

Mr Rob Duncan
70 Ferndale Road
Lichfield
Staffordshire
WS13 7DL

M & S Hill & Hodge
Lower Overton Farm
Overton Road
Congleton
CW12 3QW

Application no: SMD/2021/0725

Determined on: 2nd March 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.

Location of Development:

Lower Overton Farm, Overton Road, Congleton, Staffordshire, CW12 3QW

Description of Development:

The alteration and conversion of outbuilding to use it as a residential annex that provides additional and ancillary living accommodation to the existing dwellinghouse at Lower Overton Farm.

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. No works, demolition, dismantling, repair or interior work shall commence anywhere on the site before the Local Planning Authority has been provided with evidence that either:
 - a) a licence has been issued by Natural England pursuant to the Conservation of Habitats and Species Regulations 2017 authorising development to proceed; or
 - b) a statement in writing has been issued by Natural England indicating that it does not consider that the development will require a licence and the Local Planning Authority has confirmed in writing that it is satisfied with that evidence.

Unless otherwise required by the terms of a license issued by Natural England, all of the works permitted shall be carried out in accordance with, and in full observation of, the methodology,

recommendations and conditions set out in the 'Elite Ecology Report' dated September 2021 that was submitted with the application.

Reason:- To ensure that the development does not cause harm to a species protected by the Conservation Habitats and Species Regulations 2017 and result in an offence.

3. Notwithstanding the details submitted with the application, the development hereby approved shall only be carried out and completed in accordance with the drawn and written detail shown on the revised plans numbered 210214_PR_003 'A', 210214_PR_006 'A' and 210214_PR_007 'A' that were received on the 1st and 2nd March 2022.

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

4. The development permitted and described above shall only be carried out using facing stone and roof tiles that match those of the existing building.

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

5. The windows and doors to be installed in the outbuilding shall be constructed of timber as flush fitting units and casements, painted in a light grey or green colour and set back a minimum of 75/100 mm from the edge of the stonework around the window or door openings, unless otherwise agreed in writing by the Local Planning Authority.

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

6. For the purposes of any Planning Act or Order, the outbuilding shall not at any time be considered to qualify as a 'dwellinghouse'. For the avoidance of doubt, notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, C, D, E, F, G and H and/or Part 2 Class(es) A, B and C, other than those expressly authorised by this permission, shall be carried out at the outbuilding or within its curtilage, 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.

7. The residential annexe/accommodation hereby permitted shall be used solely for purposes incidental to the enjoyment of, or ancillary to, the existing dwelling known as Lower Overton Farm, Overton Road, CW12 3QW and for no other purpose whatsoever. In particular, at no time shall the residential accommodation hereby permitted be occupied, sold, let or otherwise used as a separate independent dwellinghouse.

Reason:- The application is for ancillary domestic accommodation only, in the interests of highway safety and amenity standards.

Informative

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. Amended plans were agreed with the agent in the course of the determination 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.