

Agenda Item 8

Waste Storage at Hill Top

After repeated attempts to ascertain whether planning permission was necessary and raising the matter at the BWPAC at the last two meetings, and with Mr. Bannister visiting the planning department, we finally received an email response regarding the planning situation after looking at the initial report that was discussed by the parish council at the full council meeting in August 2016:

Good morning both,

I am writing with regard to the bin storage proposal in Barrowford. Please accept my apologies for the delay in responding, I have been on annual leave.

If the works are to be undertaken by a Parish Council, they benefit from certain permitted rights via the Town and Country Planning (General Permitted Development) Order 2015. This means development can be carried out without the need for an application.

Part 12, Class A of the aforementioned legislation allows for the following (for the purposes of the legislation 'local authority' includes town and parish councils) ;

"The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of-

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them."

Depending on the final form the development takes and whether it can be considered to be required in connection with public services administered by the Parish Council, the proposal could benefit from those rights in para (b) and undertaken without the need for consent. If the works are to be undertaken by any other 3rd party or body, it would likely need to be applied for.

I hope this information is of assistance.

Regards

Lee Greenwood

Planning Officer

Pendle Borough Council

The email seems to indicate that if the Parish Council is within its permitted development rights to build this store. The ambiguity is what will be the interpretation of its ultimate use and if deemed to be for the purposes of another party may need planning permission. The Clerk has arranged to meet Mr. Bannister to discuss the final siting and size of the proposed store, design, and materials which will be reported at the meeting. Mr Bannister has stated he would like to start the works as soon as possible.

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Recommendations:

The Council will need to approve that the bin store is constructed and that if after construction the Planning Department decide it does need planning permission a retrospective planning application is submitted.