to check whether any restrictive covenants apply to the application site.

Appeals to the Secretary of State for Communities and Local Government (DCLG)

You can appeal to the DCLG against our decision to include conditions on this planning permission.

You must appeal within six months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN Tel: 0117 372 6372, Email: enquiries@planning-inspectorate.gsi.gov.uk Web-Site: www.planning-inspectorate.gov.uk. The (DCLG) can allow a longer period for making an appeal, but will not normally do so unless there are special circumstances to justify any delay.

A useful resource is the Planning Portal with guidance, information and relevant links to assist in the appeals process: www.planningportal.gov.uk

The (DCLG) need not consider an appeal if it seems to him that we could not have granted planning permission for the proposed development without the conditions we have imposed, having regard to planning law, to the provisions of any development order and to any directions given under a development order.

In practice, the (DCLG) does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the (DCLG).

Purchase Notices

If either we or the Secretary of State grants permission conditionally, the owner may claim that he 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. 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.

Access and provision for disabled persons.

If your proposal involves shops, offices, factories, educational buildings & buildings to which the public are to be admitted, you should check the requirements of the Chronically Sick & Disabled Persons Act 1970 (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. You should also check the 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 and (in so far as educational buildings are concerned), to Design Note 18" Access for the Disabled to Education Buildings".

Access for fire brigade.

Where you make an application for approval under the Building Regulations for the erection or extension of a building, the Council will have to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

- (a) that there will be adequate means of access for the Fire Brigade; and
- (b) that the proposed works will not make inadequate any existing means of access for the Fire Brigade to a neighbouring building.