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Application no: SMD/2016/0223

Determined on: 11/08/2016

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) England) Order 2015**

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:

Field to the west of Stanley Bank and south of Cricket Club
Post Lane Stanley Staffordshire Moorlands

Description of Development:

Proposed change of use of land to equestrian, erection of 2 stables, tack and feed room, hardstanding and manège together with associated access road.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

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 details as submitted in the application form and submitted specifications and as shown in the plans referenced as follows: drawings 3579-01B; 3579-02A and 3579-03A

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. Prior to the commencement of development a scheme of landscape tree and hedge planting along with all necessary associated fencing and gate details shall first be submitted to the Local Planning Authority for its written approval and shall be implemented as approved in the first available planting season (November to March) following the completion of the development. Any plants which subsequently die or are lost within the first 5 years of being

planted shall be re-placed with plants of the same species.

Reason: In the interests of public amenity to achieve suitable landscape and design of the completed development.

4. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 10m back from the carriageway edge.

Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

5. The gates shall be set back a minimum of 10m rear of the carriageway edge and shall open inwards away from the highway in accordance with the approved plans.

Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

6. The gates shall be set back a minimum of 10m rear of the carriageway edge and shall open inwards away from the highway in accordance with the approved plans.

Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

7. There shall be no storage of any vehicles including horse trailers/boxes or other transporters for horses nor shall any movable shelters or storage containers be placed within the application site edged red.

Reason: To safeguard the openness and visual amenity of the area designated as Green Belt.

8. Usage of the manège hereby approved shall be in a role ancillary only to the stables within the site.

Reason: To define the permission and to limit the level of activity on the site to be compatible with its location.

9. There shall be no external lighting associated with this development.

Reason: In the interests of environmental amenity and for the avoidance of doubt.

10. The stables and manege hereby permitted shall be for private use only and shall not be used in connection with any commercial enterprise such as livery stables or riding school.

Reason: To define the permission and to limit the level of activity on the site to be compatible with its location.

10. This permission relates only to the use of the site for the stabling and grazing of the occupiers own horses and the site shall not be used as a public riding school, commercial livery stable or equestrian centre unless a further planning permission has first been granted in respect thereof.

Reason: To define the permission and to limit the level of activity on the site to be compatible with its location.

Informatives

Drawing 3579-01 shows a length of hedge on the frontage to be reinforced with new hedge. 5m is stated, but greater than this hatched. The visibility conditioned above can be achieved by planting this hedge on a splay for approximately 7m. The length of 43m is used to keep the splay on the frontage of the plot but most of the visibility is within the highway. The splay will be an improvement coupled with the surfaced access and turning area within the site. It is not intended that any further hedge be removed or any of the trees.

The accompanying delegated report contains further information relevant to the landscaping (3).

During the course of the consideration of the application the Council sought amendments to the proposals to ensure its acceptability. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF.

Signed on behalf of Staffordshire Moorlands District Council

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section.
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.staffsmoorlands.gov.uk for details.** 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) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to

comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

5. The permission is granted in strict accordance with the approved plans. It should be noted however 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) Variation to the approved plans will require the submission of a new planning application.
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.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. 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 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, 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.
8. 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 (District Council, London Borough Council or Common Council of the City of London) 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.