STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Christopher Timothy
CT Planning
Three Spires House Station Road
Lichfield
WS13 6HX

Mr Pugh
Horizon Care & Education Group Ltd c/o
CT Planning
Lichfield

Application no: SMD/2019/0120

Determined on: 25.04.2019

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).

(This development has a previous planning permission SMD/2018/0690 granted on the 16th January 2019 subject to conditions)

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 conditions differing from those subject to which previous planning permission SMD/2018/0690 was granted, those differing conditions are as follows:

1. The development hereby permitted shall be begun before the expiration of three years from the 16th January 2019, the date of the permission previously granted SMD/2018/0690.

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:- To 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 occupation of the builidng and it being brought into use as a dwellinghouse, 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 following the occupation of the builidng and it being brought into

use as a dwellinghouse 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.

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

The differing conditions subject to which this planning permission is granted include specifically those conditions subject to which the previous permission was granted with variations made to conditions 5 and 6 to allow the required steps to be taken after the use has been carried out. Particularly with consideration of the property's unique planning history, the 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

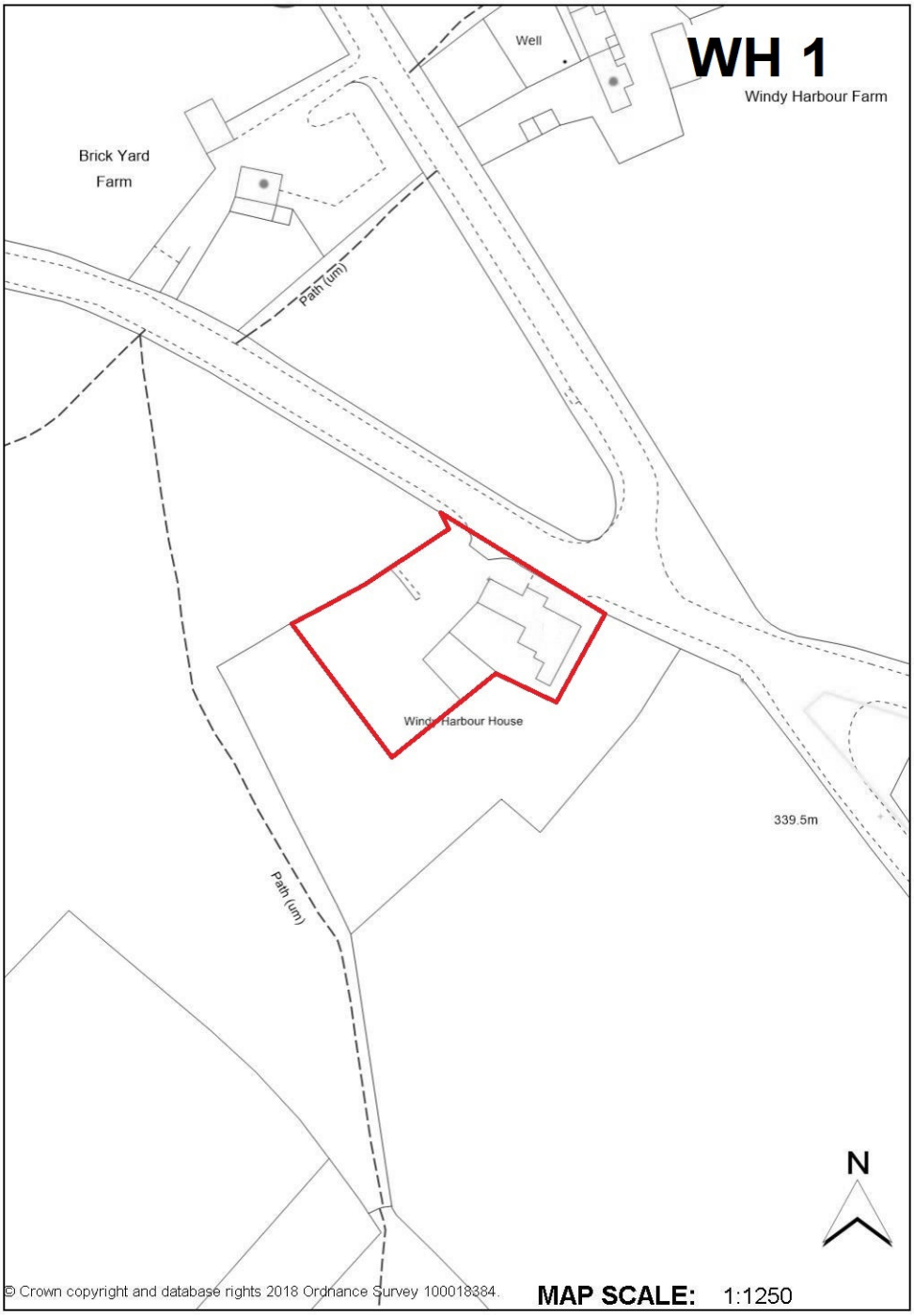
Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council

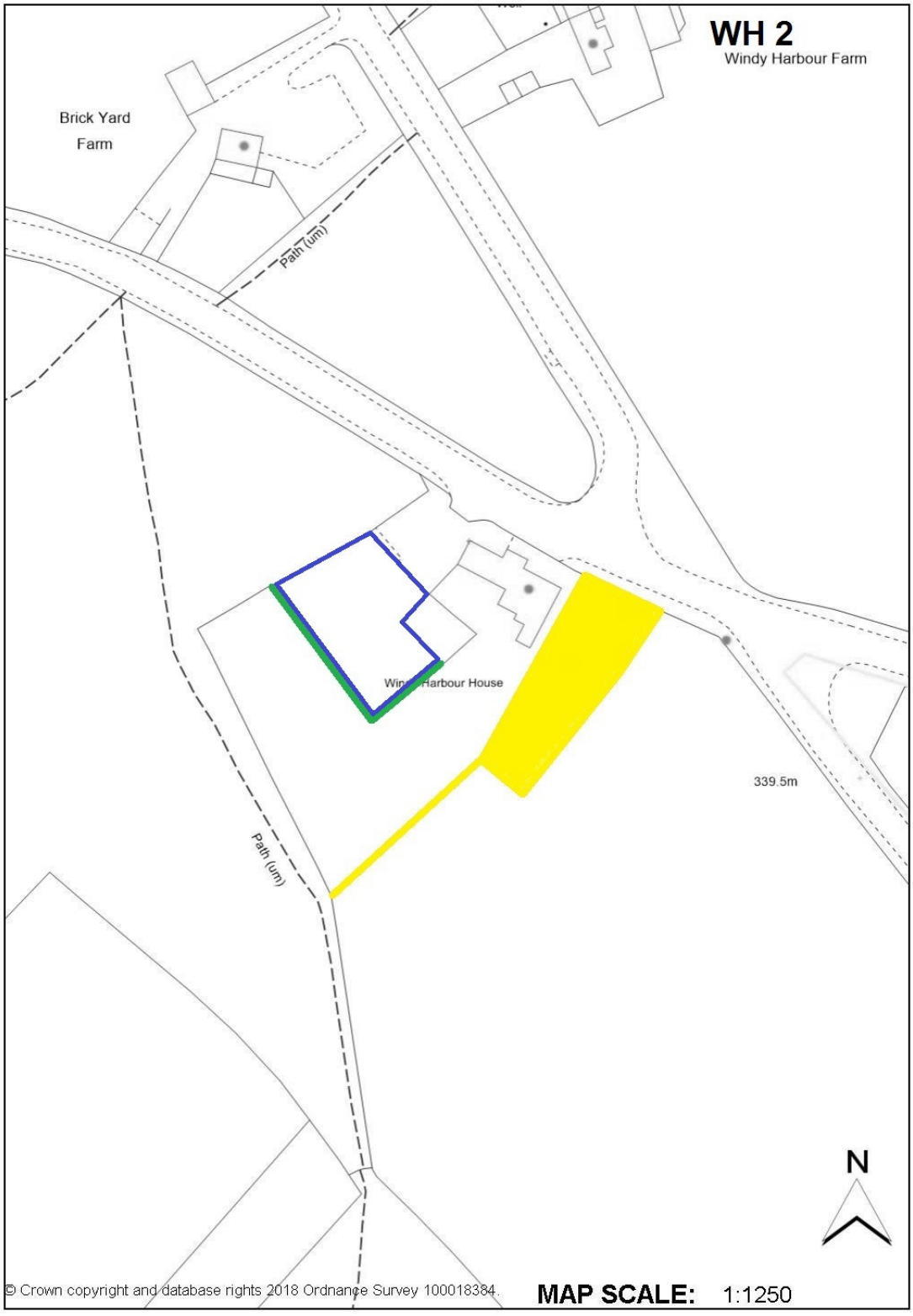
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NOTES

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.