STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Miss Kari Bradbury
Hewitt & Carr Architects
2 - 4 Cross Street
Cheadle
Staffordshire
ST10 1NP

Mr Ball
Charlie Bassetts New Road
Dilhorne
ST10 2PQ

Application no: SMD/2017/0637

Determined on: 22/01/2018

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:
Land Adjacent to Charlie Bassetts Public House, New Road, Dilhorne, Staffordshire ST10 2PQ that is edged red on the attached 'SITE BLOCK PLAN'

Description of Development:
Material change of use from agriculture to a mixed use of beer garden and childrens play area (*sui generis*).

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 which has already taken place, subject to the following condition(s):

1. The land on which the permitted material change of use has taken place shall only ever be set out and arranged in accordance with the schematic drawing numbered 00687 PL(0)10 Rev C, there shall at no time be any changes to the arrangment of: the means of enclosure; hardstandings or other surface treatments; number and type of play apparatus; and areas of soft landscaping, without the written prior consent of the Local Planning Authority.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

2. The activities and uses resulting from the permitted material change of use shall be limited specifically to: the play of children on the provided apparatus; and the consumption of food and drink purchased at the adjacent pub within the designated area marked as 'beer garden' on the schematic drawing numbered 00687 PL(0)10 Rev C. Those uses and activities shall not take place outside of the designated areas. There shall be no other use of the land and that includes any use that might fall within Class D2 of the The Town and Country Planning (Use Classes) Order 1987. Specifically there shall at no time be any games, play or practice that involve or use a ball, anywhere on the land edged red on the attached 'SITE BLOCK PLAN'.

Reason:- For the avoidance of doubt and in the interests of proper planning, to limit any potential for noise and disturbance, and to protect the surounding soft landscaping within the scheme, in accordance with the National Planning Policy Framework.

3. Within 3 months from the date of this planning permission the native mixed hedge shall be planted around the beer garden and playarea in full accordance with the written and drawn details shown and specified on the drawing numbered 00687 PL(0)10 Rev C. The hedge shall be allowed to grow up to and thereafter maintained throughout the life of the development at no less than 1.5 metres high. If at any time within the first 5 years of planting any plant or bush dies, is damaged or removed it shall be replaced with a bush of similar species and height.

Reason:- To ensure a satisfactory character and appearance to the edge of the scheme.

4. No means for the amplification of voice or music whatsoever shall be installed for use outside of the building or for onward external transmission. Any broadcast or background music played inside the building shall at all times be set at a level that will ensure that it is inaudible outside the building when doors to the outside area (beer garden and play area) are opened for access and egress .

Reason:- To prevent deterioration of local residential amenity, the protection of the amenities of the surrounding area and the occupiers of nearby residential properties and to avoid the risk of disturbance to neighbouring dwellings during unsocial hours.

5. The beer garden shall only be open between the hours of 10.00 and 23.00. The play area shall only be open between the hours of 10.00 and 20.00.

Reason:- To prevent deterioration of local residential amenity, the protection of the amenities of the surrounding area and the occupiers of nearby residential properties and to avoid the risk of disturbance to neighbouring dwellings during unsocial hours.

6. Any artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of any artificial lighting installed as part of this permission should be submitted for approval by the Local Planning Authority.

Reason: To protect the local amenities of the local residents by reason of excess of illuminance.

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Informative

The proposed development that has already been carried out represents a conflict with development plan policies in a number of respects: particularly it is inappropriate development in the Green Belt and does have a negative effect on the setting of All Saints Church when viewed from the Public Footpath No 1 Dilhorne Parish. However, in this case there is a unique circumstance relating to the site's enforcement history which amounts to another 'Material Consideration' that weighs in favour of the proposal and indicates that planning permission should be granted.

Public Footpath No 1 Dilhorne Parish runs adjacent and through the development site. The planning permission granted does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of the development the developer needs to apply to the Local Planning Authority under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert this footpath. 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 developer should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

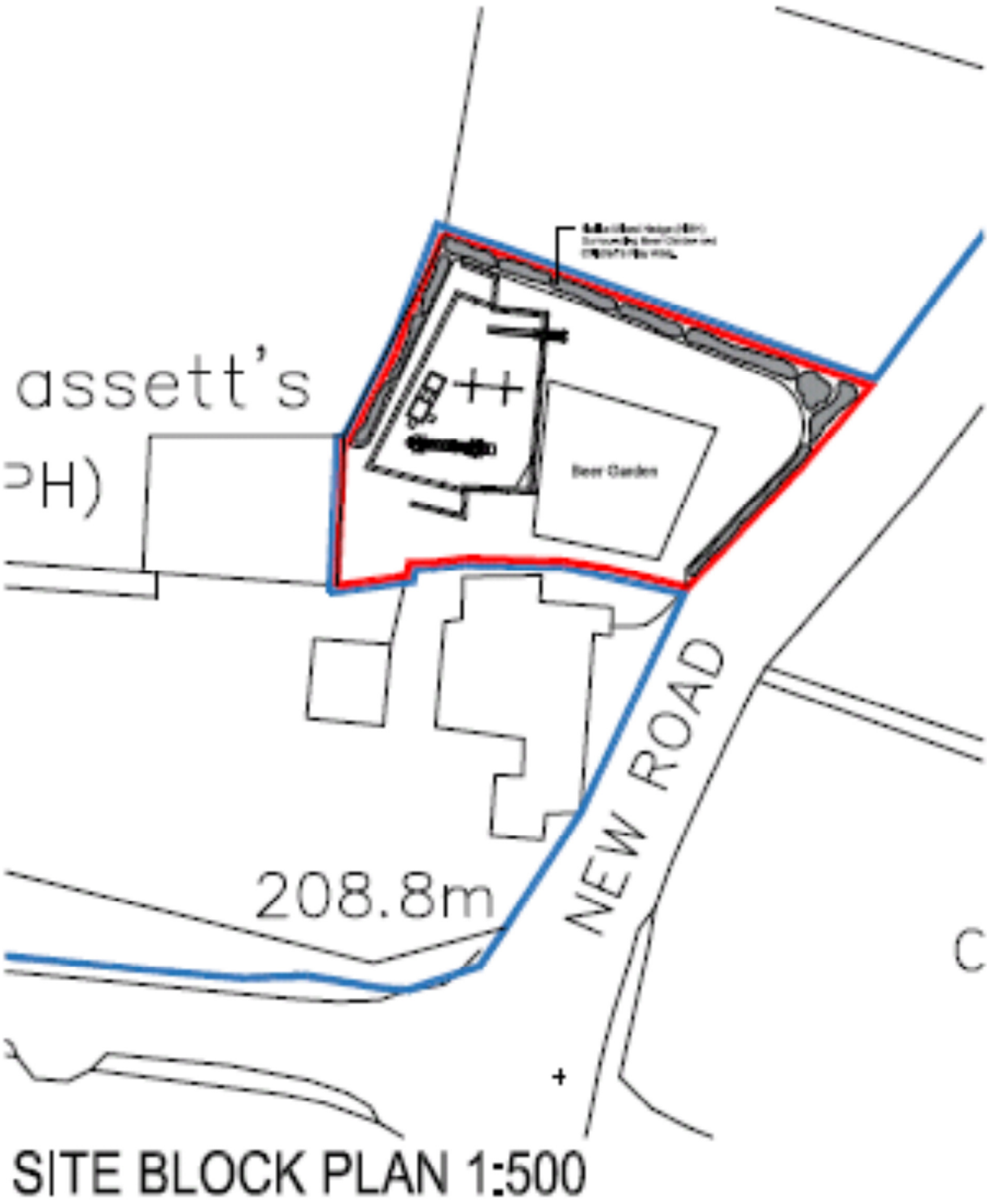
It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the development.
The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Suitable surface works may be required to ensure that the path complies with that requirement.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive



STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
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