



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0791

To Fennell Green & Bates
25 Smyth Street
Wakefield
WF1 1ED

DESCRIPTION Regrading of land to alter land levels to provide grazing land including the erection of a stable block, fencing and the formation of a hardstanding, parking area and menage

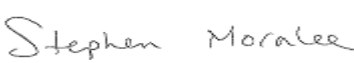
LOCATION Land Off Barnsley Road, Darton , Barnsley, South Yorkshire,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 November 2010 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out in strict accordance with the following plans and specifications unless prior written consent has been given by the Local Planning Authority to any minor variation. The following plans are hereby approved:
 - Proposed Site Layout submitted by Linear Surveys Ltd (Ref - BEL/BR 05 Rev E) received 25/11/11 entitled 'Reduced Parking Area and Hardstanding';
 - Plan showing existing site levels submitted by Linear Surveys Ltd (Ref - BEL/BR 01) dated June 2011;
 - Plan showing proposed stable and storage unit (Ref - BEL/BR 06) dated Aug 2011;

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed 
Assistant Director, Planning and Regulatory Services

Dated 20 December 2011

- Cross Sections through existing and proposed landforms submitted by Linear Surveys Ltd (Ref - BEL/BR 07 RevD) dated June 2011;
- Cross Sections through existing and proposed landforms submitted by Linear Surveys Ltd (Ref - BEL/BR 08B RevB) dated August 2011;
- Supporting statement entitled 'Land improvement for end use as grazing land and stable block' dated July 2011.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP29, Design.

- 3 Unless otherwise agreed in writing by the Local Planning Authority, and with the exception of landscaping, the erection of the stable block, menage and associated fencing and the subsequent equine use, the engineering works hereby permitted shall have a duration of 12 months from the date of commencement.

Reason: To ensure that the development is carried out in an appropriate timescale.

- 4 In the event of any failure to achieve the approved restoration levels within the timescale pursuant to condition number 3 above, then unless otherwise agreed in writing by the Local Planning Authority, within 15 months of the date of commencement of the permission, an amended scheme of reclamation shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to:

- a) Details of final levels;
- b) Surface treatment;
- c) Drainage;
- c) Landscaping including maintenance for a period of 5 years; and
- d) The timescale for implementation.

Once approved the scheme shall be fully completed in accordance with the approved details, including timescale.

Reason: In the interest of the proper restoration of the site.

- 5 The stables and the menage/riding arena hereby approved shall only be used by the occupiers of Mr Braithwaite for domestic use.

Reason: In the interests of highway safety.

- 6 No works shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- The parking of vehicles of site operatives and visitors;
- Means of access for construction traffic;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Measures to prevent mud/debris being deposited on the public highway.

In the interests of highway safety.

- 7 Vehicular and pedestrian gradients within the site shall not exceed 1 in 12.

Reason: In order to ensure safe and adequate access.

- 8 No development shall take place until a detailed remediation scheme, in order to bring the site into a condition suitable for the intended use by removing unacceptable risks to human health, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development shall be carried out in accordance with the approved scheme.
Reason: In the interests of the local environment and in order to comply with policy CSP39 of the Core Strategy.
- 9 Demolition, construction or engineering works shall not take place outside 0800 hours to 1800 hours Monday to Friday and 0900 to 1400 hours on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenity of the locality and in order to accord with policy CSP40 of the Core Strategy.
- 10 Development shall not commence until details have been submitted to and approved by the Local Planning Authority identifying a scheme to protect the watercourse/drain which runs adjacent to the eastern boundary of the site. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure that the nearby watercourse/drain is not adversely affected by the development.
- 11 Foul drainage shall comprise a package treatment plant detailed in the e-mail dated 8th February 2011 sent by John Carlon.
Reason: In order to ensure the protection of local watercourses.
- 12 Prior to the commencement of development, full details of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality.
- 13 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 15 Following the engineering works, no plant, machinery, vehicles or materials other than those reasonably required for the permitted equestrian use shall be stored on site at any time.
Reason: In order to ensure that the openness of the Green Belt is maintained.
- 16 No development or other operations being undertaken on site shall take place until the following document has been submitted to and approved in writing by the Local Planning Authority:
- Tree protection plan (TPP)
Arboricultural method statement (AMS)
- No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.
- 17 No hedges or trees on the site or their branches or roots, shall be lopped, topped, felled, or severed without the written permission of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.
- 18 The Local Planning Authority shall be notified of the commencement of development at 7 days prior to works taking place on site.
Reason: In order that the duration of the works can be monitored.

Reason(s) for Granting Permission

- 1 Unique The application proposes works to bring an existing, derelict site back into a recreational use which currently suffers from significant impediments brought about by historic tipping. The proposal would lead to an end use which is in line with Green Belt objectives and accords with the provisions PPG2. The proposed development would also comply with Core Strategy policies CSP36 (Biodiversity and Geodiversity), CSP39 (Contaminated and Unstable Land) and CSP40 (Pollution Control and Protection).

Informative(s)

- 1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

- 2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:

- Collapse of shallow coal mine workings;
- Collapse of, or risk of entry into, mine entries (shafts and adits);
- Gas emissions from coal mines including methane and carbon dioxide;
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
- Transmission of gases into adjacent properties from underground sources through ground fractures;
- Coal mining subsidence
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, 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 he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions 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 can he 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 in whose area the land is situated. 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.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.