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Leek Road
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ST10 3HW

Mr Rob Duncan
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Application no: SMD/2015/0525

Determined on: 26/11/2015

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

Frinsmoor Croft, Ashbourne Road, Rue Hill, Cauldon Low, Staffordshire. ST10 3HD

Description of Development:

Removal of Condition 2 (Holiday let restriction) on planning permission (SM94-1109)

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: Location Plan for the reason(s) specified below:-

1.The application site is located outside of a settlement boundary and within the open countryside where residential development is restricted except in certain circumstances. These policies can allow housing development only where it is either affordable housing; meets an essential local need (i.e agricultural, forestry or for other rural enterprise worker(s)); is for a replacement dwelling(s) or for extensions to dwellings and conversion of non-residential rural buildings. The application does not comply with any of the circumstances and due to its location would be contrary to paragraph 55 of the National Planning Policy Framework (NPPF) where Local Planning Authorities should avoid isolated new homes in the open countryside. Paragraph 49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing are not considered to be up-to-date if the Local Planning Authority cannot demonstrate a five-year housing land supply. In such circumstances paragraph 14 (NPPF) advises that applications should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefit when assessed against the policies in the framework as a whole or specific policies within the Framework indicate that the development should be restricted. Removal of the occupancy condition would result in an isolated new dwelling within the open countryside, the loss of tourist accommodation without any substantial and satisfactory evidence to justify the proposal, prevent tourist financial contributions/support to the area and

result in adverse visual harm to the agricultural character of the building. It is considered that on balance the resultant harm would significantly outweigh the benefits of one additional dwelling contributing to the five-year land supply shortage. Furthermore, approval of the application could set a dangerous precedent for other similar developments within the Staffordshire Moorlands which, cumulatively, would result in significant harm to the tourism industry. The application is therefore contrary to policies SS1, SS1a, SS6c, SS7, DC3, R1 and R2 of the Core Strategy Development Plan Document (Adopted 26th March 2014), the Churnet Valley Masterplan (Adopted March 2014 as Supplementary Planning Document) and the National Planning Policy Framework including paragraphs 1 - 17 and sections 1, 3, 4, 6, and 7.

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. 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.