

Mr Robert McGuinness
RLM Associates
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Leek
Staffordshire
ST13 6QZ

Mr Hammonds
Cottage Farm Bradshaw Lane
Ipstones
ST10 2LJ

Application no: DET/2021/0020

Determined on: 01/06/2021

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ORDER)
(ENGLAND) 2015**

**DESCRIPTION OF DEVELOPMENT
Agricultural Storage Barn at Cottage Farm Bradshaw Lane Ipstones**

PRIOR APPROVAL REQUIRED

Staffordshire Moorlands District Council has determined that the prior approval of the authority will be required as to Agricultural Storage Barn. **The development must not begin before the authority has given such approval.**

The applicant must now —

display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days has elapsed, the applicant is treated as having complied with the requirements if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement.

The “site notice” must contain—

- (a) the name of the applicant,
- (b) the address or location of the proposed development,
- (c) a description of the proposed development and of the materials to be used,
- (d) a statement that the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,
- (e) the name and address of the local planning authority,

and be signed and dated by or on behalf of the applicant. It is suggested that when such a site notice has been displayed, a dated photograph of the notice in place is provided to the authority for their records.

You must now obtain the Authority's approval for the siting, design and external appearance of the building.

However, before the applicant proceeds further. The Council must make it clear that the development appears, in any event, NOT TO BE PERMITTED by Part 6 of the General Permitted Development Order 2015 and in those circumstances full planning permission is required. This is because:

1. The information submitted with the application states that the agricultural unit comprises 28.3 hectares and the parcel of land where the development is to be located comprises less than 0.4 hectares. Part A.1 (a) of Part 6 of the GPDO states that development is not permitted if the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area. Therefore, the proposed building cannot be erected under Class A, Part 6, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. To qualify for permitted development the proposed works must be '*reasonably necessary for the purposes of agriculture within that unit*'. The agricultural use of the land must be '*for the purposes of a trade or business*' and the unit must be '*occupied as a unit for the purposes of agriculture*', all as set out in the Interpretation Section (D.1) for Part 6, Classes A to C. The information that was submitted is lacking in detail and does not conclude that an agricultural trade or business is taking place at the estate. The building is therefore not considered to be '*reasonably necessary for the purposes of agriculture within that unit*' and is contrary to Class A, Part 6, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. To qualify for permitted development, the development must not have been commenced. A site visit was undertaken and it was noted that a substantial amount of the bank had been excavated and a number of trees had been felled in order to create a level surface on which the proposed building was to be erected. The engineering works that have been undertaken would require planning permission in their own right and therefore it is considered that work has already commenced on site for the proposed development. As the development is therefore part retrospective, prior approval cannot be utilised and a full planning application would be required.

It should also be noted before the applicant proceeds further, that the building will be sited 10 metres from a Grade II* listed building and therefore it has the ability to affect the setting of the listed building known as Sharpcliffe Hall.

The Council will now await your response and further application submission before taking any further action in this matter.

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council