STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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10 Cawdry Buildings
Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

Mrs Jane Heath
Red Earth Farm
Macclesfield Road
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Staffordshire Moorlands
ST13 8PT

Application no: SMD/2017/0140

Determined on: 15th August 2017

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

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:
Ivy Farm, Back Lane, Heaton, Rushton Spencer, Staffordshire Moorlands SK11 0SJ

Description of Development:
Change of use of agricultural barn to residential with the erection of a single storey extension

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 drawings: 2015-2021-03 Revision C and 2015-2021-02 Revision F.
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 full schedule giving details of all the repair, renovation and alteration works to be undertaken including work to walls with a method statement for any taking down and rebuilding and for all making good and repointing, details of window and door surrounds, cills and lintels, work to floors and wall footings, shall be submitted to the Local Planning Authority for approval and the works shall thereafter be undertaken in accordance with the details in the schedule as approved. The existing ventilation slits shall be retained to appear externally visible with any glazing set to the interior of the openings.
Reason: In the interests of proper planning and the heritage character of the building.

4. With the exception of the 'Proposed Replacement Extension' and other than the changes hereby approved the existing extant built structure of the Proposed Barn Conversion building as shown in drawing 2015-2021-03 Revision C shall be retained as existing within the development hereby approved and there shall be no demolition or rebuilding of these elements of the building unless otherwise agreed in writing by the Local Planning Authority (LPA).
Reason: In the interests of the integrity of the building and the appearance of the development and its setting and the amenities of the area.

5. Prior to the commencement of development hereby permitted drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the details as approved before the development is first brought into use.
Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6. Prior to the commencement of development details including types and colours along with samples if requested of all roofing materials, facing materials and hard surfaces shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details as subsequently approved. All pointing shall be of a strength and style appropriate to the type of walling materials used (see SMDC leaflet on pointing) and shall not include 'tuck', 'strap' or 'recessed' pointing. A sample panel shall be completed on site which shall be inspected and approved in writing by the Local Planning Authority before development commences and shall remain on site during the period of construction.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

7. The sample wall panel required by the above condition 6 shall also demonstrate the masonry coursing structure. The development shall be carried out in accordance with the details of stone, coursing structure and mortar mix as subsequently approved in writing by the Local Planning Authority. The sample panel as approved in writing shall be retained on site and shall not be removed until such time as the external walls are complete.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

8. Prior to the commencement of development and notwithstanding the submitted drawings, details shall first be submitted to the Local Planning Authority for approval of all

new eaves and verges and the development shall subsequently be completed to the details approved which shall be implemented prior to the first coming into use of the building.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

9. Prior to the commencement of development detailed plans and sections of the proposed windows and doors which shall be of painted timber and recessed to a minimum of 75mm within the wall openings shall be provided at a scale of 1:20 and submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the details as subsequently approved.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

10. No external cowls, vents, ducts flues or extractor equipment whatsoever shall be installed at the premises hereby permitted without the prior written consent of the Local Planning Authority.
Reason: To protect the amenities of occupiers of adjoining properties, the integrity and appearance of the building and the visual amenities of the area.

11. Prior to commencement of development the roof light details shall be submitted to and approved in writing by the Local Planning Authority and shall be fitted and thereafter retained in accordance with the details approved. Roof lights shall be of Conservation standard and should be designed to fit flush with the plane of the roof and the frame shall have a black finish. The glazed area should be subdivided vertically.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

12. Prior to the commencement of development details of all boundary treatments and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority I and prior to the first occupation of the development shall be completed in accordance with the design details as approved.
Reason: In the interests of the visual appearance of the development and the amenities of the area.

13. All noisy activities shall be restricted to the following times of operations.
08:00 - 18:00 hours (Monday to Friday);
08:00 - 13:00 hours (Saturday)
No working is permitted on Sundays or Bank Holidays. In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.
Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during anti social hours.

14. The hedge on the frontage of the site shall be maintained in line with the face of the wall such that it does not grow beyond the wall for a minimum distance of 20m to the south of the existing access.
Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety; to improve visibility at the existing access.

15. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved plans. The parking area shall thereafter be retained unobstructed as a parking area 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 safety.

16. Prior to the first occupation of the development hereby permitted, the windows in the eastern elevation of the building to which this permission relates shall be fitted with obscure glazing to level 5 (minimum) from the Pilkington range or equivalent and then shall be maintained and retained as such in perpetuity.
Reason: To protect the amenity and living conditions of the adjoining residential property from overlooking or perceived overlooking.

17. Prior to the first occupation of the development the door in the eastern elevation shall be fixed shut and shall be retained as non-opening and the windows in the eastern elevation of the building shall either be either non-opening or subject to the written agreement of the Local Planning Authority shall be fitted with restrictive opening to a specification which shall have first been approved in writing by the Local Planning Authority and shall be so maintained and retained in perpetuity.
Reason: To protect the amenity and living conditions of the adjoining residential property.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows or any other openings shall be installed in any part of the development, without prior written consent from the District Council as Local Planning Authority.
Reason: To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and the visual amenities in the area.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A; B; C; D; E; F and G and Part 2 Classes A and B other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, to ensure that adequate private or shared amenity space is retained within the curtilage of the building.

Informatives

i) Party Wall Act – attention is drawn to the requirements of The Party Wall Etc Act 1996 in relation to development close to the boundary of the application site.

ii) A public footpath right of way passes through the site and this must not be obstructed at any time during the development and must remain available for public use on foot at all times both during development and on completion. Should temporary closure or diversion be

necessary to allow the works to proceed then application should be made to the Staffordshire County Council Public Rights of Way officer. Contact: Rights of Way, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH. Email: rightsofway@staffordshire.gov.uk
Tel: (01785) 277244 or 277247

iii) As a result of the survey submitted it is judged unlikely that Bats will utilise this building as a place of rest or shelter. Nevertheless, in the 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.

iv) 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. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid 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.

v) The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. With suitable conditions and informatives attached there are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amended plans were agreed with the agent in the course of the determination in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework paragraphs 186-187.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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Chief Executive

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 at buildingcontrol@staffsmoorlands.gov.uk

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. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk 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.

8. If this is a decision to refuse planning permission for a minor commercial 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.

9. If this is a decision to refuse express consent for the display of an advertisement, if you want

to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

10. 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

11. 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.

12. 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.