STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Hughes
New Houses
1 Kerry Hill
Stoke on Trent
Staffordshire
ST2 8NA

Application no: SMD/2023/0284

Determined on: 24th October 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:**
Launders Bank Farm Eaves Lane Armshead Staffordshire ST2 8LY

**Description of Development:**
Variation of condition 2 relating to SMD/2020/0491

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 commenced before the expiration of three years from the date of the original consent, reference SMD/2020/0491 granted on 19.04.2022

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan

Site Plan
Proposed Plan and Elevations: Dwg no 1 RLB received 25.09.2023
Solar Panel Details received 09.10.2023

Reason : For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. This condition has been previously discharged by virtue of application DOC/2023/0025. The approved materials are as follows. Hampton rural blend brick, Heritage blend brick and Marley Hawkins Plain Tile Staffordshire Blue Clay. The development must be competed in full accordance with these details.

Reason: In order that the Local Planning Authority may ensure that the materials used are appropriate to the locality.

4. This condition has been previously discharged by virtue of application DOC/2023/0025. The approved details are as follows. '0491 site plan – including levels' and '2023-06-13_222713 - condition 4 site plan'. The development must be undertaken in strict accordance with these details.

Reason: In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

5. This condition has been previously discharged by virtue of application DOC/2023/0025. The approved details are as follows. Details submitted under 0491 Landscaping Plan by TD Thursfield Kerry Hill Nursery and amendments agreed to on email dated 12th May 2023. The development shall be undertaken in accordance with the approved details unless subsequently modified by virtue of further details submitted in compliance with condition 10.

Reason:- To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

6. All hard and soft landscape works approved under condition 5 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.

7. Prior to the first occupation of the farmhouse hereby approved, the existing farmhouse shall be demolished and the site shall be restored in accordance with the details approved by virtue of application DOC/2023/0025. The approved details are as follows 'details submitted under Discharge of Conditions Application document and following email dated 26th June 2023 '. Once the existing farmhouse is demolished, the footings will remain in place and the ground shall be stoned over, being incorporated as part of the farmyard in the same material

Reason:- The permission is for a replacement dwellinghouse and therefore the original farmhouse has to be demolished in order to comply with Green Belt policy.

8.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, D, E and F and Part 2 Class A, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason:The dwellinghouse comprised inappropriate development in the Green Belt and was only approved due to Very Special Circumstances. Permitted Development Rights have been removed to ensure the openness of the Green Belt is maintained.

9. This condition has been previously discharged by virtue of application DOC/2023/0025. The approved details are as follows '0491 Energy Report and 0491 CAD Energy Survey' . The development shall be undertaken in accordance with the approved details and shall be completed prior to the occupation of the dwellinghouse hereby approved. The agreed measures shall be retained for the lifetime of the development.

Reason:- To ensure the development is sustainable and energy efficient.

10.Prior to the construction of the dwellinghouse hereby approved, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but shall not be limited to, the measures outlined within Chapter 4 of the Bat and Bird Activity Survey produced by Charnia Ecology and dated September 2021. The approved measures shall be implemented in full prior to the occupation of the dwellinghouse hereby approved, unless alternative timings are first agreed in writing by the Local Planning Authority.

Reason:- To ensure the development achieves a net gain in biodiversity.

11. The development hereby approved shall be undertaken in accordance with the mitigation measures outlined in Chapter 4 of the Bat and Bird Activity Survey produced by Charnia

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Ecology and dated September 2021.

Reason:- To protect existing protected species and birds

**Informative**

The Local Planning Authority has acted positively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework by assessing the proposal against relevant planning policies and all material considerations. The nature of the proposal has not necessitated any liaison with the applicant prior to determining to grant planning permission in accordance with the presumption in favour of sustainable development.

X B.J. Haywood

Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**

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## NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel:0333 880 2000.

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.

12. 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)

13. 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.