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Application no: DET/2015/0017

Determined on: 14/07/2015

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

**PRIOR APPROVAL REQUIRED AND DETAILS SUBMITTED
APPROVED**

Staffordshire Moorlands District Council hereby **APPROVE** this application for **DETERMINATION** for

**Change of use of agricultural building to dwelling house at Brick Barn and
Cubicle Shed Upper Newton Farm Upper Tean**

in accordance with the submitted application, details and accompanying plans subject to the following conditions and those of Class Q:

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

Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the submitted specifications and plans as follows: UDT 01; UDT 04 and UDT 05.

Reason: To ensure the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. The development hereby permitted shall not be commenced until detailed plans and sections of the proposed windows and doors at a scale of 1:20 together with details of proposed finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

4. The development hereby permitted shall not be commenced until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site.

Reason: To provide adequate privacy and an acceptable external appearance.

5. The external facing materials to be used for the proposed development shall be a reasonable match to those on the existing building.

Reason: To ensure a satisfactory external appearance.

6. Details of all rainwater goods, external drainage goods and soil pipes and means of ventilation on the visible elevations are to be submitted to and approved by the Local Planning Authority. Details should include: the materials to be used; colour of paint; means of ventilation; and any associated cowlings.

Reason: To maintain the character and integrity of the building.

Signed on behalf of Staffordshire Moorlands District Council

Informatives

1. The application documents don't recognise the existence of Public Footpath No 14 Draycott in the Moors which runs along the access. Whilst this route does not appear to be directly affected by the proposed development the attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development.

2. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As the application was considered acceptable there was no need for any negotiation or amendment as

would otherwise be advocated within the National Planning Policy Framework paragraphs 186-187.

NOTES

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State in accordance with Sections 78 & 79 of the Town & Country Planning Act, 1990, within six months of the date of the decision notice. Appeals must be made on a form which is obtainable from the Department of Transport, Local Government and the Regions, Planning Inspectorate, Temple Quay House, No. 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 then subject to the conditions imposed by them, having regard to the statutory requirements, to the provision of the Development Order, and to any directions given under the Order.
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, 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 the carrying out of any development which has been or would be permitted, he may serve on the Borough or District Council or County Council in which the land is situated as the case may be, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Part 6 of the Town & 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 & Country Planning Act, 1990.