STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Mr Philip Kelsall
Philip Kelsall Associates
47 Rockside
Church Street
Stoke on Trent
Staffordshire
ST7 4PG

Mr Bailey
Land off Tower Hill Road
Brown Lees
ST7 3PS

Application no: SMD/2019/0426

Determined on: 11/12/2019

**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:**
Land off Tower Hill Road, Mow Cop, Staffordshire

**Description of Development:**
Proposed extension to existing stables and creation of manege, revision to SMD/2019/0041

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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:-

THR_PB_01_C;
THR_PB_02_A Rev A.

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

3. The external facing and roofing materials of the stable extension shall match in colour, form and texture those of the existing building and there shall be no variation without the prior consent in writing of the Local Planning Authority.

**Reason:-** To ensure that the works harmonise with the existing development.

4. Prior to its first use, details of the surfacing materials for the parking/turning/muck heap and hay bale storage area shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved details and be completed before its first use.

**Reason:-** In the interests of visual impact and for the avoidance of doubt as to what is permitted.

5. Prior to the first use of the development hereby approved a landscaping scheme broadly in accordance with the Ecological Survey and Assessment Report (dated 20th September) by Jonathan Ayres shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of the finished land levels surrounding the concrete wall panels. The scheme shall be implemented prior to first use of the development other than where agreed in writing by the Local Planning Authority. Any planting approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. Any trees/shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

**Reason:-** In the interests of ecological/biodiversity gain and visual amenity.

6. Prior to the first use of the development hereby approved details of an improved access from Tower Hill Road shall be submitted to and approved in writing by the Local Planning Authority. The improved access shall thereafter be provided in accordance with the approved details and completed prior to first use of the extended stables/new manege.

**Reason:-** In the interests of highway safety.

7. No external lighting shall be installed or erected within the site including any riding arena lighting.

**Reason:-** In the interests of visual impact/controlling of light pollution and potential impact

upon animal species.

8. In the event that the equesterian use of the land, building and riding arena ceases to operate, the use of the site shall revert to agriculture and the building and riding arena shall be removed unless a further planning permission has first been granted on application to the Local Planning Authority.

**Reason:-** In the interests of visual amenity and to control the future use of the site.

9. The development hereby permitted shall re restricted to private use only and shall not be used at any time for commercial purposes whatsoever including (but not limited to) livery, equestrian tuition, riding school, special events, gymkhanas, competitions or any other commercial purposes. In addition no ancillary structures (including jumps) shall be erected on the field without the prior written consent of the Local Planning Authority.

**Reason:-** In the interests of amenity and for the avoidance of doubt as to what is permitted.

**Informatives**

1. During the course of consideration of the application the Council sought amendments to omit the cut-and-fill proposed around the riding arena therefore complying with the provisions of paragraph 38 of the National Planning Policy Framework (February 2019) where Local Planning Authorities are encouraged to work proactively with applicants to secure sustainable development proposals.

2. Please note that prior to the access being improved you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to "vehicle dropped crossings" which includes a "vehicle dropped crossings information pack" and an application form for a dropped crossing. Although there are no kerbs at this location the same principles still apply. Email nmu@staffordshire.gov.uk www.staffordshire.gov.uk/transport/staffshighways/licences

3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include

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*Chief Executive*

site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

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

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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.