



Northamptonshire County Council

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

W & G Childs & Sons
Manor Farm
Twywell
Kettering
Northamptonshire
NN14 3AH

Name and address of agent (if any)

Berrys
(Adam Farnsworth)
42 Headlands
Kettering
Northamptonshire
NN15 7HR

Part I - Particulars of application

Date of Application

30th April 2004 (Valid 23rd August 2004)

Application No.:

KE/04/975C

Particulars and location of development

Use of previously imported materials to raise levels of land for agricultural improvement. Land at Duck End Farm, Cranford.

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:-

Commencement

1. The development shall be begun within six months of the date of this permission.

Scope of Planning Permission

2. This consent provides for the re-use for land raise/filling purposes of part of the previously imported subsoils only as specified in the statement accompanying the planning application and no additional waste materials shall be brought onto the site.
3. The materials shall be placed in the depression, levelled and graded to conform generally to the contours of the surrounding land, with suitable falls for drainage, and the whole area shall be covered with topsoil prior to seeding.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.

4. The topsoil to be stripped from the land to allow the filling to take place shall be stockpiled and suitably treated to prevent weed growth.
5. Not more than 3000m³ of subsoil shall be deposited on the land.
6. Written notice of the date of commencement of the operations shall be given to the County Planning Authority at least 7 working days beforehand.
7. The development shall be completed within one year of the date of this permission.

Reasons for conditions and relevant Development Plan Policies

1. Required to be improved pursuant to Section 91 of the Town and Country Planning Act 1990.
2. To define this permission.
- 3&4. To bring the land to the required standard for continued agricultural use (Policy W3 of Northamptonshire County Structure Plan (CSP) 1996 - 2016).
5. To limit the amount of material to be utilised to that specified in the application since it is not intended that the site shall be used for the disposal of waste soils generally. (CSP Policy W3).
6. To enable the County Planning Authority to monitor the operations (CSP Policy W3).
7. To specify the date when the development can reasonably be expected to be completed (CSP Policy W3).

Informatives

Please see attached letter from the Environment Agency.

REASONS FOR APPROVAL

Unauthorised deposits of waste materials were made at this site in 2002. It was the subject of an enforcement notice and appeal. A planning application has now been submitted to re-use part of the materials for agricultural improvement on the adjoining land. No objections have been raised following the consultation process. Having regard to the limited size of the site and the amount of retained materials, it is felt that the proposal generally accords with the emerging Policy 25, relating to landfill for agricultural improvement as contained in the Northamptonshire Waste Local Plan (Revised Deposit Draft) and that planning permission should be granted.

Date 13th December 2004 Signed G.P. Watson

Authorised to sign on behalf of the
Head of Sustainable Development

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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.

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