

PLANNING DECISION NOTICE

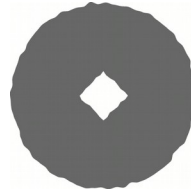
Peak District National Park Authority

Tel: 01629 816200

E-mail: customer.service@peakdistrict.gov.uk

Web: www.peakdistrict.gov.uk

Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



**PEAK
DISTRICT
NATIONAL
PARK**

**To: Mr and Mrs Coates
C/o Simon Foote Architects
74 Friar Gate
Derby
DE1 1FN**

P.10121

THIS NOTICE RELATES TO PLANNING CONTROL ONLY, ANY OTHER STATUTORY CONSENT MUST BE OBTAINED FROM THE APPROPRIATE AUTHORITY

TOWN & COUNTRY PLANNING ACTS & GENERAL DEVELOPMENT ORDER

In pursuance of the powers vested in the Peak District National Park Authority under the above Acts and Order, and with reference to your application for Change Of Use, details of which are as follows:

Office Code No. NP/DDD/0419/0434

Date received: 29 April 2019

Proposal: Change of use from agricultural use (Sui Generis) to a single dwellinghouse (Class C)

Location: Pastures Tops
Ashbourne Road

Parish: Fenny Bentley

THE DECISION

NOTICE IS HEREBY GIVEN THAT PERMISSION FOR THE PROPOSED DEVELOPMENT in the manner described on the application and shown on the accompanying plans and drawings is

GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be begun within 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with amended plans P01A, P02A, P03A, P04A, and P05A, subject to the following further conditions:
- 3 The conversion shall be carried out within the shell of the existing building, with any rebuilding limited to that specifically shown on the approved plans.
- 4 All new brickwork, mortar, and coursing detail, shall match the existing.
- 5 All window and door frames shall be recessed a minimum of 100 mm from the external face of the wall.
- 6 The external doors and windows shall be of timber construction.

Signed

Date

30 August 2019

Attention is called to the notes at the end of this Decision Notice

Form TCP3

- 7 All window and door frames shall have a painted finish and shall be permanently so maintained.
- 8 The rainwater goods shall be black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.
- 9 Notwithstanding the approved plans, prior to the installation of any rooflights full details of their precise design including their size, location and external finish shall be submitted to and approved in writing by the Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.
- 10 The rooflights shall be fitted flush with the roofslope.
- 11 All pipework, other than rainwater goods, shall be completely internal within the building.
- 12 All windows and doors shown to be internally boarded on the submitted plans shall be so maintained throughout the lifetime of the development. Notwithstanding the details shown on plan P02A the first floor window to the gable of the south west elevation shall be boarded up internally as is shown on plan P03A. The boarding up of all windows required by this condition shall be completed before the dwelling is first brought into use.
- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that order) no alterations to the external appearance of the dwelling shall be carried out without the National Park Authority's consent and no extensions, porches or ancillary buildings whatsoever shall be erected on the site without the Authority's prior written consent.
- 14 All new service lines and pipework associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.
- 15 The new stone walling adjacent to the northern and south eastern sides of the building shall be constructed prior to the occupation of the dwellinghouse, and shall be drystone walls of 1.2m in height and constructed of natural limestone.
- 16 Prior to its construction the design and materials of the driveway and parking area shall be submitted to and approved in writing by the Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.
- 17 Before groundwork commences, the proposed vehicular access to Ashbourne Road (A515) shall be created in accordance with the revised application drawings, laid out, constructed and provided with a minimum sight line of 2.4m x 149m to the south and 2.4m x 125m to the north, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
- 18 Before occupation, the area shown on the approved plans as reserved for the access driveway parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
- 19 Prior to the commencement of the development an Energy Efficiency Statement shall be submitted to and approved in writing by the Authority, detailing the energy efficiency measures that are to be incorporated in to the development. Thereafter the development shall be carried out only in complete accordance with the agreed measures.
- 20 There shall be no external lighting within the application site area unless otherwise agreed in writing by the Authority.
- 21 Prior to any works taking place for the disposal of sewage, full details of the works shall be submitted to and approved in writing by the Authority. The works shall thereafter be carried out in accordance with the approved details and shall be completed prior to the occupation or use of any buildings.
- 22 Prior to the proposed landscaping taking place and prior to the occupation of the dwellinghouse details of the species and specimen sizes shall be submitted to and agreed in writing by the

Authority. Thereafter the planting shall be undertaken in accordance with the approved details and prior to the occupation of the dwellinghouse.

- 23 a) No development shall take place until a Written Scheme of Investigation for a scheme of archaeological works and historic building recording has been submitted to and approved by the National Park Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the National Park Authority. The scheme shall include an assessment of significance and research questions; and
- i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 20(a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 24 The development shall be carried out only in complete accordance with the recommendations of the submitted protected species survey (dated June 2019) and the letter from EMEC Ecology (dated 17th July 2019).

Reasons for Conditions:

- 1 To comply with Sections 91, 92, and 93 of the Town and Country Planning Act 1990 (which requires the National Park Authority to reconsider the proposal afresh after a period of years) as amended by Section 51 of the Planning Compulsory Purchase Act 2004.
- 2-12, 14, 16, 20, 22 To ensure that the development shall be in keeping with the established character of the building, area and the National Park.
- 13 Such development has the potential to harm the heritage interest of the building, which would undermine the justification for the approval of the buildings conversion to a dwellinghouse. The Authority therefore wishes to retain control over such development.
- 15 To ensure that the curtilage of the property remains restricted to the rear of the building, and to minimise wider view of the curtilage, which could harm the character of the buildings setting and the wider locality.
- 17-18 In the interests of highway safety.
- 19 To ensure that the development follows the energy hierarchy as required by planning policy CC1.
- 21 To prevent pollution of the groundwater environment.
- 23 To minimise the impacts of the development on the archaeological interests of the site.
- 24 To protect the ecological interests of the site.

Footnotes

The Authority's Officers have assessed the proposal against Development Plan policies and any other material considerations and have recommended amendments which overcome any concerns and which

ensure that the development follows guidance in the National Planning Policy Framework.

Note: Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. Section 38(3) of the Act also provides that the development plan consists of saved Development Management policies and the adopted Core Strategy.

Core Strategy Policies include: GSP1, GSP2, GSP3, DS1, L1, L3, HC1

Relevant Development Plan policies include: DMC3, DMC5, DMC10, DMT8

STATEMENT OF APPLICANT'S RIGHTS ARISING FROM THE REFUSAL OF PLANNING PERMISSION OR FROM THE GRANT OF PERMISSION SUBJECT TO CONDITIONS

Please note, only the applicant possesses the right of appeal.

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 you want appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy on telephone number: 0303 444 5000 or by email to enquiry@pins.gsi.gov.uk.

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.

The Inspectorate will publish details of your appeal on their website. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available in the Planning Inspectorate's [Personal Information Charter](#).

Appeals Examined by Inquiry

If you intend to submit an appeal that you would like examined by inquiry then you must notify the local planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. You will be required to complete the **Notification of an intention to submit an appeal email template**, which can be found under this link: [Inquiry Guidance](#).

Purchase Notices

If either the local planning authority or the Secretary of State refuses 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 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 (District Council, London Borough Council or Common Council of the City of London) or, where the land is situated in a National Park, the National Park Authority for that Park in whose area the land is situated. This notice will require the Council or Authority to purchase his interest in the land in accordance with the provisions of [Part VI](#) of the Town and Country Planning Act 1990.

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**To: Mr and Mrs Coates
C/o Simon Foote Architects
74 Friar Gate
Derby
DE1 1FN**

Dear Sir or Madam

Please find attached a copy of the approval notice for the development outlined below.

Please read this notice carefully. It is particularly important that you comply with any conditions which require details to be submitted and agreed, or some other action to be taken, before work commences. These are often known as "pre-conditions" and usually start with words such as "Prior to the commencement of development" or "Before any work takes place", but there may be other similar words, so please read this notice carefully.

Failure to comply with pre-conditions could result in any work carried out being unlawful and the permission not implemented. **Similarly, failure to comply with the conditions and/or the approved plans could result in abortive work and possible enforcement action.**

If you are employing a builder or other contractor to carry out the work you should ensure that he has a copy of the approval notice and approved plans before starting work.

If you wish to amend the approved plans in any way, you must first agree this with us. There is a formal process for submitting and agreeing both minor ("non-material amendments") and more significant amendments to the approved plans. Details can be found on the Authority's web site at <http://www.peakdistrict.gov.uk/planning/advice/do-i-need-permission>

Please return the first tear-off section at the bottom of this letter before work commences and the second tear-off section once the work has been completed. Two pre-paid labels are enclosed for your use.

Yours faithfully

John Scott
Director of Conservation and Planning

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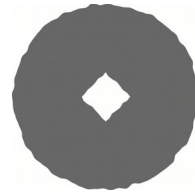
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APPLICATION No: NP/DDD/0419/0434

P. 10121

Site Address: Pastures Tops, Ashbourne Road, Fenny Bentley,

Development: Change of use from agricultural use (Sui Generis) to a single dwellinghouse (Class C)

The above development **commenced** on _____

Signed: _____ Date _____

Name (in block capitals): _____

✂

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APPLICATION No: NP/DDD/0419/0434

P. 10121

Site Address: Pastures Tops, Ashbourne Road, Fenny Bentley,

Development: Change of use from agricultural use (Sui Generis) to a single dwellinghouse (Class C)

The above development was **completed** on _____

Signed: _____ Date _____

Name (in block capitals): _____