

To: Staffordshire Moorlands, DCM
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
ST13 6HQ

Applicant: MR & MRS J GATER
MRS BEVERLEY MOSS
1 C/O HOURIGAN CONNOLLY
WEWORK, MANCHESTER,
M23DE

Application Type: COU

Officer: Tracey Lunn

Application No: SMD2021/0033/DET

Date: 19-OCT-2021

Date Received: 29-SEP-2021

Road No:

Particulars of Development:

AN APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR A PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDINGS TO DWELLINGHOUSES (CLASS C3), AND FOR BUILDING OPERATIONS REASONABLY NECESSARY FOR THE CONVERSION.

Location of Development:

GREENWAY HALL GREENWAY HALL ROAD
MILTON

Conditional

Recommendations: There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

Personal Injury Collisions;

Current records show that there were no Personal Injury Collisions on Greenway Hall Road for the previous five years.

Background;

The property is accessed via a private drive to Greenway Hall Farm off Greenway Hall Road. Greenway Hall Road (Road No. U1030), a single-track road under the control of Stoke on Trent City Council. The location of the proposed barn conversion however falls under Staffordshire County Council.

Description of Proposal;

An application to determine if prior approval is required for a proposed Change of Use of Agricultural Buildings to Dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion.

Comments on Information submitted:

It is noted that the application is to determine if prior approval is required for a proposed change of use of agricultural buildings to dwelling house (Class C3), and for building operations reasonably necessary for the conversion.

The proposal is to convert part of the agricultural buildings (currently barns) into a 2-bed dwelling as detailed in submitted drawing (Planning Drawing 100421-005-P0). Parking for 2 vehicles is also detailed on (Planning Drawing 100421-005-P0) and is in accordance with Staffordshire Moorlands Parking Standards which states: Detached/Semi-detached property of up to 3 bedrooms will require 2 spaces (2.4 x 4.8m each space) for residents and visitors.

Turning has not been shown within the red outline plan. However, it is considered that there will be sufficient space within the wider amenity area for the manoeuvring of cars.

The access to the proposed dwelling will be via the existing vehicular access which serves Greenway Hall Farm.

It is noted that Public Footpath Bagnall 23 runs along the access track to Greenway Hall Farm.

Recommendations:

I hereby have no objection to the following application with the following condition being applied.

The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with Planning Drawing 100421-005-P0 and shall thereafter be retained for the life of the development.

NOTE TO PLANNING OFFICER

Turning has not been shown on submitted plans and within the properties red outline. This approval is given on the assumption that turning will be secured withing the communal amenity area.

Stoke on Trent City Council as Highway Authority responsible for Greenway Hall Road should be consulted.

It is noted that Public footpath Bagnall 23 runs along the access track to Greenway Hall Farm.

INFORMATIVE NOTES TO BE INCLUDED ON THE DECISION NOTICE:

Public Footpath Bagnall 23 routes along the access track to Greenway Hall Farm between Greenway Hall Road and Bagnall Road. The attention of the applicant should be drawn to the existence of the footpath and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the footpath network. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

If the path does need diverting as part of these proposals the applicant would need to apply to the Local Planning Authority under Section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. Staffordshire County Council would need to be formally consulted on the proposal to divert this footpath.

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 and increased vehicular use. Staffordshire County Council is only responsible for the footpath for pedestrians, not vehicles, and the applicant should be made aware of this. The applicant should also be made aware that it is illegal to park on the public footpath.

The applicant needs to be reminded that although the track to the property is private, the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is subject, and subordinate to, the public's right. In other words, pedestrians have a public right and vehicles need to give way to them not the other way around.

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.

**Assistant Director - Highways and the Built County
on behalf of the County Council
as Highway Authority**