



Staffordshire County Council
Town and Country Planning Act 1990
Development Management Procedure Order 2015

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

Application Type: COU

Applicant:

Mr & Mrs Harrison C/O AGENT

Officer: Tracey Lunn

Our Reference: SMD20220019/DETV1

District Reference: DET/2022/0019

Date Received: 28-Mar-2022

Date Responded: 27-Apr-2022

Particulars of Development:

Change of use of a former agricultural building at Apesford Farm, Bradnop to form 1no. dwellinghouse along with associated building operations.

Location of Development:

Apesford Farmhouse, Apesford, LEEK, ST13 7EX

Recommendation Summary: Conditional

Site Visit Conducted on: 12-Apr-2022

Personal Injury Collisions;

Current records show that there were no Personal Injury Collisions on Apeford Lane within 215 metres either side of the property access for five years.

Background;

The property is accessed via the existing private track off Apesford Lane. Apeford Lane is a C classification road (Road No. C0158), is a single-track rural road serving farms and Coombes Valley RSPB reserve and is subject to a 60mph speed limit.

Description of Proposal;

Change of use of a former agricultural building at Apesford Farm, Bradnop to form 1no. dwellinghouse along with associated building operations.

Comments;

The proposal is to convert a former agricultural building into a 2-bedroom dwelling as detailed in submitted drawing (Drawing Ref: 1571-AL36). Parking for 2 vehicles is also detailed on submitted drawing (Drawing Ref: 1571-AL36A) 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.

It is thought the proposal will not cause a significant increase in trip generation.



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

It is noted that Public Footpath Bradnop and Cawdry 16 runs along the access track to Apesford 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 Drawing Ref: 1571-AL36A and shall thereafter be retained for the life of the development.

REASONS

To comply with NPPF; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

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 within the communal amenity area.

It is noted that Public footpath Bradnop and Cawdry 16 runs along the access track to Apesford Farm.

INFORMATIVE NOTES TO BE INCLUDED ON THE DECISION NOTICE:

Public Footpath Bradnop and Cawdry 16 runs along the access track to Apesford Farm. 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.

Commissioner for the Built County
On behalf of the County Council
As Highway Authority