

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**7 April 2022**

<b>Application No:</b>	SMD/2021/0100	
<b>Location</b>	Land at Deadman's Green, Uttoxeter Road, Checkley, Staffordshire	
<b>Proposal</b>	Outline application with details of access (all other matters reserved) for the erection of a farm workers dwelling.	
<b>Applicants</b>	Mr J. Richards and Ms D. Civil.	
<b>Agent</b>	Mr J. Malkin (JMI Planning)	
<b>Parish/ward</b>	Checkley	<b>Date registered</b> 9/3/21
If you have a question about this report please contact: Mrs L. Jackson tel: 01538 395400 ex 4125 lisa.jackson@staffs Moorlands.gov.uk		

**REFERRAL**

The application is brought before Planning Committee at the request of Cllr M. Deaville who supports the application.

**1. SUMMARY OF RECOMMENDATION**

That the application is approved subject to conditions.
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site is located on the northern side of Uttoxeter Road behind roadside hedgerows and a parcel of undeveloped land. Access is currently via a track connecting the site directly with the main carriageway. Within the site are a number of structures including a former stable block which is currently used for cattle housing, timber field shelter and animal pens/fencing. The application states that pigs are housed in the fields in moveable arks. There is parking/turning space within the site and an area of hardstanding to the front of the stable block building. To the west of the application site is a detached dwelling known as Green Farm. There are other dwellings to the west of Green Farm and further residential development in the area known as Deadman's Green to the West/South-West, on the opposite side of the road. The site is roughly to the South-East of Checkley, but well outside of its (Checkley's) built form. Further along the road to the South-East is Fole.

2.2 For the purposes of planning policy consideration, the application site is located within the open countryside, it does not however have a Green Belt designation and the site does not form part of any Conservation Area. There are no Listed buildings/structures or protected trees either within, or within the vicinity of, the application site.

### **3 DESCRIPTION OF THE PROPOSAL**

3.1 This is an Outline application with all matters (apart from access) reserved for later consideration, for the erection of an agricultural worker's dwelling. The application is supported by a Planning Statement and an Agricultural Justification Statement. The Council are informed that 'The scheme proposes the erection of an agricultural workers dwelling to support the operations associated with holding. There is currently no on-site accommodation associated with the holding, and the level of man hours associated with the operations of the farm (352.79 Standard Man Days) prove the need for on-site accommodation.

3.2 The application is not supported by any indicative elevation drawings but the plans do show the approximate positioning of the proposed dwelling within the application site. Although a footprint is shown, it is clear that siting/layout is not a matter for consideration at this time. The application form indicates a brickwork dwelling complete with plain blue tile roof. The Planning Statement anticipated a two-storey dwelling with 3-4 bedrooms, bathroom, living room, kitchen and utility with reference made to the likelihood of the dwelling having a small farm office and boot/wet room at ground floor level. Later conversations with the Planning agent have revealed the thinking of providing a 2/3 bed bungalow to minimise build costs. Members are advised that no pre-application advice has been sought.

3.3 The application, the details attached to it, including plans, documents and consultation responses can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145744>

### **4 RELEVANT PLANNING HISTORY**

SMD/2015/0785	Provision of a horse riding arena adjacent to existing stables. Approved.
03/00961/FUL	Stable building. Approved.

### **5 PLANNING POLICIES RELEVANT TO THE DECISION**

#### Staffordshire Moorlands Local Plan

SS1	Development Principles
SS9	Smaller Villages Area Strategy
SS10	Other Rural Areas Strategy
SD1	Sustainable Use of Resources
E1	New Employment Development
H1	New Housing Development
DC1	Design Considerations
DC3	Landscape and Settlement Setting
NE1	Biodiversity and Geological Resources
NE2	Trees, Woodlands and Hedgerows
T1	Development and Sustainable Transport

## Appendix 2 Parking Guidance

### Supplementary Planning Guidance

1. Space About Dwellings.
2. Design Principles for Development in the Staffordshire Moorlands. New Dwellings and Extensions to Dwellings.

### Supplementary Planning Document

1. Staffordshire Moorlands Design Guide.

### National Planning Policy Framework

Including sections;

- 2: Achieving sustainable development.
- 4: Decision-making.
- 5: Delivering a sufficient supply of homes.
- 6: Building a strong, competitive economy.
- 9: Promoting sustainable transport.
- 11: Making effective use of land.
- 12: Achieving well-designed places.
- 14: Meeting the challenge of climate change, flooding and coastal change.
- 15: Conserving and enhancing the natural environment.

### National Planning Policy Guidance

Planning Guidance Note 'Housing Needs of Different Groups' (Ministry of Housing, Communities and Local Government. 2021).

## **6 CONSULTATIONS CARRIED OUT**

Neighbour Notification: Consultation period expired.

Site Notice: Consultation period expired.

Checkley Parish Council: No representations received.

Environmental Health (SMDC): No objections subject to conditions.

Waste Services (SMDC): No issues regarding waste collections.

Staffordshire County Council Highways: No objections subject to conditions.

Severn Trent Water: No objections and no drainage conditions required.

## **7 OFFICER COMMENT, PLANNING BALANCE AND CONCLUSION**

### **Main Issues**

7.1 As with all applications, the Local Planning Authority is required to determine this application in accordance with the Development Plan, unless there are material circumstances which indicate otherwise. The main issues to consider are;

- The principle of a dwelling in this rural location;
- Impact on the character and appearance of the area;
- Amenity in respect of future occupants of the proposed dwelling and any neighbouring dwellings;
- Highway safety;
- Biodiversity.

## **Principle of Development**

### Planning Policy

7.2 The National Planning Policy Framework also places restrictions on the type of housing that could be supported in principle within the open countryside. Section 5 (NPPF) states that Planning policies and decisions should avoid the development of isolated homes in the countryside. Relative to this application is exception (a) where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. The NPPF can 'in principle' support the development and diversification of agricultural and other land-based rural businesses.

7.3 Local Plan policy SS1 outlines 'Development Principles,' stating that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering, in partnership with other agencies and services.

7.4 Local Plan policy SS10 outlines the strategy for development in the countryside. In order to ensure that new development does not harm the countryside and is provided in a sustainable location, the policy restricts new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H1.

7.5 Policy H1 'New Housing Development' is relevant in that section 5 can provide some support for open countryside/rural dwellings. Relevant to section 5 is part b) 'A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.' The relevant supporting text to Local Plan policy H1 states that 'It is essential that all applications for planning permission for new dwellings in the countryside are scrutinised thoroughly to avoid new isolated homes in the countryside unless there are special circumstances in accordance with Government guidance. In the case of occupational dwellings the proposal will be required to meet functional and financial tests to demonstrate the essential need for a rural worker to live permanently at or near their place of work in the countryside. Where dwellings meeting an essential need for a worker to reside at his/her place of work are proposed, the Planning Guidance Note 'Housing Needs of Different Groups' identifies the considerations relevant to their assessment. The considerations centre on the functional need for on-site supervision of an enterprise, the viability of the enterprise, and the availability of alternative housing options.

7.6 Functional need is defined within the Planning Guidance Note as 'the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance,

where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.

7.7 The NPPF requires developments to be sustainable. The Guidance Note indicates that “the degree to which there is confidence that the enterprise will remain viable for the foreseeable future” is a material consideration in the determination of applications. The use of the word ‘remain’ implies that an enterprise should have both achieved viability and have the prospect of retaining it. It has been recognised by Planning Inspectors and the Secretary of State that, in the case of permanent development, it would be perverse to grant permissions, given the general background of restraint on isolated residential development in the countryside, unless the relevant rural enterprise was sustainable.

### The Applicant’s Case

7.7 The application site is located within a unit of 2.02 ha of land owned by the applicants and has equestrian development in the form of stables and riding area; these areas are currently used in connection with the agricultural activities on the site. It is understood that the application site forms part of a larger holding which includes buildings which are both owned and rented. The Agricultural Appraisal submitted by the applicants informs the Council that ‘Mr Richards has farmed 8.1 hectares/20 acres belonging to Severn Trent for the last 35 years and similarly rents a further 10.1 hectares/25 acres at Deadman’s Green from a local landowner. Other land in the Checkley area, extending to 18.2 hectares/45 acres is rented and annual grassland is acquired on an ‘as and when required’ basis. It is understood that some buildings and a yard adjacent to The Red Lion public house in the village were rented but the tenancy was terminated at Easter 2021. The Council are also told that the nature of the business is primarily rare breed pork and sheep farming and that in recent years the applicants ‘have branched out into beef, laying poultry and goats.’ It is understood that ‘the rare breed element is proving very popular and there are plans to significantly expand this. The Applicants continue to build up and diversify their business and, currently, the number of animals at any one time are:

- a. 22 No. farrowing Large Black sows producing 264 piglets per annum;
- b. 2 No. Large Black breeding boars;
- c. 70 No. laying free range chickens;
- d. 105 No. sheep producing approximately 165 lambs;
- e. 20 No. goats producing approximately 32 kids;
- f. 84 No. calves aged 0 – 5 months;

There are livestock buildings on the freehold land extending to approximately 101 sq m/ 1,090 sq ft and the pigs are housed in moveable arks. In addition, there are former stables which have been adapted to provide livestock accommodation. There is a preference to have all animals as free range as is practicable.

7.8 The Planning Statement informs the Council that the dwelling is ‘essential for the proper management of the enterprise for a farm worker to live on site to provide for the needs of the holding.’ The statement goes on to say that there are no agricultural workers dwellings or buildings suitable for conversion within the applicant’s control. As such there is no alternative accommodation that could meet the functional need associated with the holding in this instance. Members will have access to the full planning submission, in particular the Planning Statement and Agricultural justification documents which set out

specific details of the applicants case including the extent of current operations and the reasons which the dwelling is required on the application site. The aforementioned documents will give Members the specific background detail regarding the proposal, with the following points providing only for a general summary of the applicants case.

- Site security;
- Existing investment of over £250,000
- 24 hour/7 days a week on-site presence;
- There is employment for at least 1no. full-time worker and assistance is required at busy times;
- Applicant's live away from the holding which results in a number of return journeys each day (8 No. return journey's) of the year and on-site presence would dramatically reduce the Applicants' carbon footprint,
- No residential accommodation or building suitable for conversion on the land;
- No available and affordable housing close to the land;
- Modest 3-bedroom houses in the area are £300,000 and above which is 'beyond the reach of an agricultural worker. None of these houses will be, of course, close to the holding.'

### Analysis – Functional Test

7.9 Essential, functional need is a need determined by the character and management requirements of the enterprise and not by any personal preference. For example the presence of an agricultural worker to mitigate risks to matters such as animal welfare, crop/product quality, health/safety might adversely affect the business. Since submission of the application, an Agricultural Consultant has assisted the Council with the assessment of the scheme, has met with the applicants and discussed the circumstances of their case.

7.10 It is understood that Mr Richards has kept livestock on units of land around Checkley for a considerable amount of time and has been working in the farming industry for approximately 35 years. The applicant currently lives in Checkley but the Council are told that due to family circumstances the property must be sold and 50% of the sale will go to Mr Richards. If the Checkley property was retained then the ability to manage the farming enterprise would likely continue as at present. However, there is a real risk that the business would not continue successfully if there was no available local housing within an affordable price range. A review of the Rightmove housing stock shows a number of properties for sale in Tean (which is reasonably considered too far away), one at Beamhurst at £550,000 (near to Uttoxeter) and one in Checkley at £675,000. These are high value properties. No properties to rent within the nearby area can be found on Rightmove, although rentals may not offer the long-term stability required. Some rentals are available in Uttoxeter but the Agricultural Consultant has already stated that '*this would be a less effective location from which to manage the farming activities at Checkley than that which has existed for many years.*' *The consultant opines that 'suitable alternative accommodation is unlikely to materialize with any degree of certainty in Checkley and that cheaper property more distant from Checkley would not adequately replace current levels of supervision.'*

7.11 The following paragraphs are taken from the Agricultural Consultants concluding comments

*The principal assessment criteria are the demonstration of:*

- *An essential functional need for the ready presence on-site or in the locality of a worker;*
- *The absence of an alternative means of meeting an established essential need;*
- *The sustainability of the enterprise requiring the relevant worker.*

*The relevant enterprise comprises a combination of farming and agricultural contracting activity based on a dispersed pattern of land units in the vicinity of the settlement of Checkley. The recent acquisition of the application site has provided the opportunity to establish a secure base for the agricultural activity and its development, but this is countered by the imminent loss of a longstanding residential presence in the village.*

*Although small-scale, the agricultural activity is essentially one involving the raising and rearing of livestock and the use of the buildings at the application site in connection with this. The nature of the livestock operations is such that the management of the animal welfare obligations of the applicants is not restricted to normal working hours, and a ready availability is needed to respond to both predictable and emergency situations outside the routine. While residence in the village has enabled the past management of these requirements, it is unlikely that the loss of the current residential accommodation can be replaced with any certainty and affordable to the enterprise. The necessary supervision could not be realistically sustained from more affordable property distant from the village. Consequently, the provision of onsite accommodation is necessary if the enterprise is to be maintained and developed.*

7.12 The number of animals currently generates enough employment for a single worker. The various livestock generate different requirements in terms of levels of care and welfare throughout various times of the year. Breeding pigs, goats and sheep for example need particular attention, as do animals which are susceptible to illness. From the information submitted it is accepted that there is a need for a readily available worker and as such the functional test is met.

#### Analysis – Financial / Sustainability Test

7.13 With regard to the financial sustainability of the enterprise requiring the relevant worker, the Council's Consultant concludes:

*Both national and development plan policy require proposed agricultural workers' dwellings to be associated with enterprises which are viable in economic terms and have a reasonable expectation of being sustained. Recent financial data indicates that agricultural contracting is the primary source of income, and that the combined activities have only generated a substantive profit in one of the last three years. The level of profit was below that at which the unpaid labour requirements of the two elements of the enterprise could be remunerated at a realistic level, namely the minimum wage. Neither could the profit reflect a return on the investment of the externally generated capital in the proposed dwelling.*

*The enterprise has persisted at this low level for a long period and the applicants will have accepted lower rewards than is generally regarded as appropriate. This is not unusual in the farming community. While potentially sustainable as a lifestyle, it is unlikely that recent economic performance reflects viability as can be interpreted by the development plan policy's expectation of a financial test.*

7.14 The applicant provided the Agricultural Consultant with some financial data to cover the years 2018 – 2021. The details show two records, one for both of the applicants (farming activity) and another for Mr Richards alone (agricultural contracting). It is recognised that contracting does not add to the 'on-site' need but this has already been established as satisfied. Given the length of time which the contracting has been maintained, it is reasonable to consider it for financial contribution purposes.

7.15 The financial data shows that there is a sustained level of income, low-level but consistent profitability in the farming activities and one of the last 3 years has produced (financially) enough to equate to a statutory minimum wage. The Agricultural Consultant comments that *'it is recognised that many in the farming community view their activity as a lifestyle and accept levels of remuneration below those regarded as appropriate in general employment terms.'* He also notes that Annex A to the former Planning Policy Statement 7 says that some enterprises which aim to operate broadly on a subsistence basis can be sustained on relatively low financial returns. (Members will be aware that PPS7 and its accompanying 'Annex A' have been superseded by the NPPF. However the guidance continues to have relevance.)

7.16 There are, however, two issues pertinent to the long-term prospects of sustaining a dwelling on the application unit. Firstly, in relation to the fact that the applicant's land occupancy is largely rented land in dispersed units around the village. Undoubtedly, he had sustained this over a long period and likely to continue doing so. In the absence of the applicant or Ms Civil, the current total holding may well not be available to any succeeding owner of the application site (para 4.20). This would potentially leave an agricultural dwelling with very little land and exposed to pressure to remove a normal agricultural occupancy condition. The second matter is that of the sustainability of the enterprise as a lifestyle, but not necessarily as a viable commercial entity from a standalone agricultural perspective (para 5.05). The contracting income would not necessarily persist beyond the applicant's interest.

7.17 Notwithstanding this, the Council's Consultant has also commented that he is sure that if the applicants had a dwelling on site funded primarily from the sale of other property their lives would continue much as now, despite the evidence of the accounts. It is noted that the 50% share of the Checkley dwelling sale will be used to assist in the new dwelling investment and it is understood that Ms Civil has already sold a property with the proceeds re-invested in the new build property. The applicants have informed the Council that no mortgage will be needed to fund the dwelling and that the plan is now to build a 2/3 bedroom bungalow to minimise building costs. Both the Agricultural statement and Planning Statements submitted as part of the application state that the applicants have invested over £250,000 into the enterprise so far.

7.18 The Council's consultant has also commented that he anticipated some improvement in the financial performance of the agricultural aspect of the business due to the security provided by the acquisition of the application site. This might be reflected in more recent accounts data, particularly if the applicant has been able to continue to reside in Checkley beyond the December deadline to vacate his current home.

### Conclusion

7.19 The sole issue is that of financial sustainability and how that is assessed. By any past assessment method, the business would not be considered viable, even if the contracting aspect is included. The level of profit would not reflect an appropriate remuneration of the applicant's unpaid labour or provide a return on the investment of external capital on the proposed dwelling. However, the business has existed for a long time at this low level of reward, and can therefore be viewed as a lifestyle choice by the applicant. It would undoubtedly continue if the applicant was able to continue living in Checkley, and he is only unable to do so due to the misfortune in his family circumstance. It is not considered that the business could successfully continue if it had to be managed from a distance due to the absence of local affordable housing.

7.20 The development plan does not spell out the terms of the financial test and the PPG merely asked the question whether there is confidence the enterprise will remain viable into the foreseeable future. When asked if he considered the enterprise could be sustained in its current position or better into the future, the Council's consultant would have to say that it could if the appellant was able to maintain the existing level of supervision, given that there is no prescribed threshold of financial performance relevant to the term 'viability'. On balance, therefore, it is considered that a refusal on the grounds of lack of financial viability would not be sustainable.

### **Impact on the character and appearance of the area**

7.21 Policies DC1 and DC3 contain a number of design requirements and refer to landscape and settlement setting. Relevant to this scheme are requirements including (but not necessarily limited to) the need to contribute and complement the special character and heritage of the area, development to be of a high quality design, be designed to respect the site and its surroundings, protect the amenity of the area and provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use. Developments should not result in prominent countryside intrusion or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement.

7.22 A new dwelling will undoubtedly have some impact upon the character and appearance of the area. Depending on the size of the proposed dwelling, it is likely that there would be some views of it from the main road, however in its favour, the dwelling would be sited away from the highway, divorced from it by an undeveloped parcel of land and much planting (including mature vegetation). Land levels within the riding arena area (upon which the dwelling is proposed to be built) appear to be fairly level and there is a two-storey dwelling to the west. Should Members be minded to approve the application, land levels could be sought at Reserved Matters stage in addition to the usual details such as design and materials. The applicants have recently stated (via email from their agent) that the current plan is for the construction of a 2/3 bedroom bungalow.

### Amenity

7.23 The application shows an indicative location for the proposed dwelling. Parking/turning and amenity space would be provided with the final details being submitted at Reserved Matters stage. There are no concerns in respect of overbearing/adverse neighbour amenity, due to the separation distances involved.

### **Highway safety**

7.24 Local Plan policy T1 and Appendix 2 'Parking Guidance' in part, seek to secure safe developments including ensuring that 'all new development is located where the highway network can satisfactorily accommodate traffic generated by the development' and secure the required number of off-road parking (including turning) spaces for the size of dwelling proposed. There are no highways related objections to the application and a number of conditions are recommended which include matters such as surface water drainage, provision of parking/turning areas within the site, surfacing and positioning of dwelling. Members will note that visibility at the access is restricted, particularly to the west. The County Highways officer recognises this and notes that it is in current and regular use, commenting that 'the agricultural appraisal submitted as part of the application explicitly states that there are currently approximately 8no. return vehicle movements daily undertaken by the applicants. Based on TRICS, a single dwelling would be expected to generate approximately 0.4 trips at PM peak. Even extrapolating this over a working day of 9 hours and assuming this would be the trip generation every hour, which would be by far a

worst case scenario, this would expect 7.2 trips. On this basis, the development could constitute a reduction in daily trips and an improvement in the existing situation. The applicants would no doubt need to visit their other holdings in the area, though they will likely do this already. Current records show that there were no Personal Injury Collisions on A522 Uttoxeter Road within 120m either side of the property access in the previous five years. The existing access is breaking up, potholed and in need of maintenance.'

## **Biodiversity**

7.25 Local Plan policies NE1 and NE2 seek biodiversity improvements, retention of woodlands/hedgerows and resistance to loss of biodiversity. The application is outline only but there is likely sufficient space within/around the application site to accommodate a landscaping scheme if deemed necessary at Reserved Matters stage.

## **Conclusion & Planning Balance**

7.26 Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. There are no objections to the application based on character/appearance, amenity, highways and biodiversity matters. Reserved matters stage will secure outstanding details. The main consideration is that of the principle of development.

7.27 The applicants circumstances have been considered, as has the lack of affordable and suitably sited residential property provision. It is considered that the applicants have successfully demonstrated an essential, functional need for an on-site or locally placed agricultural worker.

7.28 The financial sustainability case is more finely balanced. By any past assessment method, the business would not be considered financially viable, even if the contracting aspect is included. The level of profit would not reflect an appropriate remuneration of the applicant's unpaid labour or provide a return on the investment of external capital on the proposed dwelling. There are concerns regarding the long term availability of rented land and how long the contracting work can be sustained.

7.29 However, it is clear that the business has been running successfully for a number of years and this appears to be (in part) due to the applicant(s) living in close proximity to the application site and other land. Were it not for the applicants personal circumstances, there is nothing to suggest that this would not have continued. Although contracting income does not add to the functional case for the dwelling, as noted above, that case has already been made based on the applicant's own enterprise. It is considered that the removal of a locally placed worker would be extremely detrimental to the business, bearing in mind that a lot of financial investment has already occurred. The applicant and his partner have capital viability from the sale of their previous homes to construct the dwelling without need for further financing. This would avoid further burdens on the viability of the enterprise. Viability is not measured in terms of any financial threshold. For these reasons, the circumstances of the applicants together with the farming enterprise lead officer's to the conclusion that there is essential functional need and a degree of sustainability such that on balance a refusal on financial grounds could not be sustained. .

## **8 RECOMMENDATION**

**A. That the application is approved subject to the following conditions and informative notes.**

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Details of the Layout, Scale, Appearance and Landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason: To protect the character and appearance of the Countryside and to ensure that the dwelling remains affordable as an agricultural workers dwelling.

5. The development hereby approved shall be carried out in accordance with plans entitled 'Block Plan' and 'Site Plan' and subject to the following conditions and/or modifications:-

Reason: To define the permission and in the interests of proper planning.

6. The occupancy of the dwelling shall be restricted to a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependents

Reason: The site is within the Open Countryside where new development is restricted.

7. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

**In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.**

**Reason:- To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.**

- 8. The development, including demolition hereby permitted shall not take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-**
  - I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.**
  - II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;**
  - III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;**
  - IV. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;**
  - V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint,**
  - VI. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment,**
  - VII. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.**

**Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.**

**Reason: To protect the amenities of the area from dust**

- 9. 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. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority.**

**Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that**

demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

10. Prior to bringing the development into first use, all soils that are intended to be used for the proposed garden/ soft landscaping areas should be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed. The results of the soil tests should be submitted and approved in writing by the Local Planning Authority. If soil results indicates that a potential risks exists, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

11. Any artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason: To protect the local amenities of the local residents by reason of excess of illuminance.

12. The foul drainage from the proposed development shall be discharged to a system which meets the requirements of British Standard (BS) 6297:2007+A1:2008 Code of practice for the design and installation of drainage fields for use in wastewater treatment

- a) There is no connection to any watercourse or land drainage system and no part of the soak away system is situated within 10 metres of any ditch or watercourse.
- b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate their suitable subsoil and adequate land area is available.

Reason: To prevent pollution of the water environment.

13. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- layout and disposition of buildings;
- Provision of parking, turning and servicing within the site curtilage;

- Means of surface water drainage
- Surfacing materials

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

Reason:- In the interests of highway safety.

14. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been reconstructed and surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the site boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be surfaced in accordance with the approved details.

Reason:- In the interests of highway safety.

#### Informative Notes

1. The access will need to be resurfaced in accordance with details to be submitted. Please note that prior to the reconstruction works taking place you require a Permit to Dig. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk) )

2. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- 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>
- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
  - The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London Councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
  - Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

- If required, contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency  
<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
  - Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
  - The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an “appropriate person”. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
  - Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
  - During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
  - The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
  - Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Health Department and agreed in principle prior to site investigation works being undertaken. The Environmental Health Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

**B. In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee’s Decision.**

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Land at Deadmans Green, Checkley

