

Mr Geoff Rouane
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Stoke on trent
Staffordshire
ST3 5QW

Joy Briggs
Bank Top Cottage
1 Rakeway Road
Cheadle
Staffordshire
ST10 1RA

Application no: SMD/2021/0714

Determined on: 23/05/2023

**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:

Bank Top Cottage, 1 Rakeway Road, Cheadle, Staffordshire, ST10 1RA

Description of Development:

Erection of Domestic Detached Garage/Store

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. The development hereby permitted and described above shall only be carried out in accordance with the approved plans referenced and numbered SITE LOCATION PLAN and BTC1a, that were submitted with the application. The development shall thereafter only be used for purposes that are incidental to the enjoyment of the dwellinghouse at 1 Bank Top Cottage.

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

3. The development shall only be carried out using the external facing materials that are detailed and specified in the approved plan numbered BTC1a that was submitted with the application, and plain clay roofing tiles to match the adjacent and existing dwellinghouse.

Reason:- To ensure that the works are in keeping with adjacent development.

4. There shall be no works, excavations or development carried out within the defined root protection zones of those trees marked in the Hamps Valley Ltd Tree Survey Report as TG1 (semi-mature holly hedge), T3A (semi-mature oak), and T6B (semi-mature hawthorne). It is apparent that these trees are statutorily protected by virtue of Woodland Protection designation SM037W001 and the submitted Tree Survey Report demonstrates that the development can be carried out without the cutting down or pruning of any of these trees, no such work shall be carried out to the trees without the separate consent first being applied for and granted by the Local Planning Authority.

Reason: To ensure the development does not adversely impact on protected trees and trees to be otherwise retained.

5. The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers 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 these shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority (LPA). 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 LPA.

Reason: To ensure the development does not adversely impact on protected trees and trees to be otherwise retained.

Informatives

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. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

Specific consideration should be given to the possible presence of roosting bats, which are protected under British law by the Wildlife and Countryside Act (WCA) 1981 (as amended), and bats are classified as European Protected Species under The Conservation (Natural Habitats, &c.) Regulations 2010. This makes it an offence to kill, injure or disturb a bat and to destroy any place used for rest or shelter by a bat. The Countryside and Rights of Way Act (CROW) 2000 strengthens protection given by the WCA and covers 'reckless' damage or disturbance to a bat roost.

This permission does not imply any consent for the removal or pruning of any tree located within the Woodland Protection area SM037W001. You must apply to the LPA for separate permission before removing or pruning a tree within this area, which would then require a formal TPO application and grant of consent before tree work is carried out. If you deliberately destroy a protected tree, or damage it in a manner likely to destroy it, you could be liable to an unlimited fine. You could also be fined if you cause or permit such work. Other offences can lead to fines of up to £2,500.

Staffordshire County Council has received an application under Section 53 of the Wildlife and Countryside Act 1981 to add to the Definitive Map of Public Rights of Way in this vicinity (An alleged public footpath at Rakeway Head, Cheadle - Application reference: LF604G). The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

Users of a public right of way must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development. The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

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 BCControl@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.