



Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Name and Address of Applicant

Mr John Griffiths
Plowstall Farm
Bayton
Nr Kidderminster
Worcestershire
DY14 9LY

Name and Address of Agent (if any)

Sarah Kirton
Gavel House
137 Franche Road
Kidderminster
DY11 5AP

Part I - Particulars of Application

Date of Application: 29th July 2008

Application No: 08/00932/OUT

Grid Ref: Easting: 369841 Northing: 273311

PROPOSAL: Agricultural workers dwelling

LOCATION: Plowstall Farm Bayton Kidderminster

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..

CN04 Rural Workers Dwellings

DS01 The Location of Development

DS02 Sustainable Development

DS03 General Development Requirements

DS14 Housing Development in the Open Countryside

QL01 Design of New Development

QL21 Landscaping

QL24 Landscape Character

QL26 Pollution Control

QL27 Foul Drainage

QL28 Surface Water Drainage

CTC1 Landscape Character

CTC2 Skylines and Hill Features

D10 Housing in the Open Countryside Outside the Green Belt

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 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission, or
 - ii. The expiration of two years from the final approval of the reserved matters, or
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

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 Approval of the details of the, appearance, layout, landscaping, and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to exercise proper control over these aspects of the development.

- 3 The details of 'appearance' submitted pursuant to condition 2 shall include samples and trade descriptions of the external facing materials to be used in the construction of the development hereby permitted and the development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority before development commences.

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.

- 4 The details submitted pursuant to condition 2 shall make provision for a dwelling with a total floor area of no more than 140 square metres to include habitable accommodation and the farm office, but excluding garaging and sited within the land edged red on amended drawing dated 22nd September 2008.

Reason: To ensure that the dwelling is of a size commensurate with the functional requirement of the enterprise in accordance with Policy CN4 of the Malvern Hills District Local Plan.

- 5 Before development commences, a detailed plan showing the levels of the existing site and the precise floorslab levels of the new dwelling, shall be submitted to and approved in writing by the

Local Planning Authority.

Reason: This permission is in outline only and further details of the reserved matters are required to ensure satisfactory development in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 6 Before any works commence, details of the means of disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a specification of the type of system proposed accompanied by a plan showing the position of the proposed sewage collection system and the size, location and extent of any soakaways. The foul and surface water drainage systems shall be implemented in accordance with the approved details before the first use of the development hereby permitted and shall be retained in that form for the lifetime of the development.

Reason: In order to safeguard against pollution and localised flooding in accordance with Policies DS3 and QL26, QL27 and QL28 the Malvern Hills District Local Plan.

- 7 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 Policy D10 of Worcestershire County Structure Plan.

- 8 The use of the resultant roof space shall be restricted to domestic storage and not converted into habitable accommodation and notwithstanding the provisions of Part 1 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 additions or extensions shall be made to the dwelling, and no new windows or other openings shall be made in the roof of the dwelling without planning permission being granted for such development.

Reason: To ensure that the scale of the habitable accommodation is not increased without the prior approval of the Local Planning Authority and to ensure that the building remains commensurate in size with the functional requirements of the enterprise and the agricultural holding in accordance with Policy CN4 of the Malvern Hills District Local Plan.

- 9 Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such; and no erection or provision of a container for the storage of oil for domestic heating (other than those expressly authorised by this permission) shall take place within the curtilage of this dwelling without planning permission being granted for such development.

Reason: To bring any such future development within the boundaries of the curtilage of the dwelling under planning control in the interests of safeguarding the character and appearance of the area in accordance with Policies DS3, QL1, CN9 and QL24 of the Malvern Hills District Local Plan and Policy CTC1 of the Worcestershire County Structure Plan.

- 10 Prior to their installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include plans detailing the position of any lighting cross referenced to a Schedule detailing the level of luminance. The lighting shall be installed in accordance with the approved details and thereafter be retained in that form.

Reason: In the interests of residential and visual amenity in accordance with Policies DS3 and QL26 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.

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ইংরেজি ভাষায় বিষয়ে সাহায্য চান – এথনিক অ্যাকসেস [Ethnic Access] এর সঙ্গে যোগাযোগ করুন, টেলিফোন: 01905 25121 [Bengali]
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**Sarah Kirton
Gavel House
137 Franche Road
Kidderminster
DY11 5AP**

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, he may appeal to the First Secretary of State for the Environment in accordance with Section 78 of the Town & Country Planning Act 1990 six months of the date of this notice (appeals must be made on a form which is obtainable from the Department of the Environment, 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.