

NOTICE OF DECISION
Town And Country Planning Act 1990



Mr Richard Charles
Ferncourt Farm
Bleadon Hill
Bleadon
Weston Super Mare
BS24 9JX

Application Number: 19/P/2777/FUL

Category: Full application

Application No: 19/P/2777/FUL
Applicant: Mr Richard Charles
Site: Field To The South Of The Hillcote Estate, Bleadon Hill, Weston-super-Mare,
Description: Change from agricultural to mixed use (agricultural and equestrian) and erection of a stable

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **GRANTS PERMISSION** for the above development in accordance with the plans and particulars received and subject to the following condition(s):-

- 1 The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Layout Plan received 31 January 2020
Bat Activity Survey dated 3 September 2019
Supporting Statement dated 31 October 2019
Site Location Plan
Proposed Elevations dated 18 March 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications unless details of any alternative material have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in order to maintain the character and appearance of the building and those of the surrounding area, and

in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

- 4 The stables hereby approved shall be used only for private equestrian use and shall not be used for any commercial riding, breeding, livery or commercial training purposes.

Reason: The commercial use of the stables would require the further consideration of the Local Planning Authority in terms of limiting the need to travel, preserving highway safety and preserving the character of the area as required by policies CS1, CS5 and CS33 of the North Somerset Core Strategy and policies DM24, DM32 and DM52 of the North Somerset Sites and Policies Plan (Part 1).

- 5 The storage and disposal of manure and stable waste shall take place in accordance with the approved details in the Supporting Statement dated 31 October 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area and in accordance with policy CS3 of the North Somerset Core Strategy.

- 6 No means of external lighting shall be installed on the site unless it is in accordance with details which have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the character of the area and the biodiversity value of the area and in accordance with policies CS3, CS4 and CS5 of the North Somerset Core Strategy and policies DM8, DM32 and DM52 of the North Somerset Sites and Policies Plan (Part 1), The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no arenas, maneges, turn out areas or all weather riding surfaces shall be laid out, nor shall any horse jumps, fences, riding obstacles, field shelters, or other structures associated with the recreation or exercise of horses be erected, formed or placed on any part of the land, nor shall any vehicles or trailers be kept on the site overnight, without the details being first submitted to and approved in writing by the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over additional equestrian development and paraphernalia in order to protect the landscape and conserve the scenic beauty of the Mendip Hills Area of Outstanding Natural Beauty, and in accordance with policies DM10, DM11, DM32 and DM52 of the North Somerset Sites and Policies Plan (Part 1) and policies CS5 and CS12 of the North Somerset Core Strategy.

- 8 The development shall not take place except in strict accordance with the measures outlined in paragraph 17 of the Bat Activity Survey dated 3 September 2019. If amendments to the methodology are required, details of the changes must be

submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

For advice on discharging this condition, please refer to: www.n-somerset.gov.uk/batroostconditions

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no additional tracks or hardstandings other than those shown in the approved plans, no shelters or fencing shall be placed in the field and no parking of caravans, cars, horse boxes or other means of transport shall be stored or stationed close to the stables or on any other part of the field without the details being first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity of the site within the landscape of the open countryside in accordance with, policy CS12 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan - Part 1.

- 10 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during groundworks on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person or persons and completed in accordance with the approved written scheme of investigation.

Reason: To ensure that archaeological interests are properly dealt with in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 - Development Management Policies). An agreed programme of archaeological work is required before any other development commences on site in order to set out and approve the method statement and ensure appropriate mitigation and contingency strategies are provided should significant remains be encountered during the watching brief.

- 11 The stables shall not be brought into use until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation. The landscaping scheme shall be carried out in accordance with the approved details, specifications and programme of implementation. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of

ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure a satisfactory landscaping scheme is implemented and maintained in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

For advice on how to discharge this condition, please refer to www.n-somerset.gov.uk/landscapingconditions

- 12 The sight lines shown on the approved plans shall be provided and maintained in perpetuity. No structure, erection or planting exceeding 0.6m in height above the adjoining carriageway level shall be placed within the sight lines.

Reason: In the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

- 13 The proposed gateway serving the access hereby permitted shall be setback 12m from Bleadon Hill in accordance with the approved Site Layout Plan received 31 January 2020 before the stables are first used and once provided the gateway shall not at any time be moved closer to the road.

Reason: In the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

Advice Notes(s):

- 1 Positive and proactive statement: In dealing with the application we have worked with the applicant in a positive and proactive manner and have implemented the requirement in section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, by publishing local planning guidance on the council's website, offering pre-application written advice and publishing statutory consultee and neighbour comments on the council's website.
- 2 Protected species - bats: Please note that bats are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes bats and places used as bats roosts, whether bats are present at the time or not. If live bats or evidence of bats is unexpectedly found during the course of works, all works must cease and Natural England must be contacted immediately (0300 060 3900).
- 3 Under section 184 (Highways Act 1980), any new works within the highway boundary must be to the Council's specification and prior to any works the developer must arrange with the Council's Streetworks Team (streetworks@n-somerset.gov.uk) for

the authorisation of the works within the highway. Such approval is required regardless of any other permissions or consents (e.g. planning permission) that may be granted by the Council.

Date: 13 February 2020

Signed: Richard Kent
Head of Development Management

For advice about how to comply with the conditions above visit www.n-somerset.gov.uk/planningconditions

Please use our [online contact form](#) on our website at www.n-somerset.gov.uk/contactplanning if you require further information on this decision.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE

NOTES RELATING TO A DECISION TO GRANT PLANNING PERMISSION

These notes are intended as helpful advice. PLEASE READ THEM CAREFULLY. Make sure everyone has a copy that needs it, including your builder or contractor.

Scope of this decision notice

This decision notice grants planning permission only. It should not be taken to imply that the scheme meets the requirements of any other agency that may be involved. Please make sure that you have obtained all the approvals you need before starting work. If you are in any doubt you should obtain professional advice.

Building Regulations

Before you start construction work you need to obtain separate approval under Building Regulations. You can contact the team on 01275 884550 or submit your application on our [website](#).

Conditions

This approval is subject to conditions. They are an integral part of the decision and are important because they describe how the council requires you to carry out the approved work or operate the premises. It is your responsibility to comply fully with them.

Please pay particular attention to those conditions that have to be met before work commences. There is a fee for requests for written confirmation that conditions have been complied with. Details of these fees can be found on our website at www.n-somerset.gov.uk/planningconditions. When sending us information please include the decision reference number and relevant condition number. Depending on the complexity of the issues involved it can take up to 12 weeks for conditions to be discharged. It is therefore important that you submit any required details to us early.

Appeals

If you are aggrieved by our decision to impose any of the conditions, then you can appeal to the Secretary of State for the Environment in accordance with the provisions of Town and Country Planning Act 1990. If you want to appeal against our decision then you must do so within 6 months [12 weeks if this is a decision to refuse planning permission for a shopfront proposal or a minor commercial application] of the date of this notice .

Appeals must be made using a form, which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Alternatively, your appeal can be submitted electronically using the Planning Portal at www.gov.uk/appeal-planning-inspectorate.

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 that 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 imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Prepare for floods

If the scheme to which this approval relates is at risk of flooding you should prepare a flood plan to help keep people safe and protect your property. You can find out if your property is at risk of flooding and how to prepare a flood plan on the [Government's website](#). You should also sign up for [flood warnings](#).

Works which affect a Public Highway

Any works/events carried out by or for a developer which affects the public highway in any way must be co-coordinated in accordance with the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 to minimize disruption to users. Developers are required to inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Developers are also required to liaise/seek permission of North Somerset Council's Street Works Section (01934 888802 or streetworks@n-somerset.gov.uk) at least one month in advance of the works and this must be in line with the requirements of the NRSWA 1991 and TMA 2004. The developer must endeavor to ensure that undertaker connections/supplies are coordinated to take place whenever possible at the same times using the same traffic management. It should be noted that where road closures or formal restrictions are required to undertake works, a minimum of three months' notice will be required.

Public Rights of Way

The grant of planning permission does not entitle developers to interfere or obstruct any public right of way (PROW). The obstruction of a PROW is an offence. If required an application can be made to North Somerset Council to divert the PROW and should be made well ahead of any development.

It is also an offence to drive a mechanically propelled vehicle without lawful authority on any PROW. The grant of planning permission should not be treated as a grant of lawful authority. Please contact the PROW Team for further advice on 01934 888802.

Changes to Plans

Should you wish to change your plans for any reason, including the need to meet the requirements of other legislation (for example Building Regulations) it is important that you notify us (i.e. 'the planners') before carrying on with work. Amendments to your approved plans may require a fresh application and could even prove to be unacceptable. Details of how to seek formal approval of amendments to a planning approval can be found on our [website](#) or by visiting the planning portal.

Enforcement

The council has powers to enforce compliance with planning permission and there are penalties for failure to comply. In cases where terms and conditions of planning permission are not adhered to and the Council finds it necessary to take enforcement action, it almost invariably results in delay and additional expense to the applicant. In extreme cases, it can mean that newly erected buildings have to be demolished.

If the applicant was the Local Authority and the application was made under regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) then this permission enures only for the benefit of the Local Authority and such other person as was specified in the application.

Street Naming

When you receive consent for the building of new a development(s)/property or creating additional flats/units within an existing dwelling, for reasons of public safety and for the allocation of an official postal address, please contact the Street Naming and Property Numbering Section, Town Hall, Weston-super-Mare, BS23 1UJ; Tel: 01275 888761; email: strnames@n-somerset.gov.uk. Learn more on our [website](#).

Access to further information

Further guidance on Planning and Building regulation information and services can be accessed on our website and on the Planning Portal at www.planningportal.co.uk.