



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant

Mr & Mrs Buckley
The Gilberts
Shrawley
Worcs

Name and Address of Agent (if any)

C J Didlick
'Bwthyn'
Snead Common
Abberley
Worcs
WR6 6AF

Part I - Particulars of Application

Date of Application: 21st January 2008

Application No: 07/01948/FUL

Grid Ref: Easting: 379815 Northing: 264725

PROPOSAL: Erection of 2-bedroom bungalow for occupation by persons engaged full time in agriculture

LOCATION: The Gilberts Shrawley Worcester

Summary of Reasons for Approval

This decision to grant planning permission takes into account the provisions of the Development Plan comprising the Regional Spatial Strategy, the Worcestershire County Structure Plan and the Malvern Hills District Local Plan and, in particular, the key policies set out below, and all other material considerations. It was considered that, on balance, the development was generally in accordance with the Development Plan and was not outweighed by any other material consideration.

SD8 Development in Sustainable Rural Settlements

D10 Housing in the Open Countryside Outside the Green Belt

DS01 The Location of Development

DS02 Sustainable Development

DS14 Housing Development in the Open Countryside

CN04 Rural Workers Dwellings

QL01 Design of New Development

QL24 Landscape Character

DS03 General Development Requirements

Part II - Particulars of Decision

The Malvern Hills District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act, 1990 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following the following condition(s) (if any):

- 1 The development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to the commencement of development, or within an alternative timescale which has previously been agreed in writing by the Local Planning Authority, samples and trade descriptions of the external facing materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail.

Reason: To ensure that the new materials are in keeping with the surroundings in accordance with Policies DS3 and QL1 of the Malvern Hills District Local Plan.

- 3 Development shall not commence until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with these approved details before the dwelling is occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy CTC8 of the Worcestershire County Structure Plan and Policies QL27 and QL28 of the Malvern Hills District Local Plan.

- 4 The occupation of the dwelling shall be limited to a person solely or mainly working or last working in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act, 1990 or forestry or a dependant of such a person residing with him/her (but including a widow or widower of such a person).

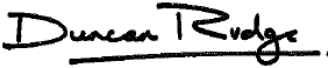
Reason: This application has been considered on the basis of the agricultural case submitted. The Local Planning Authority would not support the creation of an unrestricted open-market dwelling on this site unconnected with the use of adjoining land for agricultural or similar purposes in accordance with Policies DS2, DS3, DS14, and CN4 of Malvern Hills District Local Plan and Policies CTC21, D10 and D16 of Worcestershire County Structure Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting that Order with or without modification), no new windows or other openings shall be made in the external elevations of the building and no additions, extensions or external alterations shall be made without planning permission being granted by the Local Planning Authority.

Reason: To ensure the character and appearance of the building is maintained to protect the amenities of the area in accordance with Policies DS3 and QL1 of the Malvern Hills District Local Plan.

- 6 The existing mobile home shall be permanently removed from the site prior to the first occupation of the dwelling hereby approved.

Reason: The retention of the mobile home after the occupation of the approved dwelling would represent a new dwelling in the open countryside, which would undermine the sustainable development strategy for the District, in accordance with Policy D10 of the Worcestershire County Structure Plan and Policies DS1, DS2, DS14 and CN4 of the Malvern Hills District Local Plan.



Date: 2nd October 2008

Development Control Manager (Planning Services)

The Council House Avenue Road Malvern Worcs WR14 3AF (See Notes Attached)

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under The Building Regulations - please Tel: 01684 862151 to check.

01905 25121 سے رابطہ کریں فلیفون: [Ethnic Access] نسلیاتی رسائی میں مدد چاہتے ہیں۔ آپ انگریزی میں مدد چاہتے ہیں۔ [Urdu]
ইহাংকি ভাষার বিষয়ে সাহায্য চান – এথনিক অ্যাকসেস [Ethnic Access] এর সঙ্গে যোগাযোগ করুন, টেলিফোন: 01905 25121 [Bengali]
'Necessita de ajuda com o seu Inglês? – contacte Ethnic Access Tel.: 01905 25121' [Portuguese]
'Potrzebujesz pomocy z Angielskim – skontaktuj się z Ethnic Access Tel: 01905 25121' [Polish]
“如需我們幫助你理解英文—聯繫 Ethnic Access (少數民族服務獲取組) , 電話: 01905 25121” [Chinese]

This document is also available in large print upon request

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TOWN & COUNTRY PLANNING ACT 1990 (SECTION 78)

Right of Appeal against decision of the Local Planning Authority

1. If the applicant is aggrieved by the decision(s) of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the First Secretary of State in accordance with Section 78 of the Town & Country Planning Act 1990 within six months of the date of this notice (appeals must be made on a form which is obtainable from the Planning Inspectorate, address shown below). The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

If you wish to appeal against this decision then you should write to:

**Planning Inspectorate Customer Support Unit Temple Quay House 2 The Square Temple Quay
BRISTOL BS1 6PN**

You should ask for a set of appeal forms and when you have completed these you should send one copy of the appeal form to:

**The Planning Officer Malvern Hills District Council The Council House Avenue Road
MALVERN Worcs WR14 3AF**

The second copy of the appeal form should be returned to the Planning Inspectorate in Bristol

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.
3. In certain circumstances a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.