STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Robert Watkins
Graham Watkins & Co
57 Derby Street
Leek
Staffordshire
ST13 6HU

Mr Agnew
Hot Lane Farm
33 Hot Lane
Biddulph Moor
ST8 7HP

Application no: SMD/2020/0440

Determined on: 21st October 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:
33, Hot Lane Farm, Hot Lane, Biddulph Moor, Staffordshire, ST8 7HP

Description of Development:
New agricultural building to be used for fodder storage, winter livestock shelter, and as a lambing shed.

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 Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development permitted and described above shall only be carried out in complete accordance with the 'Proposed Building' 1:500 Site Plan and the 1:100 Elevation Plans that were submitted with the application.

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

3. Throughout the constrcution of the development there shall at all times be a clear provision made for the safe and convenient passage of all users of footpath Biddulph Town 125 without any obstruction.

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Reason:- To respect the available right of way and to ensure the safety of its users.

4. The building shall be constructed using hit and miss Yorkshire timber boarding as the external facing material and grey cement fibre board as the roofing material. There shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason:- To ensure that the building has a satisfactory appearance relevant to its setting and agrcicultural function.

5. The building shall only be used for the purposes of agriculture. Where the use of the building for the purposes of agriculture within the unit permanently ceases the building must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place or to such condition as may have been agreed in writing between the local planning authority and the developer.

Reason:- The development is to be carried out in the Green Belt and would be inappropriate if it were provided for purposes other than agriculture.

Informative

It appears that according to the drawings submitted with the application, the building could be built on and obstruct the definitive right of way (Biddulph Town 125). Whilst the submitted site plan shows that a 2.5m wide passage would be provided between the rear of the building and the boundary, this planning permission in no way grants consent for the diversion or stopping up of that right of way and it is an offence to obstruct the right of way. You should contact the County Council to establish the precise route of the right of way and, separate to this planning application, apply to this Council for a footpath diversion Order for the official consent to provide an alternative route that would allow your development to proceed.

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. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within 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 BControl@staffsmoorlands.gov.uk

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.