STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Philip Andrew Taylor
P A Taylor Plans
The Sand Quarry Hougher Wall Road
Stoke On Trent
ST7 8JA

Mr Card
22 Clematis Avenue
Blythe Bridge
ST11 9RP

Application no: SMD/2018/0693

Determined on: 03/01/2019

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:
22, Clematis Avenue, Blythe Bridge, Staffordshire, ST11 9RP.

Description of Development:
The erection of a concrete post and timber panel fence, that exceeds 1 metre in height and is adjacent to the edge of the pavement, and the use of open land enlcosed by that fence and provided as off road parking, as the resident's private garden and for other purposes that have a functional or ancilary link, or are incidental to, the use of 22 Clematis Avenue as a dwellinghouse (Class C3 of the Use Classes Order).

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 that has already been carried out, subject to the following condition(s):

1. The erected fence that is shown and detailed on the plans numbered 6748.01A and 6748.02A shall be maintained, througout the life of the development, in the finished condition that was apparent on the date of the application and in accordance with the detail shown on those plans. The timber panels shall be kept in a good state of repair and condition with the external face of the timber treated and coloured in a dark brown natural wood stain that is a reasonable match to the overall colour and tone of the bricks on the existing dwellinghouse. Notwithstanding any provision at Class A, Part 2, Schedule 2 of the General Permitted Development Order 2015, there shall be no alteration, improvement or act of maintenance carried out to the fence and gate that would materially affect their external

appearance without, the prior written consent of the Local Planning Authority.

Reason:- For the avoidance of doubt, in the interests of proper planning, and to ensure that the development retains an accpetbale appearance and condition.

2. The use of the 'open land', that is referred to in the description of development that appears at the head of this decision notice, is permitted to take place on and over the whole of the land that is shown edged red on the attached plan numbered CA 1. The whole of the land shall form and perform as one single planning unit, where the primary use of that planning unit is that of a single dwellinghouse (Class C3 of the Use Classes Order).

Reason:- For the avoidance of doubt and for the purposes of clarification.

Informative

The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. The small reduction in forward visibility for vehicles turning into Honeysuckle Avenue from Clematis Avenue is, in the consideration of the Highway Authority, acceptable. The application provided an opportunity, in light of considerable public objection and opinion, to give consideration to the question and ambiguity surrounding the use of the open land that has been enclosed by the fence. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As the application was considered acceptable there was no need for any negotiation or amendment during the application process.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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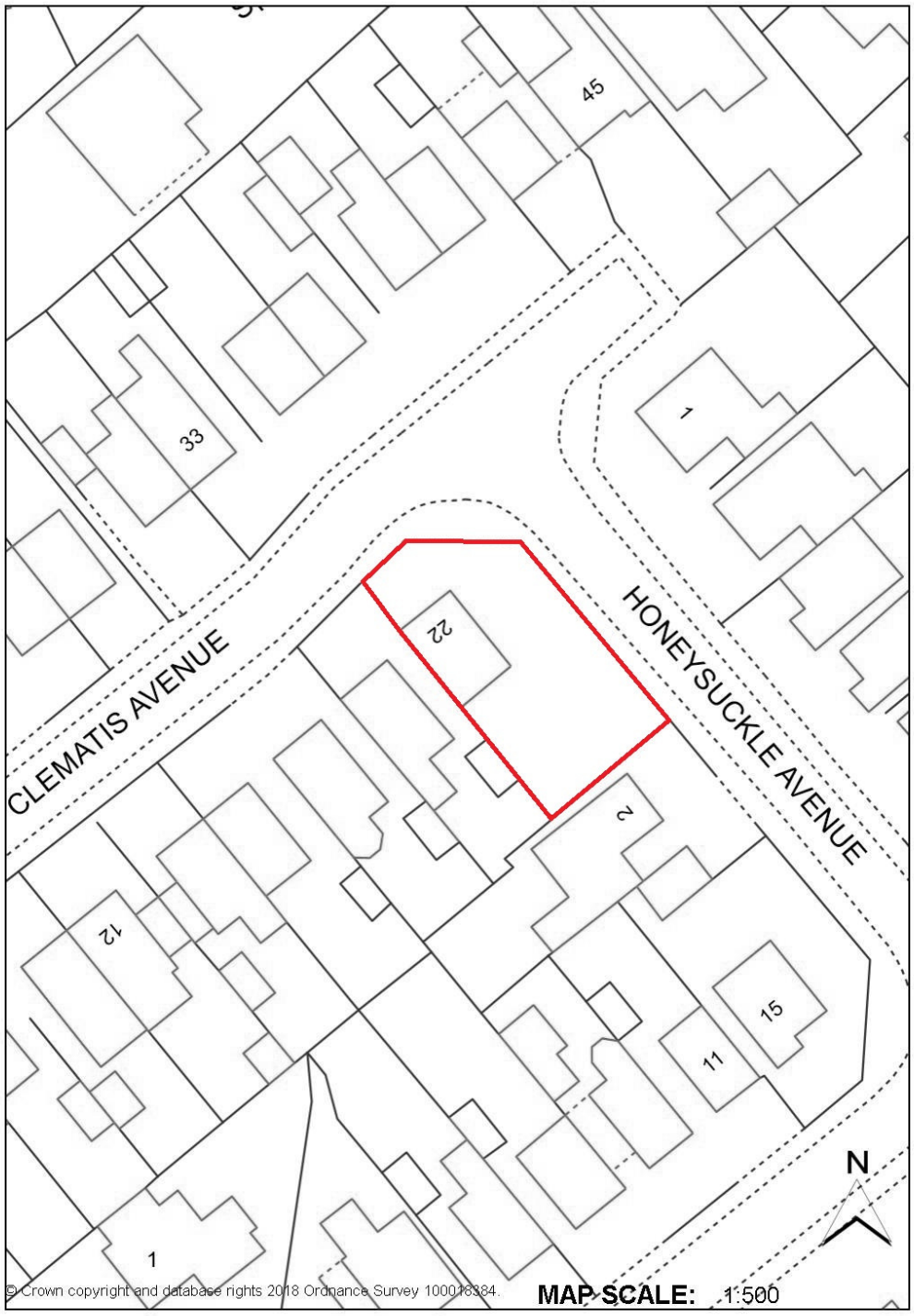
CA 1



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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 BControl@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.

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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.