STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING • EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Robert Watkins
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Application no: DET/2020/0005

Determined on: 21st February 2020

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

DESCRIPTION OF DEVELOPMENT
Proposed new track from an existing access point at Land Adjacent to Dingle Lane, Rushton Spencer

PRIOR APPROVAL REQUIRED

Staffordshire Moorlands District Council has determined that the prior approval of the authority will be required as to the siting and means of construction of the new track. **The development must not begin before the authority has given such approval.**

The applicant must now —
display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days has elapsed, the applicant is treated as having complied with the requirements if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement.

The "site notice" must contain—
(a) the name of the applicant,
(b) the address or location of the proposed development,
(c) a description of the proposed development and of the materials to be used,

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(d) a statement that the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,
(e) the name and address of the local planning authority,

and be signed and dated by or on behalf of the applicant. It is suggested that when such a site notice has been displayed, a dated photograph of the notice in place is provided to the authority for their records.

You must now apply to the authority for the prior approval of the siting and means of construction of the proposed track. The authority shall make a decision in relation to your application within 8 weeks beginning with the day immediately following that on which the application is received by the authority, or within such longer period as may be agreed by the applicant and the authority in writing.

The application must include cross sections and details relating to the depth of any excavation; the height of any raised level; and the depth, layers and type of material that would be provided beneath the stone surface. The authority is particularly interested in how the track would be constructed to cross a steep ramp up in field gradient and what this might mean for its side profile, levels and gradient. Contrary to the comment in your covering letter, where there is reference to the steep gradient of the existing track, it would appear that the existing track arrangement actually takes a more contoured approach, whilst the proposed route of the new track would drive directly up from the road at a very steep ramp and gradient.

Moreover, it is perhaps prudent at this point in the process, before the applicant has progressed beyond the initial stage of the prior approval process, to question whether the proposed track is reasonably necessary for the purposes of agriculture within the unit. If the development does not objectively pass that test it is not permitted at all. This is raised as a concern particularly because there are serviceable tracks already in place that contour the gradient of the hillside without covering anymore significant distance. Where the covering letter refers to tight corners, it appears that the track from the roadside actually takes a straight run for a short distance before it makes one turn onto a cattle track. Perhaps there could be more explanation around the size, type, and purpose of the 'modern machinery' referred to in the covering letter. If needs be, the applicant could explore the possibility of improving the arrangement and orientation of the turn onto the field at the junction with less work and impact involved.

The Council will now await your response and further application submission before taking any further action in this matter.

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X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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