

Mr Robert Watkins
Graham Watkins & Co
57 Derby Street
Leek
Staffordshire
ST13 6HU

Mr Frank Klucznik
White Chimneys
Bradshaw Lane
Ipstones
Staffordshire
ST10 2LR

Application no: SMD/2022/0194

Determined on: 12/07/2022

**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:

White Chimneys Bradshaw Lane Ipstones Staffordshire ST10 2LR

Description of Development:

Purpose built proposed portal frame agricultural building.

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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

Location Plan LP 1:1250

Site Plan SP 1:500

Elevation Plans 1:100

Floor plans 1:50

Plan of landscape planting position marked by green edge

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. The external facing and roofing materials shall match in colour, form and texture those of the adjacent building to the north built under approval reference SMD/2021/0355 and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the works harmonise with the existing development.

4. Notwithstanding the above conditions the external colour finish of the roof hereby approved shall match that of the roof of the adjacent farm store built following approval DET/2017/0029 and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the works harmonise with the existing development and are suitable for the building use and rural location and to minimise conspicuousness in the environment.

5. The finished floor level shall be no higher than that of the adjacent building to the north built under approval reference SMD/2021/0355.

Reason: To ensure that the works harmonise with the existing development.

6. The area of landscape planting shown in the planting position plan hereby approved shall be fully planted and securely fenced against grazing livestock and other mammals before the end of the first available planting season (November to February inclusive) following the substantial completion and / or first coming into use of the development whichever is the earlier. The planting shall comprise within the planting block two evenly spaced rows of trees / shrubs with the plants spaced at 2.5m staggered intervals along each row and the outer rows each set 1m in from the long fenced boundary length. The planted trees / shrubs shall be to 'feathered' specification and shall number a minimum of 60 specimens and comprise a mixture of 20% each of hawthorn, hazel, rowan, silver birch and English oak. Any plants which die or are lost or otherwise fail to establish in the first five years following the completion of the planting shall be replaced in the next available planting season with plants of the form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development.

Reason: In the interests of the visual appearance of the development and the amenities of the area including landscape and biodiversity.

7. No outside lighting shall be affixed to the outside elevations or roof of the building hereby approved unless it is so mounted as to only direct light downwards on to the immediate curtilage of the building or is otherwise shielded so as to avoid lateral spread of light beyond the building curtilage and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site and in the interests of the visual appearance of the development and the amenities of the area.

8. If the use of the building hereby approved for the purposes of agriculture within the unit permanently ceases, unless the local planning authority have otherwise agreed in writing, within 6 months the building shall be removed from the land and the land shall, so far as practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing with the local planning authority.

Reason: In the interests of the visual landscape amenities of the area as the site lies within open countryside and the building has only been permitted for reasons to serve an agriculture related need in accordance with Policies SS1, SS10 and the NPPF.

9. The development including access hereby approved shall be used solely for purposes of agriculture in association with the land at White Chimneys and there shall be no incidental or other non-agricultural use of the development.

Reason: For clarity and the avoidance of doubt and in the interests of the visual landscape amenities of the area.

Informatives

1. With regard to exterior lighting it is recommended that the applicant refer to and be guided the protocols contained in the Institute of Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and the Bat Conservation Trust's "Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting" (2014).

2. Use of the building hereby permitted for any non-agricultural purposes will render the owner liable to formal enforcement action.

3. 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. Amendments were agreed with the agent in the course of the determination in accordance with the approach to decision making as advocated in the National Planning Policy Framework at paragraph 38.

X 

Signed by: Jane Colley Signature

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
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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>
11. 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.
12. 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.
13. Domestic sprinklers. Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building. The chance of an accidental discharge is 16,000,000:1. If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)
14. Working smoke alarms correctly positioned in your home can save your life. The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month.

Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.