STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Rob Duncan
Rob Duncan Planning Consultancy Ltd
70 Ferndale Road
WS13 7DL

Mr. S. Ward
Lower Clough
Clay Lake
Endon
ST9 9DE

Application no: SMD/2018/0717

Determined on:9th January 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:
Lower Clough, Clay Lake, Endon, Staffordshire, ST9 9DE.

Description of Development:
The enlargement of the dwellinghouse consisting of two storey additions that extend beyond the side and principal front elevations of the original dwellinghouse; and a single storey addition that extends beyond the rear wall of the original dwellinghouse
(the development has already been carried out)

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 development that is permitted and described above shall be retained and maintained in exact accordance with the drawing numbered 00664 AL(0) 01 Rev C that was submitted with the application. There shall be no improvements, alterations or enlargements carried out to the development or the dwellinghouse as a whole, without the express 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.

2. The integral ground floor space that extends beyond the principal front elevation of the dwellinghouse and is marked on the drawing numbered 00664 AL(0) 01 Rev C as 'GARAGE' shall be retained and made available, without obstruction, for the garaging of two motor vehicles throughout the life of the development. It shall be used only for those purposes and shall not at any time be converted or used as additional habitable living accommodation.

Reason:- To protect the openness of the Green Belt and prevent countryside encroachment. Planning permission is granted on the understanding that garaging is provided within the existing development and there is no requirement for any other garaging within detached outbuildings. While the ground floor of the existing development is retained for such purposes, there should be no future pressure for other developments within the curtilage of the dwellinghouse.

3. 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) there shall be no enlargements, improvements or other alterations carried out to the dwellinghouse; any buildings or structures built within the curtilage of the dwellinghouse; or any development that would be otherwise permitted by Schedule 2, Part 1 Class(es) A, B, C, D, E, and G of that Order carried out, without an express planning permission first being obtained from the Local Planning Authority for that development.

Reason:- To enable the Local Planning Authority to control development and protect the openness of the Green Belt and prevent countryside encroachment and because the original dwellinghouse has already been extended 'disproportionately'.

4. None of the shrubs, trees or hedges to the front of the site adjacent to the back of the highway verge shall be reduced, disturbed, damaged or removed. If any specimen becomes diseased, dies or is lost for whatever reason, it shall be replaced with a specimen of similar type and size during the first available planting season. Where there are gaps or the existing laurel hedge is thin, the planting of additional laurel bushes within the hedgerow shall be carried out during the first available planting season.

Reason:- The existing shrubs and hedges are an important visual amenity which the Local Planning Authority consider should be substantially maintained.

5. Within 6 months from the date of the decision, the brick pillar and fence panels that have been partly erected across the front of the site, adjacent to the back of the highway verge shall be removed. Notwithstanding the provisions of Class A, Part 2 of Schedule 2 of the General Permitted Development Order 2015 (or any order revoking and re-enacting that order with or without modification), there shall be no fences, walls, gates or other means of enclosure erected to the front of the site between the dwelling and the highway.

Reason:- To protect the visual amenity of the area by preventing inappropriate fence or wall products and materials from appearing within the streetscene above and behind the highway verge and existing shrubs, trees or hedges.

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6. Within 6 months from the date of this decision all of the 'Detached Garage to be Demolished' that is identified and shown on the drawing numbered 00664 AL(0) 06 Rev A that was submitted with the application, shall be completely demolished and removed from the land that is shown edged red on that drawing.

Reason:- In the interests of restoring some openness to this part of the Green Belt and 'off setting' some of the Green Belt impact that enlargements to the dwellinghouse have already imposed. This existing detached garage is superfluous to requirements because generous garaging space has been provided within enlargements that have been made to the dwellinghouse.

Informative

The development that has been approved has been judged to be inappropriate in the Green Belt with some very limited harm to openness and the character and appearance of the area. However, with consideration of circumstances and site arrangements that are unique to this property, it has been judged that a credible 'fall back' position and the ability to carry out more harmful development as an alternative, clearly weighs in favour of the development that has been carried out. As a second attempt to seek planning permission for the development, the application included additional information and practical offers to help compensate for the harm that has occurred. There was no need for any further negotiation or amendment as might otherwise be advocated by paragraph 38 of the National Planning Policy Framework.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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.

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.