PLANNING STATEMENT

Horizon Care & Education Group Ltd
Windy Harbour House,
Ellastone Road,
Cauldon Row,
Staffordshire, ST10 3ER

1.0 INTRODUCTION

1.1 This statement has been prepared to accompany an application submitted to Staffordshire Moorlands District Council on behalf of Horizon Care & Education Group Limited. The application seeks the variation of conditions 5 and 6 of planning permission SMD/2018/0690 that was granted by Staffordshire Moorlands District Council on 16 January 2019. Planning Permission SMD/2018/0690 (see Appendix 1) gave consent for the material change of use from a **"care home"** (Class C2 of the Use Classes Order) to a single **"dwellinghouse"** (Class C3 of the Use Classes Order). This application seeks a variation to conditions 5 and 6 of Planning Permission SMD/2018/0690 so as to align the timing of the provision of the landscaping and the removal of the hardstanding to the occupancy of the proposed dwelling.

The Application Site

1.2 Windy Harbour House is located to the south west of the junction of the A52 Ashbourne Road with Ellastone Road. Windy Harbour House is of 19th century construction. It was originally constructed as the **"Green Man"** public house. The building comprises of two storeys and is constructed in walls of stone and has a pitched tiled roof.

1.3 In 1997 planning permission was granted for (reference 97/00740/OLD) for the Green Man to be used as a dwellinghouse. The building has subsequently been used by the applicant as a care home within Use Class C2 (reference CMD/2016/0044). The application building is presently vacant. To the rear

(south) of the building there is an extensive area of hardstanding used as a car park.

Planning History

1.4

Application No.	Description of Development	Decision	Date
80/08546/OLDDC	Construction of car park.	Approved	26.06.1980
97/00740/OLD	Change of use to private dwelling.	Approved	20.01.1998
01/00599/FUL	New garage and driveway.	Approved	16.07.2001
06/00865/FUL	Two storey rear extension.	Approved	11.11.2006
SMD/2016/0044	Certificate of lawfulness for C2 use.	Approved	01.04.2019
SMD/2018/0690 (see appendix 1)	Material change of use from care home (Class C2 of the Use Classes Order) to a single dwellinghouse (Class C3 of the Use Classes Order).	Approved	16.01.2019

2.0 THE DEVELOPMENT PLAN

Staffordshire Moorlands Core Strategy 2014

2.1 The Development Plan includes the Staffordshire Moorlands Core Strategy that was adopted in 2014. The following policies are considered relevant to the determination of this application:-

- Policy SO1: Spatial Objectives.
- Policy SS1: Development Principals.
- Policy SS1a: Presumption in Favour of Sustainable Development.
- Policy SS6: Hierarchy Assessments.
- Policy SS6c: Other "Rural Areas" Strategy.
- Policy DC1: Design Considerations.
- Policy DC3: Landscape Character and Appearance.

Staffordshire Moorlands Local Plan 2016-2031

2.2 The emerging Staffordshire Moorlands Local Plan 2016-2031 was submitted to the Secretary of State for examination on 20 June 2018. The plan has been subject to its examination.

2.3 The following policies are considered relevant to the determination of this appeal:-

- Policy SS10: Other "Rural Areas" Strategy.
- Policy DC3: Landscape Character and Appearance.

3.0 PLANNING CONSIDERATIONS

Condition 5

3.1 Condition 5 of Planning Permission SMD/2018/0690 was granted by Staffordshire Moorlands District Council on 16 January 2019 (Appendix 1) states:-

> **"Within the first available planting season following the date of this decision, a timber post and rail fence shall be erected or a hawthorn/holly mix hedgerow shall be planted to the edge of the old pub car park along those boundary lines that are shown on the attached plan and numbered WH2 with green coloured lines. The new hedges shall be grown to, retained and maintained at a maximum height of 1.5m throughout the life of the development. If any specimen becomes diseased, dies or is lost for whatever reason, this shall be replaced with a specimen of similar type and size during the first available planting season."**

3.2 The reason stated for imposing condition 5 of planning permission SMD/2018/0690 was:-

> **"To ensure the maintenance of screening to the site and to protect the appearance and character of the area."**

3.3 It is proposed that Condition 3 be varied to read as follows:-

"Within the first available planting season following the *use of the building as a single dwellinghouse* a timber post and rail fence shall be erected and a hawthorn/holly mix hedge row shall be planted to the edge of the old pub car park along those boundary lines that are shown on the attached plan numbered WH2 with green coloured lines. New hedges shall be grown to, retained and maintained at a minimum height of 1.5m throughout the life of the development. 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."

Condition 6

3.4 Condition 6 of planning permission SMD/2018/0690 (see Appendix 1) states:-

"Within 12 months from the date of this planning permission, the area of hard surface forming the old car park that is shown edged blue on the attached plan numbered WH2 shall be removed and returned to a grassed area by either sowing grass seed or laying turf."

3.5 The reason for imposing Condition 6 upon planning permission SMD/2018/0690 was stated to be:-

"To restore the character and appearance of the area by removing a harmful area of hardstanding for which there was only justification that it supported the old business use".

3.6 It is proposed that Condition 6 of planning permission SMD/2018/0690 be amended to read:-

"Within 12 months of the *use of the building as a single dwellinghouse commencing* the area of hard surface forming the old car park that is shown edged blue on the attached plan numbered WH2 shall be removed and returned to a grassed area by either sowing grass seed or laying turf."

Planning Justification

3.7 At the time that planning permission SMD/2018/0690 was submitted to Staffordshire Moorlands District Council, the applicants had a purchaser for Windy Harbour House that wished to use the now vacant building as a single dwellinghouse. That purchaser has now fallen by the wayside.

3.8 The applicants continue to market the property. There remains the possibility that another purchaser may be found who wishes to continue the use of the building in its lawful use as a care home within Class C2 of the Use Classes Order. Alternatively, a prospective purchaser may wish to pursue an application for an alternative use of the building, whatever that may be. It is respectfully submitted that conditions 5 and 6 require actions upon the applicant to do works of landscaping to the application site regardless of

whether or not planning permission SMD/2018/0690 is lawfully implemented. Planning permission SMD/2018/0690 is subject to a condition (condition 1) that gives a period of three years within which the planning permission can be implemented. Putting to one side the issue of whether or not these conditions are ultra vires, it is respectfully submitted that the principal of the conditions are acceptable to the applicant. However, it is requested that conditions 5 and 6 be amended to align the implementation of the landscaping and the grassing of the car park to the commencement of the occupation of Windy Harbour House as a single dwelling house in accordance with planning permission SMD/2018/0690. The proposed variations to conditions 5 and 6 will not result in the proposed development having any greater impact on the character of the area.

3.9 In the light of the above circumstances, the Planning Authority is requested to amend conditions 5 and 6 of planning permission SMD/2018/0690 as set out below.

> **"Within the first available planting season following the *use of the building as a single dwellinghouse* a timber post and rail fence shall be erected and a hawthorn/holly mix hedge row shall be planted to the edge of the old pub car park along those boundary lines that are shown on the attached plan numbered WH2 with green coloured lines. New hedges shall be grown to, retained and maintained at a minimum height of 1.5m throughout the life of the development. 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."

"Within 12 months of the *use of the building as a single dwellinghouse commencing* the area of hard surface forming the old car park that is shown edged blue on the attached plan numbered WH2 shall be removed and returned to a grassed area by either sowing grass seed or laying turf."

4.0 APPENDICES

Appendix 1	:	Planning Permission SMD/2018.0690 Material change of use from care home (Class C2 of the Use Classes Order) to a single dwelling house (Class C3 of the Use Classes Order) dated 16 January 2019.

CET/JAG/5176

26 February 2019

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Planning Permission
SMD/2018.0690

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Rob Godwin-Bratt
Blue Bee Consulting Ltd
Newlands Cottage Newlands Lane
Rugeley
Staffs

Mr Pugh
Venture House
Prospect Park
Cannock
Staffs
WS11 0LG

Application no: SMD/2018/0690

Determined on: 16th 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:
Windy Harbour House, Ellastone Road, Cauldon Low, Staffordshire, ST10 3ER.

Description of Development:
Material change of use from a 'Care Home' (Class C2 of the Use Classes Order) to a single '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 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 Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. Notwithstanding the details that might be shown on any of the plans or drawings that were submitted with the application, the development described above shall be restricted to and only carried out at the building, land and property that are shown edged red on the attached plan numbered WH 1. From the point at which this permission is implemented and

the property is brought into use, the building shall thereafter be considered and referred to as a single 'dwellinghouse'.

Reason:- For the avoidance of doubt and in the interests of proper planning. The land edged red has a close, purposeful and proportionate relationship with the building. The area of ownership beyond that red edge has the existing character of a rough grazing paddock, planted in places with established trees and bushes, it provides a buffer and margin that assits with the assimilation of the builidng and its curtilage into the surrounding landscape.

3. Notwithstanding the provisions made by Class(es) A, B, C, D, E, F and G at Part 1, Schedule 2 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, alterations, or improvements made to the permitted dwellinghouse; nor any hardsurfaces, buildings, structures, enclosures, swimming or other pools provided within the curtilage of the permitted dwellinghouse, without express planning permission first being granted by the Local Planning Authority.

Reason:- enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

4. The existing hedges, bushes and trees that grow along the boundary and within the area of the land that are shown coloured yellow on the attached plan numbered WH 2 shall be retained throughout the life of the development. None of the hedges, bushes, or trees along this boundary and within this area 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.

Reason:- To ensure the protection of existing swathes and lines of established planting that screen, protect and soften the building's presence and substantiate its sense of place within the landscape and, in turn, make valued contribution to the appearance and character of the area.

5. Within the first available planting season following the date of this decision a timber post and rail fence shall be erected and a hawthorne or hawthorne/holly mix hedgrow shall be planted to the edge of the old pub car park along those boundary lines that are shown on the attached plan numbered WH 2 with green coloured lines. The new hedges shall be grown to, retained and maintained at a minimum height of 1.5 metres throughout the life of the development. 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.

Reason:- To ensure the maintenance of screening to the site and to protect the appearance and character of the area.

6. Within 12 months from the date of this planning permission, the area of hardsurface forming the old car park that is shown edged blue on the attached plan numbered WH 2 shall be removed and returned to a grassed area by either sowing grass seed or laying turf.

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Reason:- To restore the character and appearance of the area by removing a harmful area of hardstanding for which there was only justification while it supported the old business use.

7. Notwithstanding the provisions made by Class(es) A at Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), the existing drystone wall that stands across the whole of the property's roadside frontage shall at no time be removed, reduced or altered. The wall shall be retained and maintained at its existing height and condition throughout the life of the development.

Reason:- To protect an existing feature that makes a positive contribution to the character and appearance of the area.

Informative

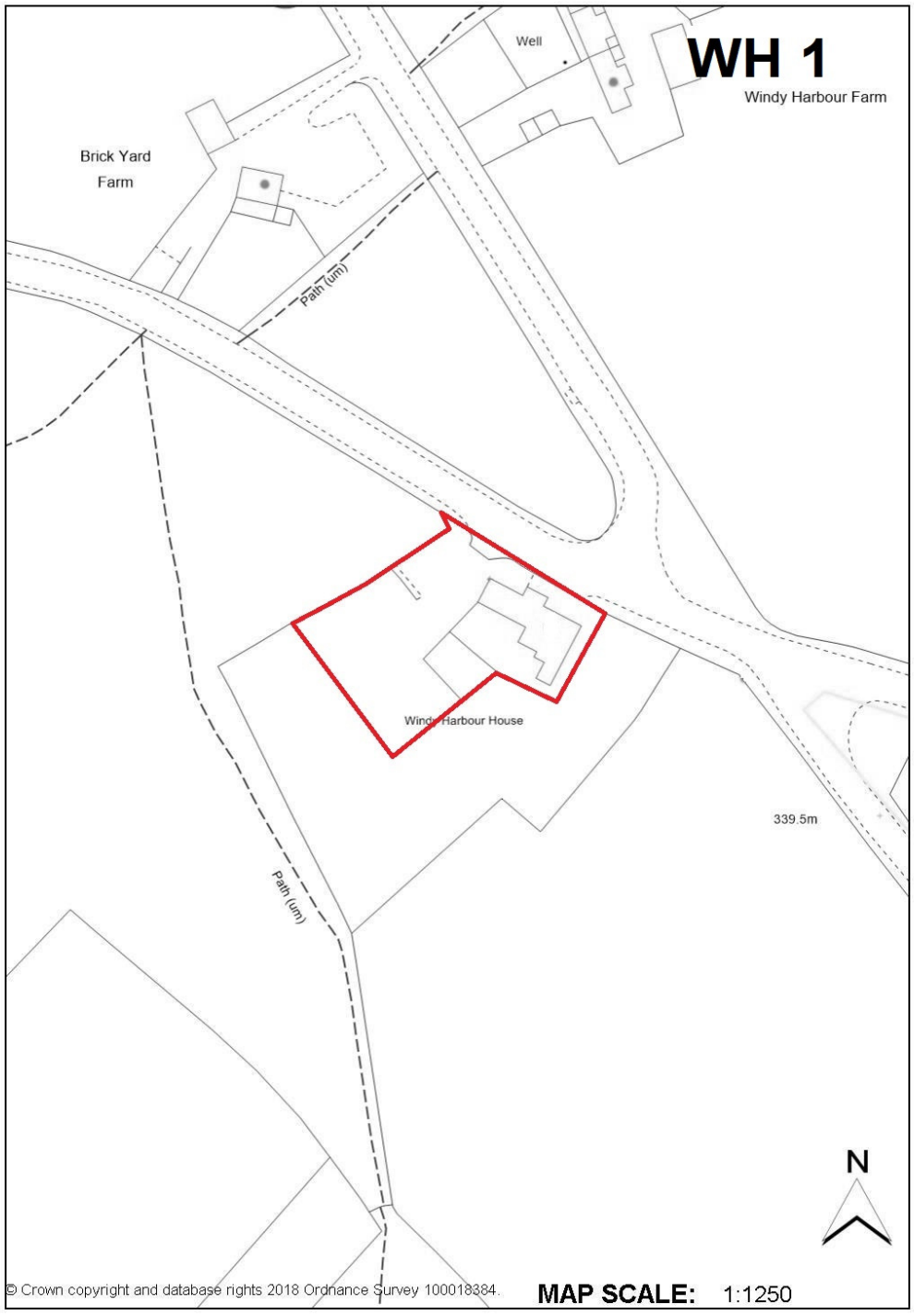
Particularly with consideration of the property's unique planning history, the proposed development would be acceptable. As the application was considered to be acceptable there was no need for any negotiation or amendment that would otherwise be promoted by the spirit of paragraph 38 of the National Planning Policy Framework.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive



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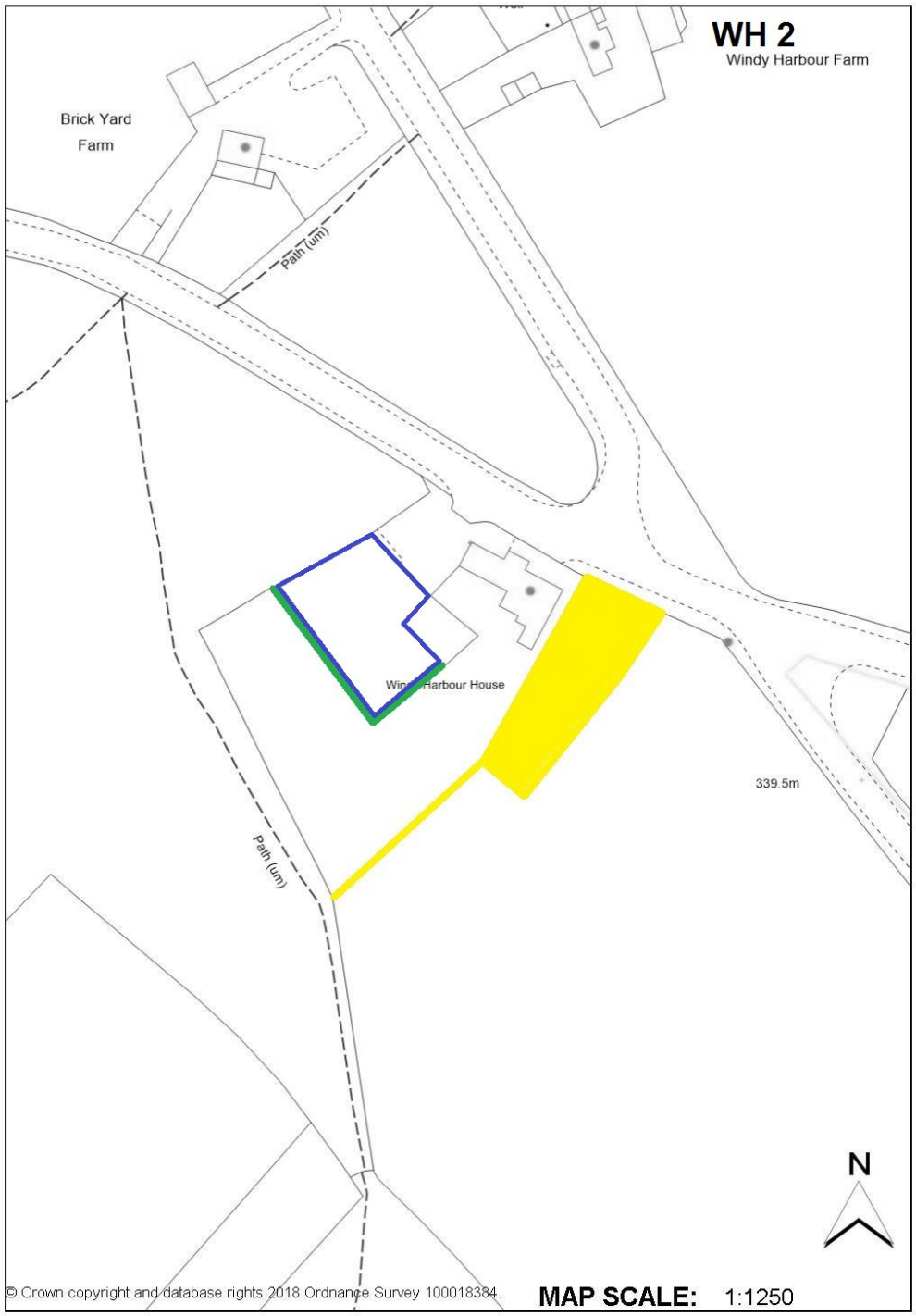

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NOTES

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.

PLANNING STATEMENT
Horizon Care & Education Group Ltd
Windy Harbour House,
Ellastone Road,
Cauldon Row,
Staffordshire, ST10 3ER

Our Reference: CET/JAG/5176
Date: 26 February 2019

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