



# South Derbyshire District Council

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Mrs Marissa Sudar  
Worcester Architects  
33 Glebe Rise  
Littleover  
Derby  
DE23 6GX

**Applicant:**

Mr & Mrs B Edwards  
Pond Cottage, Arleston House Farm,  
Arleston Lane  
Barrow on Trent  
Derby  
DE73 7HN

**Reg. No. 9/2015/1053**

Local Government Act 1972  
Town and Country Planning Act 1990

## **GRANT OF PLANNING PERMISSION**

In exercise of its powers as the Local Planning Authority under the above Acts and related subordinate legislation, the Council hereby gives notice that your application for **CONSTRUCTION OF DETACHED GARAGE, PROPOSED NEW CHIMNEY FLUE TO EXISTING DWELLING, THE REMOVAL AND REPLACEMENT OF EXISTING ENTRANCE GATE AND THE REALIGNMENT AND EXTENSION OF BOUNDARY FENCING AT POND COTTAGE ARLESTON HOUSE FARM ARLESTON LANE BARROW ON TRENT DERBY** as shown on the deposited plans and described in the application form received 17/11/2015 is hereby GRANTED, subject to the following conditions:

1. The development 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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 060 2015 002 Rev C, received on 8th January 2016; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. The external materials and construction details for the detached garage as denoted on drawing no. 060 2015 003 A, made valid on 17/11/15, shall be used in the development to which this permission relates unless prior to their incorporation into the development hereby approved, alternative details have been first submitted to and approved in writing by the Local Planning Authority.  
Reason: To safeguard the appearance of the existing building and the locality generally.

4. Notwithstanding the submitted details, the flue shall have a matt black finish and shall not extend any higher than the existing ridge line of the property unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building, the setting of the listed group and character of the conservation area.

**Informatives:** You are advised:

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal 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.

The applicant is advised that the multi fuel stove and flue should be installed by a HETAS registered installer, the official body recognised by Government to approve biomass and solid fuel domestic heating appliances, fuels and services, including the registration of competent installers. The alternative is for Building Regulations approval to be secured for the installation.

The applicant is advised that this granting of planning permission does not preclude the Local Authority from taking any future action under the Environmental Protection Act 1990 if it is determined that a statutory nuisance exists at a later date (with regard to smoke emissions from the flue) and you are advised to contact them for further details.

Authorised Officer of the Council

Date: 12/01/2016

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.

As this is a decision relating to a householder application, 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 Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

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.

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.

**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.