STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Ken Wainman
Ken Wainman Associates Ltd
20 Ravensoak Road
Stockport
SK2 7PQ

Mr Allsopp
20 Ravenoak Road
Stockport
SK2 7BQ

Application no: DET/2020/0027

Determined on: 10th August 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

Change of use and conversion of a redundant farm building to form two dwellings and the demolition of part of an adjoining building and a second building at Bagnall Grange Farm, Tompkin Road, Stanley

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
   - 1343-05 Site & Floor Plans
   - 1343-04 Elevations
   - 600-1 Location Plan

   Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

2. The external doors and windows shall be of timber construction (i.e. not plastic) which shall be given a painted or stained finish in a dark or recessive colour and the timberwork, shall be set behind a 75mm reveal and shall be permanently so maintained thereafter. The doors shall be vertically boarded

Reason:- To ensure a satisfactory character and appearance of development in keeping with the site and its surroundings and to comply with policy DC1 of the Staffordshire Moorlands Core Strategy (2014) and the NPPF (2019).

3. The proposed development hereby approved shall be carried out in accordance with the submitted Bat Survey Report 27-07-2015 submitted with application DET/2016/0027.

   Reason:- In the interests of the ecological value of the site and to comply with policy NE1 of the Staffordshire Moorlands Core Strategy (2014) and the NPPF (2019).

4. 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 in writing 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 commence 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 protect the site from pollution/contamination and to comply with policy SD4 of the Staffordshire Moorlands Core Strategy (2014) and the NPPF (2019).

5. 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 and out and no gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order shall be erected unless a further planning permission has first been granted on application to the Local Panning Authority.

   Reason: To safeguard the appearance and character of the development

6. The rainwater goods to be used in the development hereby permitted shall be cast metal and finished black; the walls shall be natural stone to match the existing, the roof shall be finished with Staffordshire Blue Clay Tiles

   Reason: To safeguard the appearance and character of the development

Informatives

1. The application documents don't recognise the existence of Public Footpath No 17 Bagnall and Byway Open to All Traffic (BOAT) No 21 Bagnall Parish. BOAT 21 runs along Old Mill Lane towards the property and Footpath No 21 runs north of the property meeting up with BOAT No 21. The attention of the applicant should be drawn to the existence of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public paths. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). If the paths do need diverting as part of these proposals, the applicant would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the rights of way to allow the development to commence. The County Council will need to be formally consulted on any proposal.

   The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. It is important that users of the path are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. The applicant needs to be reminded that part of the access track overlaps with BOAT No 21 and the public right of way takes precedence over any private access rights. In other words people using the BOAT have the public right and private vehicles need to give way to them not the other way around. The applicant cannot erect gates or other barriers across the right of way unless the relevant legal grounds are satisfied.

   The surface of the footpath and BOAT must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

   The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the

Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

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.

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.