



South Derbyshire District Council

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Eric Lee Architectural Services
The Stables
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DE73 8DJ

Applicant:
Mr & Mrs W. I. Brown
The Old Rectory,
Church Road
Egginton
DERBY
DE65 6HP

Ref. No. 9/2016/0695

Local Government Act 1972
Town and Country Planning Act 1990

GRANT OF PLANNING PERMISSION

With respect to your application received 28 July 2016 for **CHANGE OF USE OF THE DWELLING TO A MIXED USE COMPRISING A DWELLING AND BED AND BREAKFAST ACCOMMODATION (USE CLASS C1 - HOTELS), THE VARIATION OF CONDITION 2 OF PLANNING PERMISSION 9/2011/0769 TO ALLOW THE GRANNY ANNEXE TO BE USED AS EITHER ACCOMMODATION FOR EITHER MEMBERS OF THE HOUSEHOLD OF THE OLD RECTORY OR BY DOMESTIC STAFF OR SELF-CONTAINED HOLIDAY ACCOMMODATION AND THE VARIATION OF CONDITION 4 OF PLANNING PERMISSION 9/2014/0238 TO ALLOW THE CARERS ACCOMMODATION TO BE USED AS ACCOMMODATION FOR EITHER MEMBERS OF THE HOUSEHOLD OF THE OLD RECTORY OR BY DOMESTIC STAFF OR SELF-CONTAINED HOLIDAY ACCOMMODATION AT THE OLD RECTORY CHURCH ROAD EGGINTON DERBY**; in exercise of its powers as the Local Planning Authority under the above Acts and related subordinate legislation, the Council hereby gives notice that its decision is as follows:

PERMISSION IS **GRANTED** subject to the following conditions:

1. The change of use to a mixed use comprising a dwelling and bed and breakfast accommodation (Use Class C1 - Hotels) of The Old Rectory hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. This permission relates to the plans validated by the Local Planning Authority on 1st April 2014, as amended by the revised drawings received on 7th July 2014 in regards to the accommodation originally permitted under planning permission 9/2014/0238 (carer's accommodation), and any variation to the approved drawings may need the approval of the Local Planning Authority.

Reason: For the avoidance of doubt as to what is approved.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or

without modification), the accommodation originally permitted under planning permission 9/2014/0238 (carer's accommodation) and 9/2011/00769 (granny annexe), shall not be extended or altered externally, nor shall they be provided with new windows or doors, have their roofs enlarged or altered, be provided with any porches, incidental buildings, structures or enclosures, additional hard surfaces, or be painted externally.

Reason: To protect the historic environment and the visual amenity of the area.

4. The accommodation originally permitted under planning permission 9/2014/0238 (carer's accommodation) and 9/2011/00769 (granny annexe), shall only be occupied by either members of the household of The Old Rectory or by domestic staff or used as self-contained holiday accommodation and shall not be severed from the main house as a separate and unconnected dwelling.

Reason: The use of the development for as a separate dwelling could constitute unsustainable development.

5. Notwithstanding the provisions of Part C, Class 3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, (or any Order revoking or re-enacting that Order), other than when they are occupied by either members of the household of The Old Rectory or by domestic staff, the accommodation originally permitted under planning permission 9/2014/0238 (carer's accommodation) and 9/2011/00769 (granny annexe) shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order without the prior grant of planning permission by the Local Planning Authority, and:

i. their use as holiday accommodation shall only lead to them being occupied as holiday accommodation for 11 months in any calendar year and in particular they shall not be occupied between 10 January and 10 February (or other such period as may be agreed in writing with the Local Planning Authority) in any calendar year;

ii. their use as holiday accommodation shall be for holiday purposes only;

iii. their use as holiday accommodation shall not lead to them be occupied as a person's sole, or main place of residence; and

iv. the site operators shall maintain an up-to-date register of the names of all occupiers of the accommodation originally permitted under planning permission 9/2014/0238 (carer's accommodation) and 9/2011/00769 (granny annexe) when they are used as holiday accommodation, and of their main home addresses, and shall make that information available at all reasonable times to the Local Planning Authority.

Reason: The use of the development for as a separate dwelling could constitute unsustainable development.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, (or any Order revoking or re-enacting that Order), ten off-street parking spaces shall be provided within the application site for such use and shall be maintained throughout the lifetime of the development.

Reason: In the interests of highway safety.

You are advised:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy

Framework.

2. The applicant is advised that following consultation with the Environment Agency they have advised that the occupants of the accommodation originally permitted under planning permission 9/2014/0238 (carer's accommodation), should register with their free Flood Warning Service by contacting Floodline on 0845 9881188. The advance warning of a flood provides valuable time to take action and be prepared. Further information on preparing a Flood Plan and ways to limit the damage caused by flooding is available by referring to the Flood Warning and Evacuation Plan in Appendix D of the submitted Flood Risk Assessment or on their website at:

<https://www.gov.uk/government/organisations/environment-agency>

Authorised Officer of the Council

Date: 28 September 2016

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



NOTES

WARNING: This is a planning decision notice. It conveys no approval under any other legislation and does not override or supersede or negate that legislation or the need to comply with restrictive covenants under the Civil Law. In particular the necessary approval under the Building Regulations and the Public Health Acts must be obtained before the carrying out of building works. Where the highway, including pavement crossing, is to be altered, the Local Highway Authority (01629 580000) should be consulted for its requirements.

APPEALS TO THE SECRETARY OF STATE: If you are aggrieved by the decision of your 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 under section 78 of the Town and Country Planning Act 1990:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if this is a decision to refuse planning permission for a minor commercial application (as defined by Part 1 Article 2 of the Town and Country Planning Development Management Procedure Order 2015), if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.gov.uk/appeal-planning-decision.
- The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES: If as owner of the land you believe that the refusal of permission or approval subject to an unacceptable condition causes the land to become incapable of beneficial use in its existing state and it cannot be made capable of beneficial use by carrying out any development which has, or would be permitted, you may serve on the Council a purchase notice requiring that the Council purchases your interest in the land (Part VI of the Town and Country Planning Act 1990).

BREACH OF CONDITIONS: Once the permission has been implemented, carrying on the development in breach of any of the conditions imposed on it becomes a prosecutable offence. Therefore you are advised to take careful note of each condition with a view to compliance, including obtaining prior approval where required.

INACCURATE PLANS: If the submitted plans or other information contained in the application referred to in this Notice prove to be inaccurate, the development could be rendered impracticable and any permission granted be made invalid. A further application will be required.

CHANGES IN INTENTION: Any intended variation from the approved plans should be notified to the Council well in advance: a further permission, approval or consent may be necessary. Unauthorised variations may result in enforcement proceedings.

FURTHER INFORMATION: If you have any questions about this notice, please contact Support Services Planning Administration, direct dial (01283) 228706 of the Planning Services Department, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.