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Application no: SMD/2014/0843

Determined on: 24/02/2015

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2010**

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:

Home Farm, Bradshaw Lane, Ipstones, Staffordshire ST10 2LJ

Description of Development:

Erection of agricultural building (resubmission of SMD/2014/0023)

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 complete accordance with the submitted amended plans and specifications as follows:-

BM2315.1 Rev A dated 23.2.15

BM2315.2 Rev A dated 23.2.15

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. The finishing materials for the building hereby approved shall comprise treated Yorkshire vertical boarding for the walls and slate blue fibre-cement profile sheeting for the roof in exact accordance with drawing BM2314 Rev A.

Reason:-

In the interests of the character and appearance of the rural area.

4. The building hereby approved shall be used only for agricultural cattle housing associated with Home Farm, Bradshaw Lane, Ipstones and for no other purpose.

Reason:-

In the interest of ensuring appropriate development in the countryside.

5. The developer shall notify the local planning authority in writing within 7 days of the date on which the development was substantially complete or first brought into use. If the use of the building for the purposes of agriculture within the unit permanently ceases within ten years from the date on which the development was substantially completed and planning permission has not been granted on an application, or has not been deemed to be granted under Part III of the Town and Country Planning Act 1990 (as amended), for development for purposes other than agriculture, within three years from the date on which the use of the building for the purposes of agriculture within the unit permanently ceased then unless the local planning authority have otherwise agreed in writing, 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 Policy SS6c of the Council's Core Strategy.

6. Manure or effluent generated from the proposed unit shall be managed in accordance with the recognised Best Available Technique (BAT) outlined in the Protecting our Water, Soil and Air, A Code of Good Agricultural Practice growers and land managers (defra, 2009) to ensure as far as is possible that there is no reasonable cause for annoyance from any

odours at any nearby sensitive receptors and pollution of controlled waters is prevented.

Reason:-

To protect the amenity of neighbours and pollution of the environment

7. Development should not commence, until details of the manure storage facility shown on the amended drawings, that will be used to store the manure or generated effluent from the proposed use, has been submitted to and approved, in writing, by the local planning authority. The manure store area should be a dedicated storage area, with sufficient capacity to store 6 months worth of manure and have an impermeable surface capable of containing, or facilitating the collection of, all manure generated leachate. The burning of manure as a means of disposal is not permitted. If, in the opinion of the local planning authority there is reasonable cause for odour annoyance at the nearest sensitive receptor, the applicant must submit and agree in writing with the Local Planning Authority an odour management plan.

Reason:-

To protect the amenity of neighbours and pollution of the environment

8. 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 and these works shall be carried out as approved. 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
- Implementation timetables

Reason:-

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

9. The implemented planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason:-

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

10. Before the commencement of works, details of the proposed yard area including its

siting, footprint and materials shall be submitted to and approved by the local planning authority and the approved yard area shall be provided before the building hereby approved is brought into use.

Reason:-

In the interests of the appearance of the farm and surrounding landscape and also in the interests of localised flood prevention.

Informatives

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.
2. During any demolition and construction activities (including landscaping) the contractor shall pay due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456), and take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
3. Protecting our Water, Soil and Air, A Code of Good Agricultural Practice growers and land managers (Defra, 2009 [ISBN: 978 0 11 243284 5]), is available as a free download from the defra website: www.defra.co.uk
4. Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download
<http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
5. "Guide to Odour Management at Intensive Livestock Installation" (2005); Environment Agency Technical guidance note IPPC SRG 6.02. Available as a free download from the Environment Agency website: <http://publications.environment-agency.gov.uk/PDF/GEHO0110BRSE-E-E.pdf>
6. Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download
<http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
7. The site is situated within a nitrate vulnerable zone and therefore manure disposal must therefore comply with the Nitrate Pollution Prevention Regulations 2008

Signed 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.
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. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.staffsmoorlands.gov.uk for details.** 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. 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.