

Miss J Harrison  
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Brookside Business Park Brookside Road  
Uttoxeter  
Staffs  
ST14 8AT

Miss J Harrison  
Holme Farm Green Lane  
Ashbourne  
Derbyshire  
DE6 2BL

Application no: SMD/2015/0155

Determined on: 04/03/2016

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

**REFUSAL OF PLANNING PERMISSION**

**Location of Development:**

Churnetside Business Park Harrison Way Cheddleton Staffordshire ST13 7EF

**Description of Development:**

Demolition of existing buildings and redevelopment of brownfield site to form a parade of five business units (mixed use class B1, B2, B8).

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: A-135-01 RevE, A-135-03 RevA, A-135-04, A-135-05, 4040/01, 4040/02 for the reason(s) specified below:-

1. The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application falls within Flood Zone 3b (functional floodplain) as defined by the PPG as land where water has to flow or be stored in times of flood. The development type in the proposed application is classified as 'less vulnerable' in accordance with Table 2 paragraph 066 of the PPG. Tables 1 and 3 of the PPG make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted owing to insufficient information which demonstrates that the development will not increase flood risk elsewhere and where possible reduces flood risk overall contrary to the provisions of CS Policy SD4 and Section 10 of the NPPF.

### **Informatives**

1. It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Such matters have been discussed with the applicant with a view to seeking solutions, although such solutions have not been possible as the applicant has declined to amend the application.

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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.