STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Rob Duncan
Rob Duncan Planning Consultancy Ltd
70 Ferndale Road
Lichfield
WS13 7DL

Mrs Shirley
C/O Agent

Application no: SMD/2020/0165

Determined on: 19/06/2020

**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:**
Ridgefields Farm Leek Road Cellarhead Staffordshire ST9 0DG

**Description of Development:**
Erection of agricultural storage 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 permitted shall be begun before the expiration of three years from the date of this permission.
Reason:-
To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved, including the finishing materials specified and the proposed landscaping/planting specified shall be completed and maintained in accordance with the submitted plans and specifications as follows:-

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Reason:-
To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. The building hereby approved shall be used solely for the storage of fodder and implements/equipment and for lambing purposes during lambing season only in connection with agricultural operations at Ridgefields Farm, Cellarhead and for no other purpose including non-agricultural commercial or storage uses.
Reason:-
In order to ensure appropriate development in the Green Belt and to protect the character and amenities of the area.

4. The implemented planting scheme as shown on the application drawings shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.
Reason:-
To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

5. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

"" 08:00 - 18:00 hours (Monday to Friday);
"" 08:00 - 13:00 hours (Saturday)
"" No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.
Reason:-
To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

6. Manure or effluent generated from the proposed unit shall be managed in accordance with the recognised Best Available Technique (BAT) outlined in the Protecting our Water, Soil and Air, A Code of Good Agricultural Practice growers and land managers (defra, 2009) to ensure as far as is possible that there is no reasonable cause for annoyance from any odours at any nearby sensitive receptors and pollution of controlled waters is prevented.
All generated manure or effluent should be stored in a dedicated storage area, with sufficient capacity to store 6 months worth of manure. The manure storage area shall have an impermeable surface capable of containing, or facilitating the collection of, all manure generated leachate and sited at least 50m from all dwellings. The burning of manure as a means of disposal is not permitted.

Reason:-
To protect the amenity of neighbours and pollution of the environment.

7. No fill material, used in connection with the above development or associated farm track, is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A methodology for demonstrating the material is suitable for its proposed use, along with the results of the testing shall be submitted to and agreed in writing by the Local Planning Authority prior to the material being imported.
Reason:-
To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

8. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
Reason:-
To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

9. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation.
Reason:-
To protect the local amenities of the local residents by reason of excess of illuminance

10. Within 6 months of the date on which the building ceases to be required for agricultural purposes the building shall be demolished and the land returned to its former condition.
Reason:
To protect the openness of the Green Belt

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**Informatives**

1. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF

2. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer:

"" A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of any existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: http://www.hse.gov.uk/

"" During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

"" The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf

"" Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456).

"" Protecting our Water, Soil and Air, A Code of Good Agricultural Practice growers and land managers (Defra, 2009 [ISBN: 978 0 11 243284 5]), is available as a free download from the defra website: www.defra.co.uk

"" The site is situated within a nitrate vulnerable zone and therefore manure disposal must therefore comply with the Nitrate Pollution Prevention Regulations 2008

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 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.
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