STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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C/o Agent

Application no: DET/2017/0018

Determined on: 1st August 2017

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, (AS AMENDED)
PRIOR NOTIFICATION UNDER SCHEDULE 2, PART 16

PRIOR NOTIFICATION APPLICATION

Proposed base station at Yew Tree Farm Cheddleton Heath Road Leek

Staffordshire Moorlands District Council hereby notifies the Applicant that the prior approval of the Local Planning Authority is required as to the siting and appearance of the development detailed below and is hereby granted subject to the following condition:

1. That prior to the commencement of development and notwithstanding the details submitted the exterior colour finish of the mast column shall first be agreed in writing with the Local Planning Authority and the development shall thereafter be completed only in accordance with the colour scheme as agreed.

The development must, except to the extent the Council otherwise agrees in writing, be carried out in accordance with the details submitted with the application or subsequently modified with the agreement of the Council and within a period of five years from the date of this decision.

Informative
The attention of the developer should be drawn to the existence of the public footpath 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 network. If the path does need diverting as part of these proposals the developer would need

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to apply to the LPA under section 257 of the Town and Country Planning Act 1990 to divert the right of way to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert the right of way. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

The County Council as Highway Authority advises the developer to contact the County Council to request further details regarding the public rights of way network. It is important that users of the path network are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development.

Subject to the above this is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework section 5: Supporting high quality communications infrastructure.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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NOTES

1. 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.

2. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

3. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.

4. 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.