

Mr. C. Johnston
Development Services
Staffordshire Moorlands District Council
Stockwell Street
Leek
ST13 6HQ

19th August 2024

Dear Chris

VARIATION OF CONDITION 17 OF SMD/2024/0147 – SPRINGFIELDS FARM, WERRINGTON

I refer to the above planning application, and in particular to the requirements of Condition 17 imposed on the decision notice issued on the 26th June 2024, which this application seeks consent to vary.

Condition 17 is currently worded as follows:

“The land edged in red and blue on the plans hereby approved shall not be used for the siting of play equipment, bouncy castles or other inflatables, catering vans, marquees, food and drink stalls or for the parking of vehicles outside of the areas shown for car parking in the approved Site Plan, for the lifetime of the approved development except for domestic play equipment or car parking within the residential curtilage of the dwelling within the land edged red which shall be used only for purposes incidental to the enjoyment of that dwellinghouse”.

The stated reason for the imposition of the condition is:

“to protect the visual and residential amenities of the area”

The application seeks consent to vary the wording of Condition 17 so as to allow the use of the parcel of land enclosed by a blue line to the south of the site to be utilised for up to 28 days in any one calendar year for any purpose, and the provision on the land of any moveable structure for the purposes of the permitted use.

Paragraph 56 of the National Planning Policy Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The accompanying Planning Practice Guidance confirms that:

“Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity”

It goes on to state that:

“Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity”

In this case the provisions of Condition 17 currently comprise a blanket removal of freedoms to utilise the land around the site for the temporary periods that would otherwise be allowed for under the provisions of Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order. Those provisions allow for the temporary use of land for up to 28 days per calendar year for any purpose (except for the holding of a market or for motor / motorcycle racing where the use is otherwise restricted to no more than 14 days). The proposed variation of condition will allow for the land to the south of the site to be used for up to 28 days for any purpose along with the provision of any moveable structure for the purposes of the permitted use of that land.

The applicant is nevertheless mindful of previous concerns raised by neighbouring residential occupiers, as well as those of the Local Authority’s Environmental Health Department, about noise and disturbance from the site, and consequently proposes to retain the restrictions imposed by Condition 17 on both the site itself and on the parcel of blue land to the north of the site. In doing so the proposed variation of condition will not give rise to any greater disturbance to residential amenity than that which is already permitted.

By contrast there are no residential occupiers to the south, the nearest being 330+ metres distant, so the variation of condition will not result in harm to residential amenity. The temporary use of the land for up to 28 days will furthermore not materially harm the character and visual amenity of the area, since the land will only be used for a temporary period (up to 28 days) and thereafter be clear of development for the remainder of the year.

The Government has clearly intended for land to be able to be used in any manner for a temporary period by virtue of the provisions of the Permitted Development Order, and we contend that the blanket removal of such freedoms via the current wording of Condition 17 is unnecessary and unreasonable.

We consequently propose that Condition 17 be varied to read as follows (varied text in bold):

“The land edged in red on the plan, along with the land to the north of the site edged in blue, on the plans hereby approved shall not be used for the siting of play equipment, bouncy castles or other inflatables, catering vans, marquees, food and drink stalls or for the parking of vehicles outside of the areas shown for car parking in the approved Site Plan, for the lifetime of the approved development except for domestic play equipment or car parking within the residential curtilage of the dwelling within the land edged red which shall be used only for purposes incidental to the enjoyment of that dwellinghouse. The land to the south of the site edged in blue on the approved plans may be used for 28 days per calendar year for any purpose (except for the holding of a market or for motor car or motorcycle racing) and provision of any moveable structure for the purposes associated with the permitted use of that land”.

The proposed variation of condition in this manner will not derive any material harm to the visual amenity of the area or to neighbouring residential amenity, and is consequently held to meet the requirements of policies SS1, SS10, DC1 and DC3 of the Staffordshire Moorlands Local Plan and guidance set out within the National Planning Policy Framework, in particular paragraph 56.

I trust this application will be of interest and should you have any queries or concerns with the proposal then please contact me to discuss.

Yours sincerely

Rob Duncan
Planning Consultant