STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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Application no: DET/2017/0041

Determined on: 22/02/2018

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

PRIOR APPROVAL REQUIRED FOR CHANGE OF USE

REFUSAL

Staffordshire Moorlands District Council hereby **REFUSE** this application for determination for the proposed for

Change of use of Agricultural Building to a Dwellinghouse at Wylde Goose Farm Ashbourne Road Bradnop

in accordance with the submitted application, details and accompanying plans;

WGF-LP;
WGF-01;
WGF-02;
WGF-08 Rev A;
WGF-09 Rev A;
WGF-10 Rev A;
WGF-11

for the following reasons:-

1. Insufficient information has been submitted to demonstrate that the site was solely used for an agricultural use as part of an established agricultural unit on (i) 20th March 2013, (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use or (iii) in the case of a site which

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was brought into use after 20th March 2013, for a period of at least 10 years before the date development would begin. (Part X (Interpretation of Part 3) states that for the purposes of Part 3 'established agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture and 'agricultural building' means a building (excluding dwelling house) used for agriculture and which is so used for the purposes of a trade or business; 'agricultural use' refers to such uses. The proposal therefore fails to satisfy to Class Q1(a) of Part 3 of Schedule 2 of The Town and County Planning (General Permitted Development) (England) Order 2015.

2. Class Q1(i) of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows only for building operations to the extent reasonably necessary for the building to function as a dwelling house and partial demolition to the extent reasonably necessary to carry out the building operations allowed by paragraph Q1(i)(i). Insufficient information has been submitted to demonstrate that the building is capable of functioning as a residential conversion with only works carried out within the limits of Class Q1(i).

3. Class Q(a) allows for a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order. The proposed external amenity space conflicts with the interpretation of 'curtilage' (for the purposes of Part 3) by reason of being larger than the area of land occupied by the agricultural building.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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.

3. If this is a decision to refuse planning permission for a minor commercial 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.

4. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

5. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

6. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.

7. 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

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(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.