STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Andrew Ellis
A.E. Planning Consultants
57 Bollington Road
Macclesfield
SK10 5EJ

Mr & Mrs Davis
The Haybarn
Marsh Green Farm
Biddulph
Staffordshire
ST8 6QP

Application no: SMD/2017/0323

Determined on: 27/11/2018

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:
Marsh Green Farm, The Haybarn, Marsh Green Road, Biddulph, Staffordshire, ST8 6QP

Description of Development:
For purposes incidential to the enjoyment of the dwellinghouse the provision of a paved patio that is enclosed by 'dwarf walls' constructed to retain raised planting beds.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** only for the development that is described above and has already been carried out, subject to the following condition(s):

1. Notwithstanding the drawn or written details shown on any plan submitted with the application, the planning permission is granted only for the development that is described above and shown edged red on the 'not to scale' plan numbered DRG No 1 and the 1:100 scale 'Walling Detail' drawings that are attached to this decision. The development shall be maintained and retained in accordance with those attached plans and drawings without enlargement, alteration, or improvement being made at any time without the written approval 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. Notwithstanding the provisions at Class E, Part 1, Schedule 2 of the General

Permitted Development Order 2015 (or any re enactment or replacement of that order), there shall at no time be any building or enclosure, swimming or other pool, or container provided for any purpose on the patio area shown edged red on the attached plan numbered DRG No 1.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework and in the interests of safeguarding the character and appearance of existing development and the openness of the Green Belt . To ensure that there would be full control over any development that might otherwise be carried out on a new area of the dwelling's curtilage that does not fall under the restrcitions imposed by the conditions of previous planning permissions.

Informative

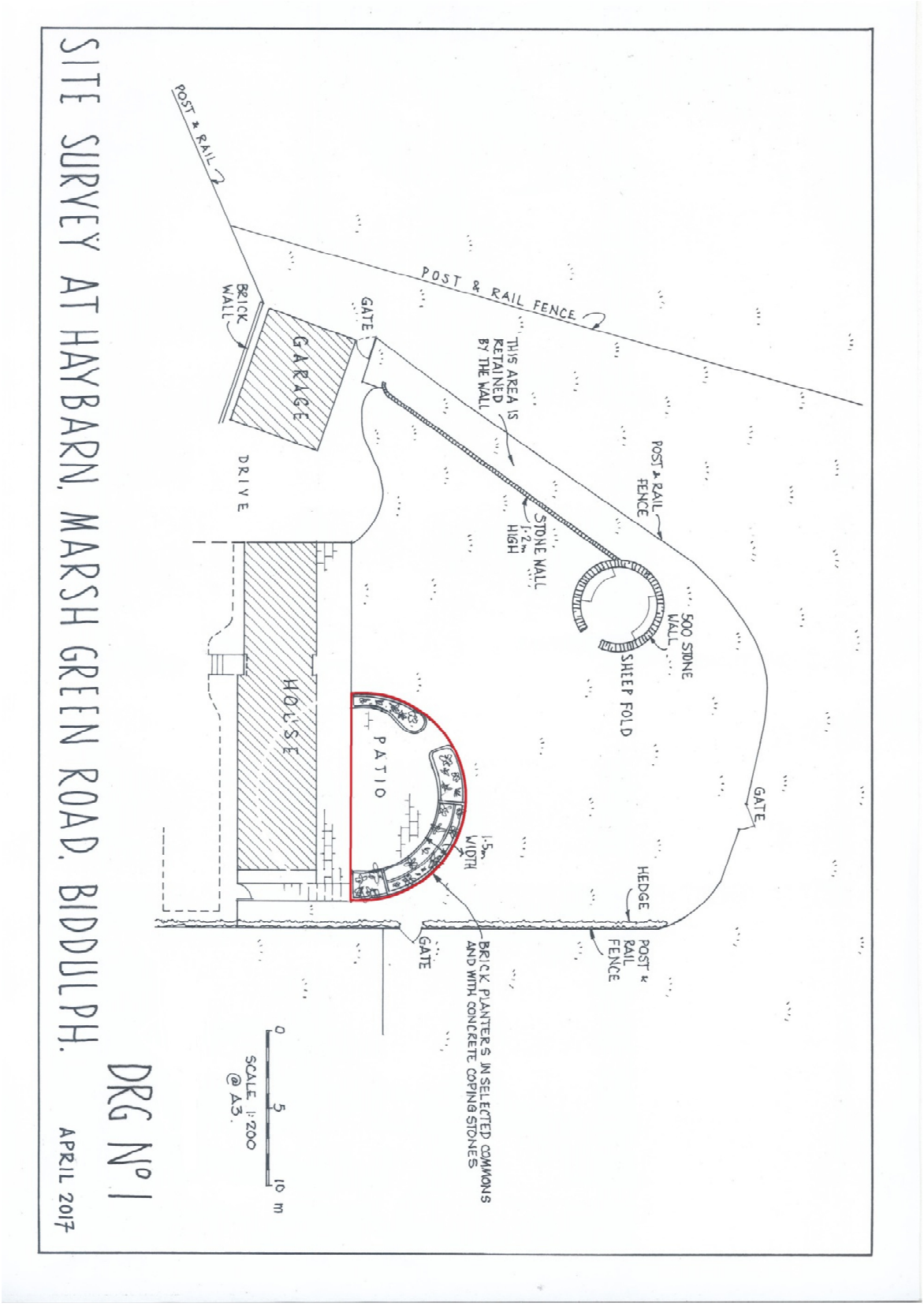
The development has already been carried out and is judged to be not 'inappropriate' in the Green Belt and meets the tests of sustainability in planning. The development is considered to be of a suitable design and appearance that does not adversely affect the character and appearance of the area or the amenity of neighbours. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38. There was some concern that certain plans and details alluded to material change of use taking place on wider areas of land and it was agreed with the applicant that the permission would be limited to the confines of the patio's perimeter.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive



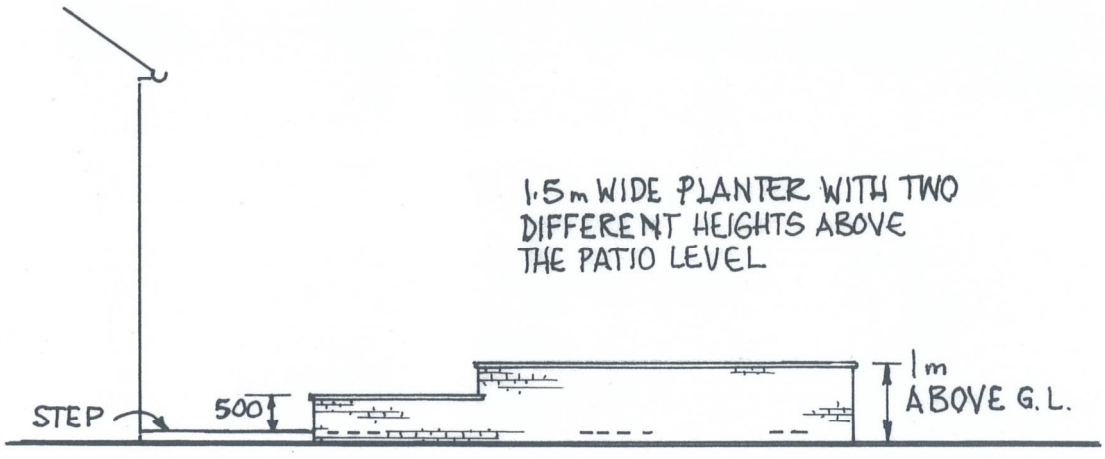
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WALLING DETAILS AT HAYBARN, MARSH GREEN ROAD.

SCALES 1:100





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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.