

Ramshorn Estates Ltd
St Johns House
54 St Johns Street
Ashbourne
DE6 1GH

Application no: SMD/2021/0818

Determined on: 22nd February 2022

**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 (the Act).

Location of Development:

The Ramshorn Estate, Ramshorn Road, Oakamoor, Staffordshire, ST10 3BZ

Description of Development:

Erection of 6 self-catering holiday lodges with the provision of parking and associated works (Under the powers set out at s73 of the Act this is a 'differing' planning permission to that referenced SMD/2020/0238, granted on the 1st March 2021, with varied condition 2 to allow a substitution and approval of drawings showing revisions to the size and design of three plots 10-12).

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, that has already commenced, subject to the following condition(s):

1. The development to which this permission relates must not be begun later than the expiration of three years from the date of permission SMD/2020/0238.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development permitted and described above, with regard to all plots 9 -14, shall only be arranged and set out in accordance with the revised 'Block and Location Plan' 2017-10-103 and 'Proposed Site Plan' 2017-10-104, received with this application. In respect of plots identified on the 'Proposed Site Plan' as plots 10,11 and 12, the development shall only be carried out in accordance with revised plans 2017-10-110 (A), 2017-10-111(B) and 2017-10-112(A) that were submitted with the application. In respect of plots identified on the 'Proposed

Site Plan' as plots 9,13 and 14, the development shall only be carried out in accordance with plans 2017-10-10 'D' and 2017-10-11 'D' submitted with application SMD/2020/0238, and 2017-10-12 'B' and 2017-10-15 'B' that were submitted on the 10th Nov 2020 as revisions to application SMD/2020/0238.

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

3. The construction of the lodges shall only be carried out and finished using external facing cedar or kiln dried boarding and natural roofing slates to match those of the existing lodges on the adjacent land. Those facing and roofing materials shall thereafter be retained and maintained without variation throughout the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the external appearance of the development is satisfactory.

4. The windows and doors to be installed in the development shall be timber that is stained or treated in a colour that matches those of the existing lodges on adjacent land, and they shall be installed with a set back of a minimum of 100mm from the edge of the facing elevation that surrounds the window or door opening, unless otherwise agreed in writing by the Local Planning Authority. The windows and doors shall be retained and maintained in accordance with these details throughout the life of the development.

Reason:- To ensure that the development is of a design sympathetic to the locality.

5. The holiday lodges (Plots 9-14) shall not be considered to be dwellinghouses for the purposes of the Town and Country Planning (General Permitted Development) Order 2021 (or any order revoking and re-enacting that order with or without modification), but notwithstanding the terms of that order, no development as specified in the order's Part 1 Class(es) A, AA, B, C, D, E, F, G and H and/or Part 2 Class(es) A, B, and C and/or Part 20, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

6. The holiday lodges permitted, and identified on plan as plots 9-14, shall only be occupied or used by persons who are on holiday and normally or mainly reside elsewhere. No one period of occupation by any occupant(s) shall last longer or exceed more than 4 consecutive weeks at a time and there shall be no return within 2 months.

Reason:- In order to ensure proper control of the use of the holiday unit(s) and to prevent the establishment of permanent residency.

7. Temporary tree protection barriers, temporary ground protection measures and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction –

Recommendations, and as set out in the Thompson Tree Services Stages 1 and 2 arboricultural report (Tree Schedule/Tree Constraints Plan/Arboricultural Impact Assessment) dated October 2020, shall be erected and retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed in writing by the Local Planning Authority

Reason:- Because the development would take place within a protected woodland.

8. The development hereby permitted shall be constructed only in full accordance with the Thompson Tree Services Stage 3 arboricultural report (Tree Protection Plan/Arboricultural Method Statement) dated October 2020 submitted in support of the application hereby approved, and this shall include provision of on-going professional arboricultural supervision and advice during the period that development takes place.

Reason:- Because the development would take place within a protected woodland.

9. The landscaping and planting scheme that is shown and detailed on the plan numbered 2017-10-104, received with the application, shall be considered, for the purposes of this condition, to be the approved scheme and it shall be fully implemented and carried out before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason: To protect and enhance the woodland environment and biodiversity.

10. Before any mature tree is pruned or felled as a result of the development it must be surveyed for potential bat roosting features, and/or active birds' nests if the work is to be carried out in the bird breeding season. A survey is best completed in the winter months when there are no leaves on the tree and all features can be seen. A survey may include an ecologist climbing the tree and investigating holes, cracks and wounds with an endoscope (under licence) and the results shall be submitted to and approved in writing by the Local Planning Authority. If the survey indicates that bats are present a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved mitigation.

Reason: To safeguard protected species.

11. The development works shall only be carried out in accordance with the protocols set out at G3 'General' of the WDEC Ecological Appraisal Report that was submitted with the application. In accordance with this, the developer shall ensure that:

- 1) A precautionary approach shall generally be followed to the works on site during any period in which any habitats are to be impacted in any form.
- 2) A tool box directive shall be given to the workforce working upon the site, instructing them

of what to do if protected or priority wildlife is discovered and what their legal responsibilities are.

3) A watching brief shall be kept at the site by site management and a strategy put in place in case protected or priority wildlife is discovered and/or injured within the site.

4) Should any active birds' nests or bat roosts be discovered during the works or it is believed that protected species are present within the site, work must cease immediately and an appropriately licensed ecologist be engaged to assess the situation, give advice and act accordingly, before any works continue.

5) Consideration must be given to the fact that work scheduling may be affected should wildlife be discovered in this way. It is always judicious to search a site thoroughly before any works, at any time of year, for the presence of wildlife.

Reason: To protect the biodiversity of the woodland.

12. Site work (including any site clearance, stripping or site establishment) shall only be carried out in accordance with, and full observation of, the programme of mitigation contained in the 'Reptile & Great Crested Newt Mitigation Strategy', produced by Focus Consultants in April 2021 and approved by the Local Planning Authority in writing on the 9th June 2021, setting out measures by which it will be ensured that any risk of threat to reptiles and amphibians is minimised.

Reason:- In the interests of biodiversity and safeguarding reptiles.

13. The development permitted shall not be brought into use until a scheme and system of foul and surface water drainage and treatment, including the provision of any pumping station and water treatment tank, has been installed and fitted in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Such details shall comply with or provide in particular for the matters specified below, these matters specified are:-

a) the envisaged effect of the development on all existing watercourses and ditches on or within proximity of the site, and, a scheme of works or protective measures in respect of such existing water courses and ditches and the timing of these works

b) that all foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water sewerage system, unless otherwise agreed by the Local Planning Authority in writing.

c) that surface or foul water shall not discharge to any ditch or watercourse

d) that surface water shall not discharge to the main sewer system.

e) that there shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways

Reason:- To prevent pollution of the water environment.

14. The 'second' service access to the east of the existing main access shall remain only as an access for staff and services. At no time shall the access be used by guests of the lodges, an appropriate sign warning of this arrangement shall be erected and retained at the entrance to the access throughout the life of the development.

Reason: In the interests of highway safety.

Informative

It should be noted that the site lies wholly within the extent of Woodland W1 protected under Tree Preservation Order No. SM.105, and this protection extends to all trees of whatever species, age and size. Other than where directly required to implement the development hereby approved, the planning permission hereby granted does not authorise any work to trees. Separate specific application to and grant of consent by the local planning authority under the TPO would first be required for any such work, other than where specified as exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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. Additional information relative to the development's impact on trees, were submitted by the agent on request in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework paragraph 38.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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.