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Application no: SMD/2022/0211

Determined on: 05/08/2022

**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:

Land At Simfield Farm Greens Lane Werrington Staffordshire

Description of Development:

Removal of Condition 5 of SMD/2021/0727 relating to the prevention of use of the manege for commercial purposes, insofar as to allow individual riding lessons to be provided.

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 10th February 2022 being the date of the original permission SMD/2021/0727.

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 permitted shall be carried out in accordance with the following approved plans:

- Location Plan
- 1740-01
- 1740-02

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

3. The development hereby permitted shall be undertaken in accordance with those

materials as detailed within the application form and approved drawing number 1740-01, unless otherwise first agreed in writing by the Local Planning Authority.

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

4. Access shall be allowed at any reasonable time for a building analyst or archaeologist approved/nominated by the Local Planning Authority to maintain a watching brief on the works hereby permitted.

Reason: To ensure the recording of any features of historic/archaeological importance if any are uncovered during the excavation works.

5. The manège hereby permitted shall be used only for the exercise and/or training of horses owned by or leased to the occupier of Simfield Farm (including any purpose incidental thereto) except for lessons for up to a maximum of two customers at a time. The manège shall otherwise not be used for any commercial purposes whatsoever including livery, and there shall be no events or gymkhanas held on the land.

Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents by the establishment of a commercial concern of any greater amount than the specified lesson limit.

6. Unless approved in writing by the Local Planning Authority, no ground clearance or construction work shall commence until a chestnut pale or similar form of protective fencing, to conform to BS 5837 (2012) has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. The fencing shall be located at least 1.00 metre beyond the line described by the furthest extent of the canopy of each tree/tree group or hedge. Within the areas so fenced, the existing ground level shall be neither raised nor lowered, all excavations shall then be carried out by hand. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

7. The development hereby permitted shall not be commenced until full details of soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.
- Spoil disposal details, including existing and proposed levels drawings, where necessary.
- Additional grassland enhancement to secure a net gain in biodiversity, or a

Biodiversity Impact Assessment (BIA) using Defra metric 3.0 or above, or small sites metric, is to be submitted to evidence that the current proposals are sufficient.

Reason: To ensure the appropriate landscape design; in the interests of the visual amenities of the area; to protect existing habitats; and to secure a net gain in biodiversity.

8. All soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to achieve a net gain in biodiversity.

9. No lighting shall be erected within or adjacent to the manège hereby approved, unless express permission is given by the Local Planning Authority.

Reason: To protect the visual amenity of the rural area, neighbouring amenity and bats.

10. The development hereby approved shall be undertaken in accordance with Chapter 5: Recommendations of the Preliminary Ecological Appraisal, produced by Elite Ecology and dated December 2021, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect protected species and their habitats.

11. Prior to the commencement of development, a Herpile Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include those measures detailed at paragraph 5.3.5 of the Preliminary Ecological Appraisal, produced by Elite Ecology and dated December 2021. The development shall be undertaken in accordance with the approved Herpile Method Statement.

Reason: To protect protected species and their habitats.

12. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of pollution prevention measures to be employed during the construction phase to ensure silt does not pollute downstream habitats via surface runoff. Development shall take place in accordance with the approved details.

Reason: To protect protected species and their habitats.

Informative

This is considered to be a sustainable form of development and so complies with the provisions of the NPPF (2021).

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
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.