



South Derbyshire District Council

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Applicant:
Mr & Mrs D Bennett
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Doveridge
DE6 5LX

Ref. No. 9/2016/0007

Local Government Act 1972
Town and Country Planning Act 1990

REFUSAL OF PRIOR APPROVAL

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 **PRIOR NOTIFICATION FOR CHANGE OF USE FROM AGRICULTURAL USE TO A SINGLE DWELLING RELATING TO AN AGRICULTURAL BUILDING AT MARSH VIEW BURNASTON LANE ETWALL DERBY** under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as valid on 5 January 2016, is hereby **REFUSED PRIOR APPROVAL**, for the following reason(s):

1. The buildings appear not to have not been used for an agricultural trade or business, as part of an agricultural unit, for some considerable time. The application states that the buildings were associated with the small farm known as Marsh View, but the building was severed from the dwelling some time ago and subsequent use of the surrounding land appears from photography to be unrelated to any use of the buildings. Notwithstanding the opinion that any agricultural use is considered to fall short of that necessary to establish an agricultural unit by definition; it is thus considered insufficient information has been provided to enable to the Local Planning Authority to establish that the proposal complies with Class Q.1(a) of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 ('the GPDO').
2. The proposal excludes any pedestrian and vehicle access with the public highway, forming part of the proposed curtilage. It is evident that additional land is required to be annexed within the proposed curtilage in order to provide safe and suitable means of access, in turn exceeding the allowable curtilage under the definition set out in Class X of Part 3 to Schedule 2 of the GPDO. The proposal therefore fails to comply with the principle allowances under Class Q(a) of Part 3 to Schedule 2 of the GPDO.

Informatives: You are advised:

- a. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application where it is evident that amendment could not overcome this issues raised. 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.
- b. Should a further Prior Notification be made under or including Class Q(b), it is advised that the building constructed of timber, steel and corrugated sheeting located nearest to Burnaston Lane is a lightweight utilitarian structure that is considered not structurally capable of supporting the conversion without the need for further works beyond those permitted by the GPDO. In is therefore the view of the Council that any subsequent proposal would fail to comply with the limitation under Class Q.1(i) of Part 3 to Schedule 2 of the GPDO.

Authorised Officer of the Council

Date: 01/03/2016

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



NOTES

WARNING: This is a planning decision notice. It conveys no decision 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. Please note:

- 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 Schedule 1A of the Town and Country Planning Development Management Procedure Order 2010 (as amended on 1 October 2013)), 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 online at www.planningportal.gov.uk/appeal or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- 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).

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.