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Mr & Ms Johnson & Birch-Machin  
77 Park Road  
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Staffordshire

Application no: SMD/2014/0717

Determined on: 15/07/2015

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure)(England) Order 2015**

**REFUSAL OF PLANNING PERMISSION**

**Location of Development:**

Land Adj 26 Woodside Lane Leek Staffordshire

**Description of Development:**

Change of use of agricultural land into domestic garden

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: PL20 for the reason(s) specified below:-

1.The site lies in open countryside within the designated North Staffordshire Green Belt where there is a general presumption against new development, as set out in the National Planning Policy Framework and the adopted Staffordshire Moorlands Core Strategy. The proposed change of use would constitute inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. No such very special circumstances have been demonstrated in this case that would allow the presumption against inappropriate development to be set aside and so the proposals would be harmful to the purposes for including land within the Green Belt. The proposed development would thereby be contrary to the advice and guidance contained in the National Planning Policy Framework and to Policy SS6c(6) of the adopted Staffordshire Moorlands Core Strategy.

### **Informatives**

1. The application has been determined in accordance with Policies: SO2, SO8, SO9, SS1, SS6c(6), SD2, DC1, DC3 and NE1 of the Core Strategy Development Plan and the NPPF.

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**Signed on behalf of Staffordshire Moorlands District Council**

### **NOTES**

1. 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.
2. 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](http://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.
3. 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.