



Colchester Borough Council

Rowan House, 33 Sheepen Road,
Colchester, CO3 3WG

Planning Services

Mr Peter Le-Grys
The Livestock Market
Wyncolls Road
Colchester
CO4 9HU

Contact: John Miles

Phone:

Fax:

E-mail: planning.services@colchester.gov.uk

Your ref:

Our ref: 192686

Date: 19 December 2019

Dear Sir

Application No: 192686

Proposal: Notification for prior approval for a proposed change of use of Agricultural to 1no. dwellinghouses and for associated operational development.

Location: W A Ketley & Son Picketts Farm Church Road Fingringhoe Colchester CO5 7BL

Thank you for giving notice of your intention to carry out the development detailed above.

Under the process set out by condition Q.2 of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and in accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990 (as amended by section 4(1) of the Growth and Infrastructure Act 2013), Colchester Borough Council, as the Local Planning Authority, hereby confirms that its prior approval is required and is refused for the proposed development as described above at the address shown, and in accordance with the information that the developer provided to the Local Planning Authority

The Council refuses prior approval on the details provided because:

Given the very close proximity of livestock buildings to the proposed dwelling there is the potential for an adverse impact on residential amenity to be experienced by any future occupiers due to odour and noise from livestock, to a degree that the siting of the building is undesirable and its use as dwellinghouse would be both harmful and objectionable. The scheme therefore fails to comply with Schedule 2, Part 3, Class Q condition 2(1) (e).

Given the age of the building and its corrugated roof form there is a high potential the building contains asbestos. It will be necessary to confirm whether or not there is asbestos-containing material and additional surveying would be required before it can be established if the scheme complies with Schedule 2, Part 3, Class Q condition 2(1) (c).

Date: 19 December 2019

Signed:

Karen Syrett
Planning & Housing Manager
Policy and Corporate

Notes to Accompany Decision Notices

NOTES ON YOUR NOTICE – PLEASE READ THE BELOW IN FULL

Building in Accordance with the Plans

Planning permissions are given on the basis of the details submitted. If you plan to make any changes whatsoever to deviate from the approved plans then you are strongly advised to liaise with Colchester Borough Council Planning Services prior to undertaking any works. You may require a new planning application or a variation to your existing permission. Failure to construct in accordance with the plans could lead to potential Enforcement Action.

Requirement to Comply With Your Conditions

Please read all of your conditions carefully. All of your conditions must be complied with. Failure to comply in full with a planning condition placed upon your permission may result in potential Enforcement Action. Planning conditions require certain things to be done at certain times, often prior to the commencement of any works. If you are in any doubt as to the requirements of your conditions please liaise with Colchester Borough Council Planning Services.

Building Regulations

Planning permissions do not include any approval which may be necessary in accordance with Building Regulations. Advice on the need for Building Regulations approval can be obtained by calling Colchester Borough Council Building Control Team on 01206 282436.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within the timescales listed below:

- For Householder Appeals – within 12 weeks of the date of the decision notice
- For Minor Commercial Appeals – within 12 weeks of the date of the decision notice
- For Advertisement Appeals – within 8 weeks of the date of the decision notice
- For all other appeal types – within 6 months of the date of the decision

Notwithstanding the above, if the planning application relates to the same (or substantially the same) land and development as is already the subject of an enforcement notice the appeal must be made within 28 days of the date of this notice and not the period set out above.

If an enforcement notice is served relating to the same (or substantially the same) land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within the relevant period set out above, from the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by public inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notice

If either the Local Planning Authority or the Secretary of State refuses permission to develop land, or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonable beneficial use in its existing state, nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be, permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990, or section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as appropriate.

You are advised to seek professional advice before embarking on the serving of a purchase notice.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused, or granted subject to conditions, by the Secretary of State on appeal or on reference of the application to him.

**DEVELOPER NOTIFICATION TO THE LOCAL PLANNING AUTHORITY
OF THE COMPLETION OF THE DEVELOPMENT LISTED BELOW**

YOUR REFERENCE: 192686

What is the address of the development:

What was the date of completion of the development:

What is your name: *(i.e. as the developer)*

What is your contact address: *(if different from the address of the development)*

What is your email address: *(if you are content to receive communications electronically)*

What reference number did the LPA give you when you notified them before beginning this development: