

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting, Thursday 25th June, 2015
at 2.00 p.m. (Drawing Room)

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.
3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.
4. Declarations of Interest.

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.
5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 12th March, 2015 (copy attached).

FOR DECISION

- (D) 7. Appointments on Outside Panels, Working Groups etc.
- (D) 8. Variation of an existing Caravan Site Licence.

NOTE (D) - Delegated
(R) - For Referral to Council

Membership of Committee

Callister (Chairman)
Seward (Vice Chairman)
Biggins
Bleasdale
Derbyshire
Graham
Heath
W. McClure
Maddox
Opie
Proffitt
Wall

For queries regarding this agenda, please contact:

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Published: 17th June, 2015

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Thursday 12th March, 2015
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Irwin (Vice-Chairman), Biggins, Graham, Maddox, Pemberton, Pointer, Seward and Wall.

Officers Present:- Owen Broadhead, Senior Environmental Health Officer (Licensing), Jennifer Curtis, Licensing Officer and Sharron Rushton, Democratic Services Officer.

Legal Representative – Mr Paul O'Donnell.

Police Representative – PC Kendal (Minute Nos. 66-69 and 71-74).

66 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 2 (Minute Nos. 71-74) of Part One of Schedule 12A of the said Act.

67 – Declarations of Interest

Councillor Biggins declared a disclosable pecuniary interest in Agenda Item No. 10 – Private Hire Vehicle Driver as the driver was known to him. He left the meeting during consideration of the item.

Councillor Seward declared a disclosable pecuniary interest in Agenda Item No. 11 – Application for Private Hire Vehicle Driver's Licence as the applicant was known to her. She left the meeting during consideration of the item.

68 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Derbyshire, W. McClure, Opie and Roberts.

Councillor Pointer had substituted for Councillor Opie for this meeting only.

69 – Minutes

The Minutes of the Licensing Regulatory Committee meeting held on 5th February, 2015 were taken as read and confirmed.

70 – Hackney Carriage – Unmet Demand Survey

The Senior Environmental Health Officer (Licensing) submitted a report informing Members on the results of the consultation with the Hackney Carriage trade on the carrying out of an 'Unmet Demand Survey' to justify retaining a limit on the number of Hackney Carriage Licences issued. The report also contained information concerning quotations to carry out an 'Unmet Demand Survey' and detailed how the survey would be financed through the trade.

Members at the meeting of the Licensing Regulatory Committee held on 13th November, 2014 had considered a report regarding the undertaking of an 'Unmet Demand Survey' of the Hackney Carriage Trade in the Borough.

The Council had a quantity control policy in respect of the number of Hackney Carriage licences issued and to retain this policy the Office of Fair Trading required Licensing Authorities to undertake a survey every three years to justify the limit.

A consultation survey had been carried out to gauge the view of the hackney carriage licence holders as to their willingness to fund an 'Unmet Demand Survey' to assess the continued need for a quantity control policy in respect of Hackney Carriage licences issued, and for a report to be submitted at a future meeting on a way forward following the consultation with the licence holders.

The results of the consultation with the trade were as follows:-

There was only a 27.5% return of questionnaire. In 2012 there was a 22.6% return. Of those responding 98% were in favour of retaining the limit, 82% were willing to subsidise an "unmet demand survey" and only 67% were willing to subsidise survey knowing that more plates may be issued as a result of the survey. Many of those responding made written comments, the majority of which made the point that they thought there were too many hackney carriages and not enough business to go round.

Since the trade consultation exercise, two organisations had submitted quotations to carry out an 'Unmet Demand Survey' for the Authority.

Quotations had been received for £7250 and £6400 plus VAT. The survey would include rank observations, public trade and other stakeholders consultations.

Vector Transport Consultancy had been selected to undertake an 'Unmet Demand Survey' of the Hackney Carriage Trade.

When the previous survey was undertaken Hackney Carriage licence holders were required to fund the survey through an increase in the vehicle licence fee for one year. Acceptance of the lower equates to an increase of £44.14 on the current fee of £96.00 (excluding VAT) per vehicle licence.

The quotations were attached to the Senior Environmental Health Officer (Licensing) report.

RESOLVED:- (i) To note that Vector Transport Consultancy had been selected to undertake an 'Unmet Demand Survey' of the Hackney Carriage Trade; and

(ii) That Hackney Carriage licence fees be raised from £96.00 to £140.14, an increase of £44.14, for a period of one year for renewals to cover the cost of the survey.

71 – Private Hire Vehicle Driver

The Licensing Officer reported on a renewal application she had received for a Private Hire Vehicle Driver's Licence from Mr D. P. She submitted information which had been drawn to her attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree that the renewal application for a Private Hire Vehicle Driver's Licence from Mr D. P. be granted.

72 – Private Hire Vehicle Driver

The Licensing Officer reported on a complaint she had received regarding a Private Hire Vehicle Driver, Mr S. K. She submitted information which had been drawn to her attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- That no action be taken.

73 – Application for Private Hire Vehicle Drivers Licence

The Licensing Officer reported on an application she had received for a Private Hire Vehicle Driver's Licence from Mr M. E. She submitted information which had been drawn to her attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant, along with his representative attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree that the application for a Private Hire Vehicle Driver's Licence from Mr M. E. be granted.

74 – Application for Private Hire Vehicle Drivers Licence

The Licensing Officer reported on an application she had received for a Private Hire Vehicle Driver's Licence from Mr J. W. She submitted information which had been

drawn to her attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant, along with his representative attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree that the application for a Private Hire Vehicle Driver's Licence from Mr J. W. be granted.

75 – Driver Vehicle Standards Agency Taxi Driver Test

The Senior Environmental Health (Licensing) submitted a report informing Members that the Driver Vehicle Standards Agency Taxi Driver Test was required by new applicants for Hackney Carriage and Private Hire Vehicle Driver's licences.

Existing applicants who came before the Committee for driving offences may also be required to take the test should it be adopted by Council.

The existing driving test for new applicants for Hackney Carriages and Private Hire Vehicles expired on 31st March, 2015. Previously this contract had been advertised due to the Driver Vehicle Standards Agency (DVSA) not being able to provide testing centres locally.

The Senior Environmental Health Officer (Licensing) had been in contact with the DVSA who were in the process of improving resources locally to enable the DVSA Taxi driver test to be carried out at the Barrow test centre in the near future. Currently they had test centres at Heysham, Workington and Preston. The Kendal test centre was currently in the process of moving to an alternative location, once this was completed the tests could be carried out in Kendal.

The current contract cost was £15 per test.

The DVSA test costs were:-

Test type	Weekdays	Evenings (4:30pm onwards), weekends and bank holidays
Hackney saloon vehicles and private hire saloon vehicles	£79.66	£96.00
Hackney wheelchair accessible vehicles	£92.94	£112.34
Taxi wheelchair exercise	£26.56	£32.68

The proposal for change from the test being offered by a local driving instructor to the national DVSA was to ensure continuity and consistency of service as there was a period in 2014 where applicants were unable to access the service provided by Top Gear School of Motoring which caused delay to applicants.

Currently Barrow Borough Council was the only Cumbrian local authority who did not require the DVSA test at application as such implementing this testing regime would ensure consistency with other local authorities in the County.

RECOMMENDED:- To recommend the Executive Committee recommend the Council:-

- (i) Hackney Carriage/Private Hire Vehicle Driver applicants be required to successfully pass the DVSA Taxi Driver Assessment as part of the application process; and
- (ii) The Licensing Regulatory Committee be authorised to require licensed Hackney Carriage/Private Hire Vehicle Drivers to take/retake the DVSA Taxi Driver Assessment when they are brought before the Licensing Regulatory Committee with driving offences.

The meeting closed at 3.35 p.m.

LICENSING REGULATORY COMMITTEE	Part One (D) Agenda Item 7
Date of Meeting: 25th June, 2015	
Reporting Officer: Executive Director	
<p>Title: Appointments on Outside Panels, Working Groups etc.</p> <p>Summary and Conclusions:</p> <p>The Council on 18th May, 2015 gave delegated authority to Committees to make appointments to Outside Bodies, Forums (excluding Housing Management Forum) Panels, Working Groups etc. in accordance with the number and allocation of seats to political groups agreed at the Meeting.</p> <p>In the case of the Licensing Committee this involved appointments to the Licensing Policy Consultation Working Group, Taxi/Private Hire Liaison Group, Taxi Licensing Working Party and Barrow Alcohol Inquiry Working Party.</p> <p>Recommendation:</p> <p>To agree the appointments to the Licensing Policy Consultation Working Group; Taxi/Private Hire Liaison Group, Taxi Licensing Working Party and Barrow Alcohol Inquiry Working Party.</p>	

Report

At the Annual Council meeting on 18th May, 2015 the allocation of seats in respect of Forums, Panels, Working Groups etc. were agreed. Delegated authority was given to the appropriate Committees to make the necessary appointments.

In the case of the Licensing Committee this involves the appointment of Members to:-

Licensing Policy Consultation Working Group

(Membership for 2014/2015 was Councillors Callister, Irwin, Opie and Pemberton).

Taxi/Private Hire Liaison Group

(Membership for 2014/2015 was Councillors Callister, Maddox and Roberts).

Taxi Licensing Working Party

(Membership for 2014/2015 was Councillors Callister, Irwin, Maddox and Roberts).

Barrow Alcohol Inquiry Working Party

(Membership for 2014/2015 was Councillors Callister, Graham, Maddox and W. McClure).

In accordance with proportionality rules, the notional seat allocations for 2015/2016 are as follows:-

- Licensing Policy Consultation Working Group – Four Seats (3 Labour: 1 Conservative)
- Taxi/Private Hire Liaison Group – Three Seats (2 Labour: 1 Conservative).
- Taxi Licensing Working Party – Four Seats (3 Labour: 1 Conservative).
- Barrow Alcohol Inquiry Working Party Four Seats (3 Labour: 1 Conservative).

Background Papers

Nil

LICENSING REGULATORY COMMITTEE	Part One (D) Agenda Item 8
Date of Meeting: 25th June, 2015	
Reporting Officer: Senior Licensing Officer	
<p>Title: Variation of an existing Caravan Site Licence.</p> <p>Report Summary:</p> <p>The Licensing Authority has received a request to vary the existing Caravan Site Licence of Salt Marsh Caravan Site, Carr Lane, Barrow-in-Furness, Cumbria. The Committee is asked to consider the requested variation.</p>	

Report

1. Purpose of Report

- 1.1 On 22nd April, 2015 a request was made to the Licensing Authority by the licence holder, Salt Marsh Residents Association to vary an existing condition on the Caravan Site Licence for Salt Marsh Caravan Site, Carr Lane, Barrow-in-Furness, Cumbria.
- 1.2 Salt Marsh Residents Association wish to vary the condition in relation to the amount of time residents are permitted to occupy the site over a 12 month period.
- 1.3 The current condition relating to site opening times states that:
Caravans shall be occupied only during the period from the first weekend in March to 14th November in a year.

The Licensing Authority would like to amend the condition to state that:
Caravans shall be occupied only during the period from 1st March to 31st January the following year.

This would change the permitted time being allowed to reside on site from 8 to 11 months a year.

2. Representations

- 2.1 On 24th March, 2015 the applicant was granted planning permission for the intended variation. A copy of the planning permission is attached at **Appendix A**.

3. Relevant Legislation and Policy

Caravan Sites and Control of Development Act 1960

- 3.1 The Licensing Authority may attach to the licence any condition which it sees necessary or desirable to impose in the interest of persons living in the caravans, or of other classes of persons, or of the public at large.
- 3.2 **Caravan sites and Control of Development Act 1960 Part 1 Section 8 (1)** confirms that;

8.-(1) The conditions attached to a site licence may be altered at any time (whether by the variation or cancellation of existing conditions, or by the addition of new conditions, or by a combination of any such methods) by the local authority, but before exercising their powers under this subsection the local authority shall afford to the holder of the licence an opportunity of making representations.

4. Options

The options available to members today are;

- a) To approve the variation;
- b) To reject the variation.

5. Recommendation

I recommend that members **APPROVE** the variation.

6. Reasons for Recommendation

Set out below are the reasons why the Officer is recommending to members to approve the application;

1. The Licensing Authority may vary conditions on a Caravan Site Licence at any time.
2. The request for the variation came from the Licence holder, Salt Marsh Residents Association; they make no further representations to the Licensing Authority varying the condition.
3. Time restrictions on periods of time residents can occupy a Caravan Site is determined through the planning process. As planning permission has already been granted; there is no adverse impact on the Licensing Authority.

Considerations

(i) Legal Implications

The request for variation of the Caravan Site Licence has met the requirements of Caravan Sites and Control of Development Act 1960.

Caravan sites and Control of Development Act 1960 Part 1 Section 8 (1) confirms that;

8.-(1) The conditions attached to a site licence may be altered at any time (whether by the variation or cancellation of existing conditions, or by the addition of new conditions, or by a combination of any such methods) by the local authority, but before exercising their powers under this subsection the local authority shall afford to the holder of the licence an opportunity of making representations.

(ii) Risk Assessment

Not Applicable

(iii) Financial Implications

None identified

(iv) Health and Safety Implications

Not Applicable

(v) Key Priorities and Corporate Aims

None identified

(vi) Equality and Diversity

None directly arising as a result of this report.

(vii) Health and well-being Implications

None identified

(viii) Human Rights

None identified

Background Papers

Nil.

APPROVAL OF PLANNING PERMISSION

Town & Country Planning Act 1990 (As Amended)

Town & Country Planning (Development Management Procedure) (England) Order 2010



Application Number : B18/2015/0009

Application Valid : 09/01/2015

Applicant :

Miss Donna Price
Saltmarsh Caravan Park
Carr Lane
Barrow-in-Furness
LA14 3YH

Agent :

Miss Donna Price
Saltmarsh Caravan Park
No. 42 Saltmarsh Caravan Park (Site Office)
Carr Lane
Barrow-in-Furness
LA14 3YH

Site Location :

Salt Marsh Caravan Park Carr Lane Barrow-in-Furness

Proposal :

Application to vary condition no. 2 of Planning Application 1976/0957 (Use of part of O.S. field No. 1810 situated east of Biggar Bank Road as a static seasonal caravan site) to allow the extension of opening times for an extra 3 months from 1st of March until the 31st January each year being open for 11 months of the year instead of 8 months a year.

Barrow-in-Furness Borough Council hereby give notice in pursuance of the provisions of the above-mentioned regulations that **permission has been granted** for the carrying out of the development referred to on this notice, in accordance with the application and plans submitted and subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

2. The site must only be used between 1st March and 31st January of each year, and in the intervening period any caravans not on hard standings shall be removed from the site to winter storage areas, such areas to be defined as the car parks on the site and the area coloured blue on the plan as was attached to application no. 6/76/0072, approval dated 6th April, 1976.

Reason

In order to ensure proper control of the use of the caravans and to prevent the establishment of permanent residency.

DECISION DATE : 24/03/2015

Mr J Hipkiss M.R.T.P.I.
Development Services Manager

Important notes are attached to this notice and should be read in conjunction with it. If you require clarification of anything please contact us on 01229 876375

APPROVAL OF PLANNING PERMISSION

Town & Country Planning Act 1990 (As Amended)

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No. 42 Saltmarsh Caravan Park (Site Office)
Carr Lane
Barrow-in-Furness
LA14 3YH

Site Location :

Salt Marsh Caravan Park Carr Lane Barrow-in-Furness

Proposal :

Application to vary condition no. 2 of Planning Application 1976/0957 (Use of part of O.S. field No. 1810 situated east of Biggar Bank Road as a static seasonal caravan site) to allow the extension of opening times for an extra 3 months from 1st of March until the 31st January each year being open for 11 months of the year instead of 8 months a year.

3. The caravan park hereby approved shall not be occupied other than for holiday purposes and shall not be used as a sole or main place of residence. The owner/operator shall maintain an up to date register of names and addresses of the occupiers of the caravans and shall make the register available to the local Planning Authority upon request.

Reason

In order to ensure proper control of the use of the caravan and to prevent the establishment of permanent residency.

4. Satisfactory provision should be made for foul drainage by discharge to a properly constructed tank until such time as a pumping station and rising main capable of serving the site is available in the area, when a connection thereto shall be installed. All foul drainage provision to be to the satisfaction of the Planning Authority.

Reason

In order to ensure that the site is adequately drained and in order to control the potential for pollution of the water environment.

5. All caravan floors must not be lower than 6.7m AOD.

DECISION DATE : 24/03/2015

Mr J Hipkiss M.R.T.P.I.
Development Services Manager

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APPROVAL OF PLANNING PERMISSION

Town & Country Planning Act 1990 (As Amended)

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Application Number : B18/2015/0009

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Reason

To reduce the potential for flooding due to the sites location within Flood Risk Zone 3.

6. A strip of open land, 37 metres in depth, shall extend the full breadth of the east end of the site from its boundary with Carr Lane. This area is to be used solely for the storage of caravans in winter months and in the operational period of the site it shall be maintained and made available for open space uses related to the caravan site.

Reason

In order to preserve the amenities of the area.

Informative

Should planning permission be granted there is a requirement that the licence holder makes an application to the Licensing Department for the Site Licence to be amended, this would be decided by Licensing Committee and would include the removal of the time restricted condition attached to the Licence.

DECISION DATE : 24/03/2015

Mr J Hipkiss M.R.T.P.I.
Development Services Manager

Important notes are attached to this notice and should be read in conjunction with it. If you require clarification of anything please contact us on 01229 876375

IMPORTANT: Please read carefully the following notes as failure to comply could make the development hereby permitted unauthorised

1. The Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework.

It is therefore considered that the Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.

2. This planning permission is granted in strict accordance with the approved plans. It should be noted that:
 - (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - (b) You or your agent or any other person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
3. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
4. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

5. If the development is not begun within the period specified in condition 2 of the Outline Consent, permission will lapse. If the development is begun within that period but the period elapses without it having been completed the Local Planning Authority may, subject to confirmation by the Secretary of State, serve under Section 94 of the Town and Country Planning Act 1990 a notice requiring it to be completed within a specified period.
6. 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 12 weeks subsequent to the date of this notice for householder and tree preservation applications, or 6 months for all other applications.,

IMPORTANT: Please read carefully the following notes as failure to comply could make the development hereby permitted unauthorised

- 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, Telephone 0303 444 5000 or online at www.planningportal.gov.uk/pcs.
 - 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 which 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 they imposed, having regard to the statutory requirements of (Section 78 and 79 of the Town and Country Planning Act, 1990), to the provisions of any development order and to any directions given under a development order.
 - 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.
7. 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 he can neither put the land to a reasonably beneficial use in its existing state nor 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 Country Planning Act 1990
 8. In certain circumstances, a claim may be 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.
 9. If at a later date an extension of the period of the permission is desired, an application for the purpose should be made to the Council before the expiration of the period.
 10. Further correspondence regarding this application should bear the application number quoted on this form.
 11. This is a planning consent only, and it may be necessary to obtain permission under the Building Regulations or under any other legislation before the particular development is carried out; in particular, if it is desired to obtain a grant towards the cost of improvement and/or conversion, and application must be made to the Local Authority, and their approval obtained, before work is commenced.
 12. The applicant is reminded that the grant of planning permission does not entitle him to obstruct a right of way. If it is necessary to stop up or divert a footpath or bridleway in order to enable the development to be carried out, he should on receipt of planning permission, apply without delay to the Local Planning Authority for an order under Section 257 of the Town and Country Planning Act, 1990. In the case of any other right of way application should be made to the Secretary of State for an order under Section 247 of the Act. In either case development should not be started until a decision has been made on the application.