STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Adam Gregory
Forefront Development Consulting
4 Ridge House
Ridge House Drive
Stoke-on-Trent
Staffordshire
ST1 5SJ

Mr A Drinkwater
Brantwood
Birchall Lane
Leek
ST13 5RA

Application no: SMD/2019/0525

Determined on: 21/01/2020

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:
Brantwood Birchall Lane Leek Staffordshire ST13 5RA

Description of Development:
Retrospective application for engineering works to garden and construction of garden building

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 approved shall be in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:
18-112-11 rev A
18-112-12
Reason: To ensure that the development is in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

2. The external facing and roofing materials shall be retained as natural timber horizontal boards for the walls and in a dark colour finished corrugated roof sheeting for the roof.
Reason: To ensure that the works harmonise with the existing development and in the interests of the character and appearance of the Conservation Area.

3. Within 3 months of the date of this consent, details of a landscape planting scheme

shall be submitted to and approved in writing by the Local Planning Authority and shall include the layout, schedules and specifications including plant protection from grazing livestock and wild mammals. The approved landscaping shall be implemented in the first available planting season (November to March) following the granting of this permission. Any plants which die or are lost in the first five years following the completion of the planting shall be replaced with plants of the form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development.
Reason: In the interests of landscape appearance and the amenities of the area.

4. The detached garden room hereby approved shall be used solely for purposes incidental to the enjoyment of the dwelling house known as Brantwood and it shall not be sold, let or otherwise occupied as a separate unit of accommodation or premises and shall not be used at any time in connection with a trade or business.
Reason: In the interests of good planning, for clarity and the avoidance of doubt and to safeguard the amenities of the area and neighbouring residents.

5. There shall be no amplified sound and/or music audible within or at the boundary of any noise sensitive (occupied) dwelling in the vicinity of the building hereby approved.
Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

6. No amplified music shall be played outside the building hereby approved.
Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

7. The hedge to the southerly boundary of the rear garden bordering with the adjacent property at Birchwood shall be maintained to a minimum height of 2.4m.
Reason: In the interests of neighbour amenity.

8. Within three months of the date of this permission the external facing timber of the building hereby approved shall be finished in a recessively dark brown or green colour stain.
Reason: In the interests of amenity and the appearance of the completed development.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes E and F and Part 2 Classes A and B other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from 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, to ensure that adequate private or shared amenity space is retained within the curtilage of the building and to protect neighbour amenity.

Informative

1. This recommendation is made following careful consideration of all the issues raised

through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

X

Signed by: JaneC

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.