STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING • EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr J Imber
JMI Planning Ltd
62 Carter Street
Uttoxeter
ST14 8EU

Mr S Adcock
Higher Parkhead Farm
Ipstones
Staffordshire Moorlands
ST10 2NG

Application no: DET/2019/0037

Determined on: 13/01/2020

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ORDER) (ENGLAND) 2015

PRIOR APPROVAL REQUIRED AND DETAILS SUBMITTED APPROVED

Staffordshire Moorlands District Council hereby **APPROVE** this application for **DETERMINATION** for

Change of use of agricultural building to a dwellinghouse (class C3) at Higher Parkhead Farm, Dog Lane, Ipstones

in accordance with the submitted application, details and accompanying plans listed as follows: SA19/1; SA19/2; SA19/3; SA19/4 revA; and revised site plan and revised location plan received by e-mail from JMI Planning dated 19th December 2019 at time 16.43;

Subject to conditions as follows:

1. The approval is granted subject to the conditions and limitations relevant to Class Q (a) and (b) as set out in the GPDO 2015 as amended including that the development under Class Q(a) and under Class Q(b) hereby approved must be completed within a period of 3 years starting with the date of this prior approval.
Reason: for clarity and the avoidance of doubt.

2) The development shall take place incorporating the mitigation measures and in accordance with the arrangements all as detailed under the heading of 'Conclusion' from page 23 to page 27 inclusive of the applicant's submitted ecological report by S. Christopher Smith dated 5th August 2019 or as stipulated by any Natural England European Protected Species (EPS) Licence in which case the work shall be implemented in accordance with the EPS Licence and in either event shall be implemented and retained as approved for the lifetime of the development.

Reason: to safeguard the population of European Protected Species

3) The domestic curtilage of this development is restricted in amount to that allowed under the terms of GPDO 2015 Class Q and shall be contained within the area identified on the revised site plan as hereby approved received by e-mail from JMI Planning dated 19th December 2019 at time 16.43 and nothing in this consent provides for any alteration or change in use to the land outside these areas.
Reason: for clarity and the avoidance of doubt.

4) Boundary treatments if erected shall be timber post and rail fencing as shown on drawing 2019-2431-03 revision E. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no other gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order shall be erected unless a further planning permission has first been granted on application to the Local Panning Authority.

Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and its setting and the character of the rural area and in the interests of neighbour amenity.

5) The facing stone and roof tiles to be used in the development hereby permitted shall match as closely as possible in colour and texture those used on the existing building.
Reason: To protect the character and appearance of the building

6) The rooflights shall be Conservation type set as flush as possible with the slates or tiles to avoid excessive projection above the plane of the roof.
Reason: To protect the character and appearance of the building

7) Rainwater goods shall be furnished in cast metal, painted black unless the local planning authority agrees to any variation in writing.
Reason: To protect the character and appearance of the building

8) External doors and windows shall be fabricated in timber. Doors shall be vertically boarded, ledged and braced.
Reason: To protect the character of the building

9) All windows and external doors shall be set behind a reveal of 100mm
Reason: To protect the character of the building

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 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 protect the character of the building

Informatives

i) The confirmed presence of bats in the building proposed to be developed means that work can only take place if carried out in accordance with Natural England's licensing procedures for work which will affect European Protected Species details of which can be obtained from Natural England at https://www.gov.uk/bats-protection-surveys-and-licences.
Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution.

ii) The submitted ecology survey records evidence of swallows nesting in the application building. Swallows winter in North Africa and migrate to their breeding locations in Britain and Europe each spring often returning faithfully to the same sites. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. This level of protection applies to Swallows. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February or, in the case of Swallows from April, to late August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place. Opportunities should be sought to incorporate in the completed development provision for nesting birds including Swallows as recommended in the applicant's submitted ecology report.

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 buildingcontrol@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.
13.