STAFFORDSHIRE moorlands DISTRICT COUNCIL
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Application no: DET/2020/0012

Determined on: 22/05/2020

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

PRIOR APPROVAL REQUIRED FOR CHANGE OF USE

APPROVAL

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

Conversion of an agricultural building to form one dwelling at Barn adjoining Leek Road Town End Lane Swinscoe

in accordance with the submitted application, details and accompanying plans reference:

a) Site Location at 1:1250 submitted 30th March 2020 showing the building and the extent and position of the curtilage hereby approved;
b) Site Location at 1:1250 showing defined curtilage hereby approved along with the location of the access route to the public road, by e-mail 19th May 2020;
c) Elevations and floor plans 1:100 revision C received by e-mail 23rd April 2020;

subject to the following conditions:

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 not commence until bat boxes and a barn owl nest box have first been erected on trees to the boundaries of the applicant's land of which the application site is a part in accordance with the detailed advice and specifications of the Bat Conservation Trust as submitted and of the Barn Owl Trust respectively.

Reason: to safeguard the population of European Protected Species and protected bird species.

3) The development shall be undertaken in accordance with a schedule of repairs which shall have first been submitted to the Local Planning Authority for approval and the works shall thereafter be undertaken in accordance with the details in the schedule as approved in writing. The existing ventilation slits shall be retained to appear externally visible with any glazing or infilling set to the interior of the openings.
Reason: To ensure that the works harmonise with the existing development and in the interests of appropriate safeguard to the architectural and historic features of the building which define its design and external appearance.

4) All pointing shall be of a strength and style appropriate to the type of walling materials used (see SMDC leaflet on pointing) and shall not include 'tuck', 'strap' or 'recessed' pointing. A sample panel of pointing shall be completed on site which shall be inspected and approved in writing by the Local Planning Authority before external facing masonry work proceeds. The development shall be carried out in accordance with the details of pointing and mortar mix as subsequently approved in writing by the Local Planning Authority.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

5) No dismantling or re-building shall take place other than as may be approved under condition 3.
Reason: To ensure that the works harmonise with the existing development and in the interests of appropriate safeguard to the architectural and historic features of the building which define its design and external appearance.

6) Any necessary new walling stone shall be selected to closely match in type, block size, colour and texture that of the existing building where it is to be inserted and any new roofing tiles shall be Staffordshire clay tiles to closely match in colour size and texture those of the existing roof 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 and in the interests of appropriate safeguard to the architectural and historic features of the building which define its design and external appearance.

7) Prior to the installation of windows and doors which shall be of timber detailed plans and sections of the proposed windows and doors including shutters at scales of 1:5 and 1:10 together with details of the proposed finishes and the depth of their recess in the wall openings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as subsequently approved.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area and in the interests of appropriate safeguard to the architectural and historic features of the building which define its design and external appearance.

8) The ventilation slits in the south east elevation shall be retained to remain externally visible and may be glazed or blanked off with blue brick but in either case this shall be set back in the opening by at least 100mm from the external wall face.

Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area and in the interests of appropriate safeguard to the architectural and historic features of the building which define its design and external appearance.

9) All glazing shall be by single pane to the size of the framed openings.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area and in the interests of appropriate safeguard to the architectural and historic features of the building which define its design and external appearance.

10) Prior to the installation of the rainwater goods which shall be of metal or wood the details shall first be submitted to and approved in writing by the Local Planning and the rainwater goods shall be fitted in accordance with the details as approved which shall include a method of positioning and fixing adapted to the existing projecting eaves stones which shall be retained in situ as existing.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area and in the interests of appropriate safeguard to the architectural and historic features of the building which define its design and external appearance.

11) Soil pipes shall be fitted internally and no external cowls, vents, ducts flues or extractor equipment whatsoever shall be installed without the prior written consent of the Local Planning Authority to details which shall first have been submitted in writing.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area and in the interests of appropriate safeguard to the architectural and historic features of the building which define its design and external appearance.

12) Boundary treatments if erected shall be restricted to the curtilage boundary and shall be of timber post and rail fencing planted to the outer side with native species hedgerow plants including at least 70% hawthorn (Crataegus monogyna).
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.

13) The domestic curtilage of this development is restricted in amount to that allowed under the terms of the Town and Country Planning (General Permitted Development) Order 2015, Part 1 Schedule 2 Part 3 Class Q and shall be contained within the areas identified as garden, parking and perimeter path shown in the drawings hereby approved 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.

14) Any hard surface paving to the curtilage shall be paved in flagstones of English stone.
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.

15) The development hereby permitted shall not be brought into use until:
    - the access drive rear of the public highway has been surfaced in a bound and porous material for a minimum distance of 5m back from the carriageway edge; The surfacing shall thereafter be maintained

- the visibility splays shown on plan ref. Block Plan have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason: To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

16) At any time during and following the completion of the development all exterior lighting installations shall be erected only in accordance with the protocols contained in the Institute of Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and the Bat Conservation Trust's "Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting" (2014).
Reason: to minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site and in the interests of the visual appearance of the development and the amenities of the area.

17) 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 and appearance of the building and its setting

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order other than as expressly permitted by this consent shall be erected unless a further planning permission has first been granted on application to the Local Panning Authority.

Reason: To protect the character and appearance of the building and its setting

19) The premises shall be used for holiday and / or living accommodation under Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) for up to a maximum period of six months by any one party with no return of the same party within six months and (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as subsequently may be amended or re-enacted) for no other purpose. A register of occupants including details of duration of stay must be kept by the owner / proprietor of the premises and made available for inspection by the Local Planning Authority upon request at any time in normal office hours.
Reason: the premises are not considered suitable for permanent residential occupation.

<u>Informatives</u>

1) The overriding aim of this consent is to allow the residential conversion whilst retaining the exceptional qualities and historic detailing in the extant stonework including historic stone dressings to door and window openings, stone quoins and

lintels, projecting stone eaves course and pattress plates. It is therefore imperative that the conditions are carefully adhered to and any issues or concerns which arise should be brought to the immediate attention of the LPA in order that they can be considered and addressed.

2) You are reminded of your responsibilities under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 in respect of any protected species that may inhabit the site including bats. It has been judged unlikely that protected bat species would be at risk as a result of this development. In the unlikely event that bats or bat droppings are encountered prior to or during the development all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the advice obtained. There may be a requirement for a Protected Species Licence to be obtained before the proposed development can continue. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution.

3) 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. In the case of a Schedule 1 species including Barn Owl which are known to be present in this building it is an offence to disturb the birds while nesting or building a nest or in or near a nest that contains dependant young or to disturb their dependant young. Site clearance, building alterations and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid 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.

4) The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amended plans were agreed with the agent in the course of the determination in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework paragraph 38.

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.

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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.