Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant: JM Clarke and Son
Pebble Hall
Lutterworth Road
Theddingworth
Lutterworth
Leicestershire
LE17 6NJ

Name and address of agent: GP Planning
The Stables
Long Lane
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application: 12th July 2010

Application No.: NCC Ref: 10/00049/WAS
DDC Ref: DA/2010/0617

Particulars and location of development

Erection of a 5 metre high litter fence (Retrospective Application) (in connection with green waste composting operations) at Pebble Hall, Bosworth Road, Theddingworth, Leicestershire, LE17 6NJ

Part II - Particulars of decision:

The Northamptonshire County 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 conditions:-

Time Limit

1. Within three months of the cessation of composting operations, the temporary

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litter fencing hereby permitted shall be removed from the site and the ground reinstated to its former condition.


Scope of Permission

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
   Application Forms dated 9th July 2010, Design and Access Statement dated July 2010, GPP/WWM/PH/10/11 Site Location Plan and GPP/WWM/PH/10/12 Rev 1 Site Plan.

   REASON: To specify the approved plans and documents which make up this planning application for the avoidance of doubt and in the interests of proper planning and monitoring of the development having regard to Policy 27 of the Waste Local Plan (2006).

Informative(s)

1. The applicant is advised to ensure that the extensive landscaping permitted under planning permission 08/00053/WAS is properly maintained to ensure that the site is adequately screened by landscaping, in the interests of the visual amenity of the area in which it is set.

REASONS FOR APPROVAL

The concerns expressed by Husbands Bosworth Parish Council, Leicestershire County Council and Harborough District Council regarding the landscape and visual impact of the litter fencing have been carefully considered. On balance, it is considered that the environmental benefits of preventing the spread of wind blown litter across the surrounding countryside outweigh the detrimental landscape and visual impacts of the litter fencing which will be mitigated once the tree planting has grown to a sufficient height. Therefore, the proposed development is considered to be acceptable in accordance with Policies 9, 15 and 18 of the Northamptonshire Waste Local Plan (2006) and Policy CS14 of the Northamptonshire Minerals and Waste Development Framework Core Strategy Development Plan Document (2010).

Date: 1st October 2010
Signed:
For Chief Planning Officer

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1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The 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 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 granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction 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.

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 and 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 and Country Planning Act 1990.

(a) The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

4. Guidance on using the Planning Portal’s online appeals service, see leaflet PCS4 available at

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