STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr D Cooney
Planning & Design Practice Ltd
3 Woburn House
Derby
DE1 1UL

Mr & Mrs Mellor

Application no: SMD/2019/0453

Determined on: 11th November 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:
Hayes Gate Farm, Star Bank, Oakamoor, Staffordshire, ST10 3BN

Description of Development:
Conversion of stone barn and farm building to provide for their use as additional and ancillary living accommodation and covered parking for the dwellinghouse granted planning permission on the 11th June 2019 (ref. SMD/2019/0187)

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. The development shall not be carried out nor shall the buildings be brought into use until the development permitted by planning permission SMD/2019/0187 (or the Class Q approval granted at appeal DET/2018/0002) has been carried out and the dwelinghouse has been provided and occupied in accordance with the permissions. The covered parking and additional ancillary living accommodation shall thereafter only be used as such together with the dwellinghouse as one single unit of occupation that is identified with the red edge shown on the 'Site as proposed' drawing numbered 2493-003 'B' received on the 22nd October 2019. The primary use of that unit shall only be that of a single dwellinghouse and no building shall be let, sold, occupied or otherwise used separately to that primary use.

Reason:- For the avoidance of doubt, in the interests of amenity and in the interests of proper planning, in accordance with the National Planning Policy Framework

3. There shall be no works carried out to the buildings until the Local Planning Authority has been provided with either:

a) proof that a valid Natural England ESP licence has been obtained for the works to proceed legally; or

b) A statement in writing by Natural England indicting that it does not consider that the development will require a licence.

Reason:- To ensure that development promotes appropriate maintenance, enhancement or restoration and/ or recreation of biodiversity through its proposed nature, scale, location and design. Providing net biodiversity gains where possible.

4. Works shall only be carried out avoiding the bird breeding season which runs March-September inclusive; Where this is not possible and works are to be scheduled during the bird breeding season, a nesting bird check shall be carried out by a competent surveyor. If an active nest is found, the protection of this nest will be required, with an exclusion zone around the nest and access points being used by the birds. This is required to remain in situ until the chicks have fledged and the nest becomes inactive. Bird mitigation and compensation features as per the ecology report recommendations that were submitted with the application shall be installed prior to the first occupation of the development and shall remain at all times post development.

Reason:- To ensure that development promotes appropriate maintenance, enhancement or restoration and/ or recreation of biodiversity through its proposed nature, scale, location and design. Providing net biodiversity gains where possible.

5. The development permitted and described above shall only be carried out in complete accordance with the revised 'Site as proposed' drawing numbered 2493-003 'B' received on the 22nd October 2019 and the drawn and written detail numbered 2493-005 and 2493-007 that were submitted with the application. There shall be no demolition, dismantling or rebuilding carried out to the buildings without a further grant of planning permission by 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.

6. Once the development is complete, the buildings shall be retained and maintained in that finished condition and appearance in full accordance with the drawn and written details shown on the approved drawings numbered 2493-005 and 2493-007. All external fittings, installations, colour and materials shall be maintained and retained in a good state of repair or reinstated with like for like replacements where they are damaged or removed. There shall at no time be any other alteration, improvement or enlargement made to the buildings or any new or additional buildings provided without a further grant of planning permission from the Local Planning Authority . For the avoidance of doubt this restriction includes any alteration, improvement and enlargement or provision of buildings of a type that would be permitted at a

dwellinghouse by the classes at Part 1, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and reenacting that order with or without modification).

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no gates walls or fences normally permitted by Part 2 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to 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.

Informative

The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. 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 as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

Notwithstanding, the suggested diversion that is shown on the site plan numbered 2493-003 'B', this permission does not grant or imply any consent or authority that is required to make an official diversion to the definitive route of the Public Right of Way that passes through the site.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. We would ask that trees are not planted within 3 metres of the public right of way unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.

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.