

DISCHARGE OF CONDITIONS

Location	Riddle Pit Farm, Flint Lane, Hepworth, Barnsley, HD9 2TR
application	Change of use from barn to a venue suitable for events and formation of temporary car park.
client/applicant	Mr & Mrs P Lofthouse.
job number	23/848.
date	December 2024.

ARCHITECTURE | PLANNING | DESIGN

Malkin Farm
Brow Lane
Holmfirth
HD9 2RJ

07946872499

paul@paulmatthewsarchitectural.co.uk

www.paulmatthewsarchitectural.co.uk

Company Registration Number: 09898149 - Company Registered in England and Wales

INTRODUCTION

This discharge of conditions application is for the two remaining conditions that formally require to be discharged following the [2021/1496](#) planning approval.

The formal approval can be found within Appendix A of this statement.

We, Paul Matthews Architectural Ltd, are agents working on behalf of the property owner.

This application is to formally discharge condition 7 of the decision notice. This, we understand is the only outstanding condition preventing the overall approval being implemented/completed in accordance with the approval.

This application should then conclude the LPA involvement in this site.

Condition 7 states;

7 A Biodiversity Enhancement Management Plan (BEMP), completed by a suitably qualified ecologist will be submitted to and approved in writing by the Local Planning Authority, prior to any events being held on site. The BEMP will include the following:

A plan showing areas on site that will clearly marked as no entry, this will be limited to land east of the barn. This is to prevent people moving close to sensitive bird areas.

A minimum of two bat and bird boxes to be installed in suitable locations on the main farmhouse.

Noise levels to remain at 90db within the barn throughout the year to prevent disturbance to wildlife.

Details when camping can/cannot be undertaken.

The field located to the north west of the barn (owned by the applicants) will be put into positive management to improve the habitat for ground nesting birds. Management will include sensitive management of the grassland for ground nesting birds, creation of additional foraging areas including scrapes/shallow pools and enhancement of the grassland to create an unimproved sward.

Reason: *In the interests of Biodiversity in accordance with Local Plan Policy BIO1.*

Accompanying this discharge of conditions application is a BEMP, produced by Habitat Works, dated 22nd November 2024.

As noted within the report, there are no plans for camping on site. The BEMP (

Biodiversity Enhancement Management Plan) doesn't include for creation of any ponds as requested in the planning condition, but makes a clear case for such not being required due to the

already present wet flushes that occur on site naturally providing the conditions required by wading birds.

We trust this provide sufficient information to enable this condition to be appropriate discharged.

Naturally should the Local Authority Planning Department require any further information relating to this discharge of condition application please contact Paul Matthews Architectural Ltd.

We respectfully ask for contact from the case officer/KMC Environmental health dept prior to the formal determination of this application.

APPENDIX A

2021/1496 Planning Approval



BARNSELY
Metropolitan Borough Council

Growth and Sustainability
Regeneration and Culture
Planning, Policy and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/1496

To Paul Matthews

DESCRIPTION Change of use from barn to a venue suitable for events and formation of temporary car park.

LOCATION Riddle Pit Farm, Flint Lane, Hepworth, Barnsley, HD9 2TR

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 04/01/2022 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 strictly in accordance with the amended plans (Nos. PL-RPF-02, PL-RPF-03, PL-RPF-07, PL-RPF-100 Rev D, PL-RPF-101 Rev B, Design and Access Statement, Bird and Bat Assessment dated 20th March 2020, Bird Survey dated 7th June 2021, Amended Noise Report dated 28th May 2024, 23/848/Landscaping Plan) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 3 The temporary toilet and catering facilities indicated on the submitted block plan PL-RPF-03 shall only be installed one day prior to the date that the event is taking place and shall be removed from the site the day following the date of the event.
Reason: To protect the openness of the Green Belt and due to the buildings being temporary in nature, in accordance with Local Plan Policy GB1.

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- 4 The parking facilities, indicated on the submitted plan, shall be surfaced in Suregreen Permeable paving grids, PP50, that allow grass to grow through, and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 5 The car park hereby permitted shall only be used when events are taking place within the barn and at no other time.

Reason: In the interests of protecting the openness of the Green Belt, in accordance with Local Plan Policy GB1.

- 6 The proposed Willow planting comprised in the approved details of landscaping (Willow agreed by email dated 29th July 2024 and positioned in accordance with the plan 23/848/Landscaping Plan) shall be carried out no later than the first planting and seeding season following the formation of the proposed car park and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.

- 7 A Biodiversity Enhancement Management Plan (BEMP), completed by a suitably qualified ecologist will be submitted to and approved in writing by the Local Planning Authority, prior to any events being held on site. The BEMP will include the following:

A plan showing areas on site that will clearly marked as no entry, this will be limited to land east of the barn. This is to prevent people moving close to sensitive bird areas.

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Reason: In the interests of Biodiversity in accordance with Local Plan Policy BIO1.

- 8 Music Noise Levels from the development shall not exceed 31dB LA90, 15mins at the boundary of the nearest noise sensitive receptor at any time.

Reason: In the interests of the amenity of surrounding properties, in accordance with Local Plan Policy POLL1.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

- 2 The granting of planning permission does not affect the status of species such as owls and bats, which have protection under other legislation. These may be present and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained directly from www.naturalengland.org.uk
- 3 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.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 2 August 2024



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

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

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.