STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Malcolm Sales
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Mr Titterton
Town Head Farm Foxt Road
Foxt
ST10 2HW

Application no: DET/2020/0015

Determined on: 21st May 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
Removal and relocation of building, demolition of building and parts of building, reinstate garage block at Town Head Farm Foxt Road Foxt

PRIOR APPROVAL REQUIRED

Staffordshire Moorlands District Council has determined that the prior approval of the authority will be required as to the siting, design and external appearance of the proposed new building (removal or demolition of buildings and the reinstatement of a garage are not under any circumstances developments permitted by Part 6 of the General Permitted Development Order and require full planning permission or, where appropriate, separate address under the conditions applicable to Part 11 of the General Permitted Development Order). **The development relating to the proposed new building must not begin before the authority has given such prior approval.**

If they wish to progress with the proposal 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 this notice; 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,
(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.

The applicant must now obtain the authority's prior approval of the siting, design and external appearance of the proposed new building before the development can proceed. To do so they will need to provide the following information and detail:

- a heritage statement relative to the significance of the 19th Century historic farmstead as a heritage asset and the impact of the development in those regards.

The authority shall make a decision in relation to the application within 8 weeks beginning with the day immediately following that on which that information and detail has been received by the authority, or within such longer period as may be agreed by the applicant and the authority in writing.

The authority is also concerned about how the building would be sited, designed and appear because Blackbank Wood, to the north, is a designated ancient woodland and nature conservation site; and there are nearby non farming dwellings. It is necessary therefore for the authority to consider how the development would affect the significance of the historic farmstead as heritage asset; the ancient woodland and site of nature conservation; and the amenity of residential neighbours.

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

However, it is prudent at this point in the process, before the applicant has progressed beyond the initial stage, to question whether the proposed new building would in any event be permitted by Part 6 of the General Permitted Development Order. It is not clear that the new building would be "reasonably necessary for the purposes of agriculture within the unit". If the development does not objectively pass this test it is not permitted at all. This is raised because firstly, the stated purpose for this building has switched within a matter of weeks to that of an equipment and machinery store, where it was originally stated, in an earlier prior notification application, that the building, or one very much like it, was required to house livestock. Secondly, the plans show that a building of this size and design is already provided on site with good access and proximity to the farm house, on the other side of the farm to non farming dwellings. Yet the proposal is to remove this serviceable building and build a replacement further away from the farm house, with indirect access arrangements, in a location that is closer to those non farming dwellings. Thirdly demolition or removal of buildings and the reinstatement of a garage is not development that is permitted by Part 6 of the GPDO. Full planning permission would be required or, in the case of demolition, Part 11 of the GPDO permits some demolition in certain circumstances but that is subject to its own conditions that must be dealt with separately. The development can not proceed as permitted without explanation that resolves these questions otherwise the authority contends that full planning permission is required.

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X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council