



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant

Mrs Elizabeth Hunter
May Cottage
Green Street
Kempsey
Worcester
WR5 3QB

Name and Address of Agent (if any)

M A Brown
Manor Farm Barn
Hadzor Lane
Hadzor
Droitwich
Worcs

Part I - Particulars of Application

Date of Application: 23rd June 2008

Application No: 08/00837/FUL

Grid Ref: Easting: 386755 Northing: 249037

PROPOSAL: Change of use of land to commercial equestrian use

LOCATION: May Cottage Green Street Kempsey

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.

CTC1 Landscape Character

DS01 The Location of Development

DS02 Sustainable Development

DS03 General Development Requirements

QL24 Landscape Character

CN14 Recreation, Sports and Leisure Facilities

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 No manure or stable waste shall be stored within 5 metres of any watercourse or within 35 metres of any residential boundary and there shall be no burning of manure stable waste on site.

Reason: In the interests of residential amenity and in order to avoid pollution in accordance with Policies DS3 and QL26 of the Malvern Hills District Local Plan.

- 3 Notwithstanding the opening times proposed as part of the application, hours of commercial activity, other than essential animal husbandry activities, shall be restricted to 0800hrs to 1900hrs Mondays to Fridays, 0800hrs to 1800hrs on Saturdays and 0900hrs to 1600hrs on Sundays and Bank Holidays and deliveries to and collections from the site shall be restricted to 0800hrs to 1800hrs Mondays to Saturdays. There shall be no deliveries on Sundays or Bank Holidays

Reason: To ensure there is no detrimental effect upon the amenities of the area in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 4 The change of use hereby permitted shall not commence until an area has been properly laid out, consolidated, surfaced and drained for cars and commercial vehicles to park and turn, so that they may enter and leave the application site in a forward gear. These areas shall not thereafter be used for any other purpose than the parking of vehicles.

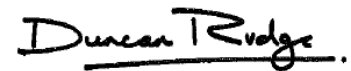
Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 5 No development shall take place which obstructs the existing public right of crossing the application site until an Order has been made for it to be diverted or stopped up.

Reason: To ensure the public right of way is not obstructed in accordance with Policy DS3 of the Malvern Hills District Local Plan.

INFORMATIVES

- 1 A public right of way crosses the site of this permission. This permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act, 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed



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.

آپ انگریزی میں مدد چاہتے ہیں۔ نسلیاتی رسائی [Ethnic Access] سے رابطہ کریں فلیفون: 01905 25121 [Urdu]
ইহাংকি ভাষার বিষয়ে সাহায্য চান – এথনিক অ্যাকসেস [Ethnic Access] এর সঙ্গে যোগাযোগ করুন, টেলিফোন: 01905 25121 [Bengali]
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This document is also available in large print upon request

**M A Brown
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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.