Mr Damian Handley
Birchenfields Farm
Birchenfields Lane
Dilhorne
Staffordshire Moorlands
ST10 2PX

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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Application no: DET/2016/0035

Determined on: 16/08/2016

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (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 into one dwelling house (Class C3) and building operations reasonably necessary at Birchenfields Farm, Birchenfields Lane, Dilhorne

in accordance with the submitted application, details and accompanying plans: Block Plan 1:500 and drawing DG/06/16/002 subject to the following conditions:-

1. Prior to the commencement of development details including samples if requested shall be supplied to the Local Planning Authority (LPA) for all externally facing finishing materials including details of colour and texture and the development shall be completed in accordance with the details as subsequently approved in writing by the LPA.
   Reason: in the interests of good planning and the design quality of the completed development.

2. Prior to the commencement of development a plan shall be submitted to the LPA for its approval in writing to define the area of domestic curtilage to serve the converted building not greater than the existing ground plan area of the current building. The defined domestic curtilage shall thereafter be limited to the area shown in the plan as subsequently approved in writing by the LPA.
   Reason: to ensure compliance with the terms of the Class Q Permitted Development requirements, for clarity and the avoidance of doubt.

3. Prior to the commencement of development details shall be submitted to the LPA of a scheme to provide nesting opportunities for Swallows in the completed development and the details as subsequently approved in writing by the LPA shall be implemented prior to the development first coming into use and shall be retained for the life of the development.
   Reason: in the interests of protected bird nesting species and biodiversity.

4. The development hereby permitted shall not be brought into use until details of the parking and turning areas have been first submitted to and approved in writing by the local planning authority. The parking and turning areas shall thereafter be provided in accordance with the approved plans and retained for the life of the development.
   Reason: To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway.

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Signed on behalf of Staffordshire Moorlands District Council

Informatives

1. It is judged unlikely that Bats will utilise this building as a place of rest or shelter. Nevertheless, in the unlikely event that bats or bat droppings are encountered during the development work, all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the specialist advice obtained and with due reference to the law including the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981.

2. Evidence of swallows approaching the application building during the breeding season was noted. Swallows winter in North Africa and migrate to their breeding locations in Britain and Europe each spring often returning faithfully to the same sites. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. This level of protection applies to Swallows. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February or, in the case of Swallows from April, to late August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting

habits should first be engaged to advise on and ensure that the intended work can legally take place.

3. In relation to condition 3 (swallow nests) information and guidance is available for example from the following web link: http://www.rspb.org.uk/discoverandenjoynature/discoverandlearn/birdguide/name/s/swallow/encouraging.aspx

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

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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.