STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr David Byatt
Byatt Oliver Associates
Whitebridge Way
Stone
ST15 8LQ

Mr and Mrs Horton
Horton Barn
Kerry Hill
Eaves Lane
Armshead
Staffordshire Moorlands
ST2 8NA

Application no: SMD/2019/0753

Determined on: 29/07/2020

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:
Horton Barn Eaves Lane Armshead Staffordshire ST2 8NA

Description of Development:
Proposed erection of agricultural and equestrian building on existing hardstanding/former 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 shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:
5450-005
Reason: To ensure that the development is carried out in accordance with the submitted

details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. Within one month of the commencement of development (including any demolition, site clearance, stripping or site establishment) there shall be submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. Such a scheme shall in particular provide for planting of new native species hedgerows, including standard trees, to the site peripheries and shall include full details of all new trees and shrubs, giving specification for species, positions, planting sizes and numbers/densities of all new planting and measures of protection against grazing livestock or other animals. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved or its first occupation whichever is the earlier. Any plants which die or are lost or otherwise fail to establish in the first five years following the completion of the planting shall be replaced in the next available planting season 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 the visual appearance of the development and the amenities of the area.

4. Prior to the coming into use of the development hereby approved or its substantial completion whichever is the earlier the steel stanchions which support the retaining concrete panel walls to the south easterly and south westerly edges of the development shall each be trimmed to a point level with the tops of the concrete panels as retained or the eaves of the building hereby approved, whichever is greater.
Reason: In the interests of the visual appearance of the development and the amenities of the area.

5. 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.

6. This permission relates only to the use of the site for the stabling of horses belonging to or in the care of the occupiers of Horton Barn and the site shall not be used as a public riding school, commercial livery stable or equestrian centre and there shall be no gymkhanas held on the land unless a further planning permission has first been granted in respect thereof.
Reason: To define the permission and to limit the level of activity on the site to be compatible with its location.

7. If the use of the building hereby approved for the purposes of agriculture and/or stabling within the unit permanently ceases, unless the local planning authority have otherwise agreed in writing, the building shall be removed from the land and the land shall, so far as practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing with the local planning authority.
Reason: In the interests of the visual landscape amenities of the area as the site lies within open countryside within the Green Belt and the building has only been permitted for reasons to serve an agriculture related need in accordance with Policies SS1, SS1a, SS6c, R1 and the NPPF.

Informatives

1. Coal Mining Hazards – Low Risk Area – Standing Advice
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Standing Advice valid from 1st January 2019 until 31st December 2020.

2. The application has been determined in accordance with Policies: SS1; SS1a; SS2; SS4; SS6c; SD1; SD4; DC1; DC3; R1; NE1 and T1 of the Core Strategy Development Plan and the NPPF.

3. 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 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.