



**Sal Khan CPFA, MSc
Head of Service (Section 151 Officer)**

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT**

Date valid application received:
29/11/2022

Application No: P/2022/01214

Name and address of Agent
JMI Planning
62 Carter Street
Uttoxeter
Staffordshire
ST14 8EU

Name and address of Applicant
Mr and Mrs Neachell
C/O JMI Planning
Carter Street
Uttoxeter
ST14 8EU

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **PERMITS**:

Change of use of land to facilitate the erection of a detached stable block with associated storage and tack room, creation of hardstanding and parking area and formation of a manege with associated fencing

Land off Newborough Road, Hoar Cross, DE13 8RD

in accordance with the submitted documents and plans and subject to the condition(s) specified hereunder:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Proposed Location Plan, dated as received on 29-11-2022

Proposed Site Plan, dated as received 29-11-2022

Proposed Elevations and Cross Section of Menage, drawing number 18.22, rev 01A dated as received on 29-11-2022

Proposed Elevations, Floor and Roof Plans, drawing number 18.22, rev 02A dated as received on 29-11-2022

Preliminary Ecological Appraisal by Elite Ecology dated as received on 28-10-2022

Planning and Heritage Statement by JMI Planning, dated as received 18-10-2022

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the rural locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan

Policies SP1, SP8, SP24, SP29, SP35, DP1 and DP7, The Newborough Neighbourhood Plan, the East Staffordshire Design Guide, and the National Planning Policy Framework.

3 All external materials used in the development shall be as set out on the plans listed under condition 2 and as set out on the application form unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

4 The equestrian use and stables hereby approved shall be used for recreational purposes only by the owner/occupier of 'Forty Shade' and shall not be used for any livery, competition, lessons, rented out or for any other commercial use, unless otherwise agreed by the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with National Planning Policy Framework and East Staffordshire Local Plan Policies SP1, SP8, DP1 and DP7.

5 No external illumination shall be provided unless first agreed in writing by the Local Planning Authority.

Reason: To avoid indirect disturbance to nocturnal animals that may utilise local habitats and to protect amenities of occupiers of nearby properties and the locality in general in accordance with National Planning Policy Framework and East Staffordshire Local Plan Policies SP1, SP8, SP29, DP1 and DP7.

6 During the construction phase, works shall not be carried out after dusk and they do not commence until after dawn. During the construction phase and post development generators and machinery that emit significant noise levels must not be left to run through the night.

Reason: To avoid disturbance to animals that may utilise local habitats and to protect amenities of occupiers of nearby properties and the locality in general in accordance with National Planning Policy Framework and East Staffordshire Local Plan Policies SP1, SP8, SP29, DP1 and DP7.

7 Before any part of the development hereby authorised is brought into use details of the access, visibility splays, parking and turning arrangements required to serve the site shall be submitted to and approved by the LPA and once approved shall be completed in accordance with those plans prior to the development being brought into use and once occupied shall be maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

8 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with 'Land Contamination Risk Assessment ('LCRM') which was published in 2020'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan and the National Planning Policy Framework. Responsibility for securing a safe development rests with the developer and/or landowner.

Informative(s):

1 The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

2 The applicant(s) is/are advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

3 The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

This permission is granted by the under signed under powers delegated by the Borough Council in accordance with the provisions of Section 101 of the Local Government Act 1972.

This consent is given in pursuance of the relevant Planning Legislation and does not entitle you to do anything for which the consent of some other landowner, person, public authority, or department of the Council is required.

Dated 13 February 2023

Signed *Femke Roux*

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- 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.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice. (Unless the application is for a minor commercial application, please see the criteria for a minor commercial application below). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- 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 <https://www.gov.uk/appeal-planning-inspectorate>.
- 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.

Minor Commercial Development Uses

Shops

1. Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,

- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café, where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet, where the sale, display or service is to visiting members of the public.

Financial and professional services

2. Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Restaurants and cafes

3. Use for the sale of food and drink for consumption on the premises.

Drinking establishments

4. Use as a public house, wine-bar or other drinking establishment.

Hot food takeaways

5. Use for the sale of hot food for consumption off the premises.”